

ALCOHOLIC BEVERAGE EVENT PERMIT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Administrative Rules Review Committee recommended this bill.

General Description:

This bill modifies the Alcoholic Beverage Control Act to address issuance of event permits.

Highlighted Provisions:

This bill:

- ▶ clarifies the power of the commission to issue or deny an event permit; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

32B-9-202, as last amended by Laws of Utah 2012, Chapter 365

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **32B-9-202** is amended to read:

32B-9-202. Duties before issuing event permit.



28 (1) (a) Before the director may issue an event permit, the department shall conduct an
29 investigation and may hold public hearings to gather information and make recommendations
30 to the director as to whether the director should issue an event permit.

31 (b) The department shall forward the information and recommendations described in
32 Subsection (1)(a) to the director and the Compliance, Licensing, and Enforcement
33 Subcommittee to aid in the determination.

34 (2) Before issuing an event permit, the director shall:

35 (a) determine that the person filed a complete application and is in compliance with:

36 (i) Section [32B-9-201](#); and

37 (ii) the relevant part under this chapter for the type of event permit for which the
38 person is applying;

39 (b) determine that the person is not disqualified under Section [32B-1-304](#);

40 (c) consider the purpose of the organization or its local lodge, chapter, or other local
41 unit;

42 (d) consider the times, dates, location, estimated attendance, nature, and purpose of the
43 event;

44 (e) to minimize the risk of minors being sold or furnished alcohol or adults being
45 overserved alcohol at the event, assess the adequacy of control measures for:

46 (i) a large-scale public event when the estimated attendance is in excess of 1,000
47 people; or

48 (ii) an outdoor public event;

49 (f) obtain the approval of the Compliance, Licensing, and Enforcement Subcommittee
50 before issuing an event permit;

51 (g) notify each commissioner at least three business days before the director issues the
52 event permit in accordance with Subsection (3); and

53 (h) consider any other factor the director considers necessary.

54 (3) (a) The director shall inform each commissioner of the director's preliminary
55 decision to issue or deny the issuance of an event permit three business days before the
56 decision is to be final.

57 (b) The preliminary decision becomes a final decision of the director:

58 (i) unless within three business days of receipt of the notice at least three of the

59 commissioners request a meeting to discuss whether the event permit should be issued; or

60 (ii) the director modifies or revokes the preliminary decision to issue or deny issuance
61 of the event permit.

62 (c) If three or more of the commissioners request a meeting, the applicant for the event
63 permit shall be notified and the commission:

64 (i) shall hold a meeting on the application for an event permit no later than the next
65 regularly scheduled meeting of the commission; and

66 (ii) ~~[may] shall issue [or deny issuance of]~~ the event permit if the applicant meets the
67 requirements of this chapter or shall deny issuance of the event permit if the applicant fails to
68 meet the requirements of this chapter.

69 (d) Notwithstanding the other provisions of this Subsection (3), the director may at any
70 time refer an application for an event permit directly to the commission for a determination as
71 to whether an event permit should be issued or denied.

72 (e) For purposes of this title, an event permit issued by the commission is to be treated
73 the same as an event permit issued by the director.

74 (f) If the commission finds that an event permit was improperly issued or that the
75 permittee has violated this chapter, the commission may take any action permitted under this
76 title.

77 (4) Once the director issues an event permit, the department shall send a copy of the
78 approved application and the event permit by written or electronic means to the state and local
79 law enforcement authorities at least three days before the event.

80 (5) The director shall provide the commission a monthly report of the actions taken by
81 the director under this part.

82 (6) If authorized by the director, the deputy director may act on behalf of the director
83 for purposes of issuing an event permit under this chapter.

Legislative Review Note
as of 10-24-14 3:35 PM

Office of Legislative Research and General Counsel