MINUTES OF THE EMERGENCY MEETING OF THE UTAH

ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD WEDNESDAY, APRIL 29, 2020, AT 1625 SOUTH

900 WEST, SALT LAKE CITY, UTAH.

*[The agenda for this meeting was posted on the bulletin board at the DABC Administrative Office, emailed to the Salt Lake Tribune and the Deseret News, and posted on the Utah Public Notice Website by 10:00 a.m. on Tuesday, April 28, 2020.]*

In response to the Governor’s Executive Order and for precautionary measures to prevent the spread of COVID-19, an anchor location for public attendance was not available. Public attendance was available by audio; commission and staff participated via audio and GoToMeeting.

Chairman John T. Nielsen called the meeting to order at 10:00 a.m.

Commissioners Participating: John T. Nielsen, Tom Jacobson, Steve Bateman, Sophia DiCaro, and Stanley B. Parrish.

Staff Participating: Salvador Petilos, Director; Angela Micklos, Compliance and Licensing Director; and Abe Kader, Compliance Officer.

Mr. Nielsen asked that the record show today’s meeting is being held pursuant to R82-2-102 (formerly R81-1-19): *(1) Purpose. The commission recognizes that there may be times when, due to the necessity of considering matters of an emergency or urgent nature, the public notice provisions of Utah Code Sections 52-4-6(1), (2) and (3) cannot be met. Pursuant to Utah Code Section 52-4-6(5), under such circumstances those notice requirements need not be followed but rather the “best notice practicable” shall be given.*

The statute also required a poll of the commission to assemble a quorum and agree to participate in an emergency meeting. That has occurred. There was unanimous agreement among the commission to hold the meeting.

Mr. Nielsen also asked that the record show the meeting is being convened in response to the Governor’s executive orders and in response to matters that exist due to the coronavirus; specifically, to enhance the ability of certain manufacturers to produce hand sanitizers.

INDUSTRIAL MANUFACTURING APPLICANTS:

a. Health Line Medical Products, Salt Lake City.

b. High West Distillery, Coalville.

c. Soap Creek Manufacturing, Ephraim.

d. Vital Pax, La Verkin.

e. Wasatch Pharmacy Care, Ogden.

f. Western Botanicals, Spanish Fork.

Abe Kader explained that the applicants will be using the industrial manufacturing special use permits to obtain alcohol to produce hand sanitizer. He gave an overview of the applications noting they are complete and staff recommends approval.

Mr. Bateman moved to grant industrial manufacturing special use permits to Health Line Medical Products in Salt Lake City, High West Distillery in Coalville, Soap Creek Manufacturing in Ephraim, Vital Pax in La Verkin, Wasatch Pharmacy Care in Ogden, and Western Botanicals in Spanish Fork. Mr. Jacobson seconded the motion which passed unanimously.

Mr. Petilos reminded those present that the permits granted today will also require federal approval prior to producing sanitizing products. Ms. Micklos confirmed that staff has been advising applicants that the FDA and TTB both have their own requirements that must be satisfied prior to production.

In response to Mr. Bateman’s question, Mr. Kader clarified that some applicants expressed interest and some were invited to produce hand sanitizer. Wasatch Pharmacy Care was already preparing to provide products for hospitals. All were in business producing other products such as supplements. The special use permit allows the applicants to obtain alcohol. Since it is non-consumable alcohol, it is delivered directly to the businesses.

There being no further business, the meeting adjourned at 10:15 a.m.

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Chairman