

R821-97-101. Alcoholic Beverage Control, Administration.

R821-97-101. Event Permits.

R821-97-101. Authority and Purpose.

(1) Pursuant to 32B-2-202(1)(c)(i) and (1)(n), and 32B-9-201(1), this rule establishes procedures and criteria for issuing and denying event permits in accordance with 32B-9.

R821-97-102. Definitions.

(1) For purposes of 32B-9-303(2)(a), "Conducting" means ~~to the conduct~~, managing, controlling, hosting, or directing ~~ing~~ of an event. An applicant may be deemed to be conducting the event if there is a contract in which the applicant has been designated as the agent for the event's alcoholic beverage service.

R821-97-201.3. Application Requirements Guidelines.

(1) ~~An event permit application will not be submitted to the Director~~ will not consider an event permit application for consideration until the requirements of Section 32B-1-304, 32B-9-201-203, -304 (for single event permits) and -405 (for temporary beer event permits) have been met, including:

(a) A complete application including all documents and supplemental materials listed on the department's application checklist has been submitted to the department one month prior to the event; and

(b) The department has conducted an investigation in compliance with 32B-9-202(1)(a).

(2) Late applications will be accepted up to seven~~7~~ business days prior to the event. Late applications will be reviewed as time allows and are not subject to the provisions in ~~R81-7-4~~R82-9-201.1(1)(ii) and (iii) below.

(3) For purposes of 32B-2-201(2), a substantial change in an event application means a modification that seeks to alter the number of attendees, control measures, or any other detail beyond changing the date of the event.

R821-97-201.14. Guidelines for Issuing Permits.

(1) Once submitted to the director, the application will be considered in compliance with 32B-9-202 and 303 (for single event permits) and -403 (for temporary beer event permits), including consideration of ~~R81-7-5~~R82-9-202 below.

(i) After consideration of the totality of the circumstances, the director will either issue a preliminary decision to issue or deny the event permit or refer the application to the commission in accordance with 32B-9-202(3).

(ii) If the director issues a preliminary decision to deny issuance of an event permit, the decision shall be provided in writing detailing the basis for the denial.

(iii) An applicant may submit a request for review by the commission within the time limits of 32B-9-202(3)(b) and (c) related to the three business day review period and regularly scheduled commission meetings. If at least three commissioners request review of the denial in compliance with 32B-9-202(3)(b) and (c), the commission shall review the request at their next regularly schedule commission meeting.

(2) In accordance with 32B-9-202(2)(d), the director may authorize multiple sales outlets on different properties under one single event permit, provided that each site conforms to location requirements of Section 32B-9-201(4).

(3) All approvals, notifications, requests for meetings or requirements to inform under section 32B-9-202 shall be done electronically.

~~(4) For purposes of 32B-9-202(4), the department may provide notice to law enforcement of the preliminary approval within three business days of the event, so long as law enforcement is notified if that approval does not become final.~~

R821-97-202.5. Additional Consideration for Event Permits.

(1) ~~Additional Consideration for Single Event Permits:~~ In accordance with 32B-9-303(2), a single event permit is issued to entities in existence for a year or more conducting a convention, civic, or community enterprise.

(a) As part of local consent required by 32B-9-201(1)(c), the locality may provide a recommendation as to whether the entity is conducting a civic or community enterprise.

(b) The director may consider the recommendation of the local authority in determining whether the entity is conducting a civic or community enterprise.

(c) Notwithstanding subsection (1), an event permit will not be issued if, based on the totality of the circumstances, it is determined that the permit is being used to circumvent other applicable requirements of 32B-9 Event Permit Act.

(2) ~~Violation History:~~ In accordance with 32B-9-202(2)(d), in considering the nature of the event, if there is a violation of the applicant, the event, or the venue within the last 36 months, the director will consider violation history in making a determination regarding whether to issue the permit or in determining additional controls as outlined in section (3) below.

(3) Control Measures: In accordance with 32B-9-202(2)(d), in considering the nature of the event, the director must determine that adequate and appropriate control measures will be in place to minimize the possibility of minors being sold or furnished alcohol or adults being over-served alcohol at the event.

(a) Before an event permit may be issued by the director, the following control measures must be present at the event unless relaxed by the director in accordance with section (c) below.

(i) There must be at least one location at the event where those wanting to purchase alcoholic beverages must show proof of age;

(ii) Any person assigned to check proof of age shall have completed the alcohol server training seminar outlined in 62A-15-401 in the last three years;

(iii) At least one person who has completed the alcohol server training seminar outlined in 62A-15-401 shall be at each location where alcoholic beverages are sold and dispensed to supervise the sale and dispensing of alcoholic beverages;

(iv) The event shall be properly secured and completely delineated by some type of physical structure(s), such as fencing, walls, gates, and secured entry and exits; and

(v) A minimum of one (1) security person for every fifty (50) people estimated to be in the consumption area at one time. ~~s~~Security may include police officers, hired security, organization staff members, and security volunteers.

(b) In accordance with 32B-9-202(2)(e), the following additional control measures must be present for an outdoor public event or a large-scale public event where minors are present, unless relaxed by the director in accordance with section (c) below.

(i) Alcoholic beverages shall be served in readily identifiable cups or containers distinct from those used for non-alcoholic beverages;

(ii) All dispensing and consumption of alcoholic beverages shall be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian, and where alcohol consumption may be closely monitored;

(iii) The proof of age location(s) shall be separate from the alcoholic beverage sales and dispensing location(s); and

(iv) The proof of age location(s) will either issue a hand stamp and/or non-transferable wristband.

(c) The director, after reviewing the facts and circumstances of a particular event, has the discretion to relax any of the control measures outlined in Subsection (a) and (b) above or to require additional control measures as a condition of issuing an event permit provided that the director has first reasonably determined that such modification will not increase the likelihood of minors being sold or furnished alcohol or adults being over-served alcohol at the event.

KEY: alcoholic beverages, event permits

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Authorizing, and Implemented or Interpreted Law: 32B-2-202(1); 32B-9-101; 32B-9-102; 32B-9-201; 32B-9-202; 32B-9-203; 32B-9-204; 32B-9-301; 32B-9-302; 32B-9-303; 32B-9-304; 32B-9-305; 32B-9-401; 32B-9-402; 32B-9-403; 32B-9-404; 32B-9-405; 32B-9-406