

1                   **ALCOHOLIC BEVERAGE EVENT PERMIT AMENDMENTS**

2                                   2016 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Curtis Oda**

5                                   Senate Sponsor: Howard A. Stephenson

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7                   **LONG TITLE**

8                   **General Description:**

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

10                  **Highlighted Provisions:**

11                  This bill:

- 12                  ▶ addresses the issuance or denial of an event permit; and
- 13                  ▶ makes technical changes.

14                  **Money Appropriated in this Bill:**

15                  None

16                  **Other Special Clauses:**

17                  None

18                  **Utah Code Sections Affected:**

19                  AMENDS:

20                  **32B-9-202**, as last amended by Laws of Utah 2012, Chapter 365

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

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

24                  **32B-9-202. Duties before issuing event permit.**

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

28                  (b) The department shall forward the information and recommendations described in  
29 Subsection (1)(a) to the director and the Compliance, Licensing, and Enforcement

30 Subcommittee to aid in the determination.

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

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

33 (i) Section 32B-9-201; and

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

36 (b) determine that the person is not disqualified under Section 32B-1-304;

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

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

41 (e) to minimize the risk of minors being sold or furnished alcohol or adults being  
42 overserved alcohol at the event, ~~[assess the adequacy of control measures for:]~~ determine that  
43 adequate and appropriate control measures and adequate and appropriate enforcement measures  
44 are in place at the event to assure that minors will not be sold or furnished alcohol and that  
45 adults will not be overserved, except that adequate and appropriate control and enforcement  
46 measures may be different for small, large, indoor, or outdoor events;

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

49 ~~[(ii) an outdoor public event;]~~

50 (f) determine that the event permit is not being sought by the person as a means to  
51 circumvent other applicable requirements of this title, notwithstanding that the applicant may  
52 hold one or more licenses issued under this title;

53 (g) consider, for the period of three years before the date of the event, the violation  
54 history of:

55 (i) the applicant; and

56 (ii) the venue where the event will be held;

57 ~~[(f)]~~ (h) obtain the approval of the Compliance, Licensing, and Enforcement

58 Subcommittee before issuing an event permit;

59       ~~[(g)]~~ (i) notify each commissioner at least three business days before the director issues  
60 the event permit in accordance with Subsection (3); and

61       ~~[(h)]~~ (j) consider any other factor the director considers necessary.

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

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

66       (i) unless within three business days of receipt of the notice at least three of the  
67 commissioners request a meeting to discuss whether the event permit should be issued; or

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

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

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

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

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

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

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

85       (4) Once the director issues an event permit, the department shall send a copy of the

86 approved application and the event permit by written or electronic means to the state and local  
87 law enforcement authorities at least three days before the event.

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

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