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| **Notice of Proposed Rule** |
| **TYPE OF RULE:** Amendment |
| **Rule or Section Number:** | **R82-9-201** | **Filing ID: 54849** |

**Agency Information**

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| **1. Department:** | Alcoholic Beverage Services |
| **Agency:** | Administration |
| **Street address:** | 1625 S 900 W |
| **City, state and zip:** | Salt Lake City, UT 84104 |
| **Mailing address:** | PO Box 30408 |
| **City, state and zip:** | Salt Lake City, UT 84130-0408 |
| **Contact persons:** |
| **Name:** | **Phone:** | **Email:** |
| Vickie Ashby | 801-977-6801 | vickieashby@utah.gov |
| Angela Micklos | 801-977-6800 | afmicklos@utah.gov |
| **Please address questions regarding information on this notice to the agency.** |

**General Information**

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| **2. Rule or section catchline:** |
| R82-9-201. Application Requirements |
| **3. Purpose of the new rule or reason for the change** (Why is the agency submitting this filing?)**:** |
| Section 32B-9-201 authorizes the commission to establish procedures and criteria for issuing and denying event permits. The proposed changes to this rule clarify the timelines for submitting event permit applications and grant the Department of Alcoholic Beverage Services (DABS) Executive Director more flexibility to consider late applications while still maintaining fidelity to public safety concerns. |
| **4. Summary of the new rule or change** (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule)**:** |
| This amendment will clarify the timelines for submitting event permit applications and grant the DABS Executive Director more flexibility to consider late applications while still maintaining fidelity to public safety concerns. |

**Fiscal Information**

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| **5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:** |
| **A) State budget:** |
| None--The added discretion granted to the Department's Executive Director relates to the timeline for considering events. DABS does not anticipate a measurable cost or savings due to this change. |
| **B) Local governments:** |
| None--This amendment does not create additional costs or savings for local governments, as the adjusted timeline for the Department's Executive Director to consider events occurs after local government entity at issue has already reviewed and provided local consent, if appropriate. |
| **C) Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| None--The added discretion granted to the Department's Executive Director relates to the timeline for considering events. DABS does not anticipate a measurable cost or savings due to this change. |
| **D) Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| None--The added discretion granted to the Department's Executive Director relates to the timeline for considering events. DABS does not anticipate a measurable cost or savings due to this change. |
| **E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| None--The added discretion granted to the Department's Executive Director relates to the timeline for considering events. DABS does not anticipate a measurable cost or savings due to this change. |
| **F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?)**:** |
| The added discretion granted to the Department's Executive Director relates to the timeline for considering events. DABS does not anticipate a measurable cost or savings due to this change. |
| **G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) |
| **Regulatory Impact Table** |
| **Fiscal Cost** | **FY2023** | **FY2024** | **FY2025** |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Cost** | **$0** | **$0** | **$0** |
| **Fiscal Benefits** | **FY2023** | **FY2024** | **FY2025** |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Benefits** | **$0** | **$0** | **$0** |
| **Net Fiscal Benefits** | **$0** | **$0** | **$0** |
| **H) Department head comments on fiscal impact and approval of regulatory impact analysis:** |
| The Executive Director of the Department of Alcoholic Beverage Services, Tiffany Clason, has reviewed and approved this fiscal analysis. |

**Citation Information**

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| **6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:** |
| Section 32B-9-201 | Section 32B-2-202 |  |

**Public Notice Information**

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| **8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.) |
| **A) Comments will be accepted until:** | 10/17/2022 |

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| **9. This rule change MAY become effective on:** | 10/24/2022 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.  |

**Agency Authorization Information**

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| **Agency head or designee and title:** | Tiffany Clason, Executive Director | **Date:** | 08/24/2022 |

**R82. Alcoholic Beverage Services, Administration.**

**R82-9. Event Permits.**

**R82-9-201. Application Requirements.**

 (1) The director will not consider an event permit application until the requirements of Sections 32B-1-304, 32B-9-201-203, 32B-9-304 and 32B-9-405 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~~]within the time periods delineated in this section; and

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

 (2) Filing timelines:

 (a) Subject to Subsection R82-9-201(2)(b), applications shall be submitted 30 days before the event to allow sufficient time for processing and approval.

 (b) A late application [~~will~~]may be accepted [~~up to seven business days prior to the event~~]if the director determines that public safety will not be compromised and sufficient time exists to ensure compliance with the notice requirements mandated in Section 32B-9-202. A late application will be reviewed as time allows and is not subject to the provisions in Subsections R82-9-201.1(1)(ii) and R82-9-201.1(1)(iii).

 (3) For purposes of Subsection 32B-[~~2~~]9-201(2), a substantial change in an event application means a modification that seeks to alter the number of attendees, location, control measures, or any other substantive detail beyond changing the date of the event.

**KEY: alcoholic beverages, event permits**

**Date of Last Change: [~~August 3,~~] 2022**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202; 32B-9**

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