

Representative Curtis Oda proposes the following substitute bill:

ALCOHOLIC BEVERAGE EVENT PERMIT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ addresses the issuance or denial of 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.



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

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

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

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

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

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

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

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

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

42 (e) to minimize the risk of minors being sold or furnished alcohol or adults being
 43 overserved alcohol at the event[; assess the adequacy of control measures for:] determine that
 44 adequate and appropriate control measures and adequate and appropriate enforcement measures
 45 are in place at the event to assure that minors will not be sold or furnished alcohol and that
 46 adults will not be overserved ~~H→~~ , **except that adequate and appropriate control and**
 47a **enforcement measures may be different for small, large, indoor, and outdoor events** ~~←H~~ ;

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 ~~H→~~ , **notwithstanding that the applicant**
 51a **may hold one or more licenses issued under this title** ~~←H~~ ;

52 (g) ~~H→~~ [~~determine that there is no violations history either by the applicant or at the venue~~
 53 ~~where the event will be held during the last three years before the date of the event]~~ consider the
 53a **violation history of the applicant and the venue where the event will be held during the three**
 53b **years before the date of the event** ~~←H~~ ;

54 [(f)] (h) obtain the approval of the Compliance, Licensing, and Enforcement
 55 Subcommittee before issuing an event permit;

56 [(g)] (i) notify each commissioner at least three business days before the director issues

57 the event permit in accordance with Subsection (3); and

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

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

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

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

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

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

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

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

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

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

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

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

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

87 (6) If authorized by the director, the deputy director may act on behalf of the director

88 for purposes of issuing an event permit under this chapter.