

HANDBOOK FOR TEMPORARY BEER PERMITS



UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE SERVICES

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Website: www.abs.utah.gov

TO ALL PERMITTEES

As a permit holder for a temporary beer event permit of the Utah Department of Alcoholic Beverage Services, you are required to be aware of the responsibilities, procedures, and potential liabilities regarding the sale and service of alcoholic beverages.

This handbook has been prepared to help you with the lawful handling of alcoholic beverages. Please review this information and keep the handbook available for reference. This version of the handbook was issued in July 2021. Previously issued handbooks should be discarded as they may contain outdated information.

Our website (www.abs.utah.gov) has information about the liquor laws and rules with direct links to the complete code and administrative rules, as well as information about stores and agencies, products and prices, server training, and other interesting links. The website is regularly updated. Please review the website for information and services as they are developed.

It is our responsibility and desire to be of service and assistance. If you have questions after consulting the handbook, please call 977-6800, write or e-mail (dabscompliance@utah.gov) the compliance division of this department.

TEMPORARY EVENT BEER PERMIT SUMMARY

A temporary beer permit allows the sale of beer for on-premises consumption at a temporary event. However, the temporary beer permit may not be issued to a person or an entity in



an attempt to avoid proper licensing.

Utah Statute defines beer as 5.0% alcohol by volume. Items purchased at a liquor store, such as heavy beer and flavored malt beverages may not be stored or sold at temporary beer events.

DURATION AND NUMBER

A single permit may authorize the sale of beer for a period not to exceed 30 days.

The sale of beer under a series of permits issued to the same person may not exceed 90 days in any one calendar year.

APPLICATION REQUIREMENTS:

Permits are issued by the DABS Director contingent on review of the Alcoholic Beverage Services Commission. To ensure adequate processing and approval, **complete applications should be submitted AT LEAST 30 days prior to the event. Applications submitted outside of these guidelines risk the non-issuance of a permit.** Additionally, due to statutory restrictions, applications received less than seven business days (not counting the day the application is submitted or the day of the event) prior to the event will not be considered.

QUALIFICATIONS:

- No person who has been convicted of a felony; two or more convictions of driving under the influence of alcohol or drugs within the last five years; or any crime involving the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages, or involving moral turpitude may apply for or be granted a temporary beer permit.
- No permit will be issued to any person or business that has had any liquor license or permit revoked within the last three years.
- A minor may not be granted a temporary beer permit.
- If the applicant is a partnership, a minor may not be a partner or managing agent.
- If the applicant is a corporation or limited liability company, a minor may not be a managing agent, officer, director, or stockholder who holds at least 20% of the stock of a corporation or owns at least 20% of a limited liability company.

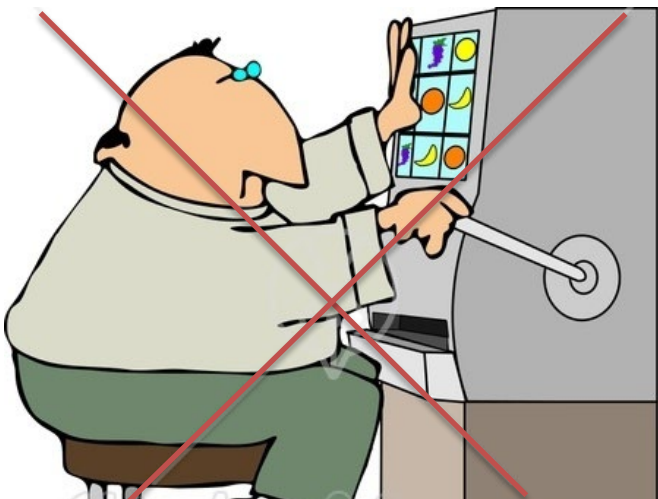
A COMPLETE APPLICATION CONTAINS THE FOLLOWING:

- Completed application form. See the actual application and checklist for specifics and follow the checklist carefully.
- A \$100 permit fee.
- A cash or surety bond of \$500, refundable after the event with submission of refund request and a copy of beer purchase receipts.

NOTE: Each local city, town, or county jurisdiction has its own local beer permit. Apply with them first, early enough to ensure adequate time for processing of the DABC permit.

- Written consent of the local governing authority (city, town, county), or a locally issued temporary permit.
- Proposed Advertisements - copies and/or links to advertising for the event.
- A scaled floor plan of the event premises highlighting beer storage, sales, and consumption areas.

- All required control measures including all entrances and exits as listed in the application must be shown and explained on the floor plan. The director will consider the adequacy of control measures for the prevention of consumption by minors and intoxicated persons at the event.
- Outdoor public events or public events where estimated attendance exceeds 1000 are required to adhere to extra control measures as listed in the application.
- Evidence of proximity to schools, churches, libraries, playgrounds, and/or parks - the director may consider the general proximity of the event to educational, religious, and recreational facilities in determining whether to grant a permit.
- If your event includes games of chance such as "Casino Night" or "Bingo" in which one must pay to play a game of chance for a possible prize, either money or something of value, this is considered gambling in Utah, and a permit will not be issued. This includes indirect purchases to play these games, such as an entrance ticket fee or a donation at the door.



PLEASE NOTE: If there is any indication of games at your event that are usually associated with gambling, a letter must be obtained from the city or county attorney where the event is being held, confirming that your games are NOT gambling.

This letter must be included with the application to DABS.

OPERATIONAL REQUIREMENTS

Purchases of Beer

Temporary beer permit holders must purchase, acquire, possess for resale, or sell beer that has been lawfully purchased from a:

- Utah beer wholesaler or
 - Local Utah licensed brewer
 - Licensed Utah off-premise beer retailer such as a grocery store
- ❖ *Please retain receipts for submission to the Department following the event.*



BEER SALES

- Beer may be sold in original containers not exceeding 1 liter, or by the pitcher. No more than 1 liter can be sold to an individual patron or up to two liters to two or more patrons.

LIMITATION ON TOTAL NUMBER OF DRINKS



- Each temporary event attendee may have no more than one alcoholic beverage at a time before the patron.
- A temporary beer permit holder may not sell, offer for sale, or furnish an indefinite or unlimited number of alcoholic products during a set period for a fixed price.
- An exception to this restriction is allowed if alcoholic products are served to a person at a seated event, food is available when the beer is furnished, and this exception is not advertised.
- Remember though, you cannot allow a person to become intoxicated, so also make sure you are serving alcohol responsibly for each situation.

SALES HOURS

- Beer may be sold, offered for sale, and consumed from 10 a.m. until 1 a.m. No consumption of alcoholic products is allowed after 1 a.m. A local authority may be more restrictive regarding the hours of sale, service, or consumption of beer. It is your responsibility to know your local laws regarding hours of beer sales.



EMPLOYEES

- Any employee who sells, serves, dispenses, or handles beer must be twenty-one years of age or older.
- Employees may not consume or be under the influence of alcoholic beverages while on duty. Employees that sell or serve beer do so under the direction and supervision of the temporary beer permit holder.
- All employees who will be checking IDs at your event will be required to have completed an approved alcohol server training.
- At least one server at each beer serving station must also have completed the alcohol server training. Links to the training can be found at abc.utah.gov.



No Drinking

DISCOUNTING PRACTICES PROHIBITED

- Discounting practices are prohibited that encourage over-consumption of beer such as reduced prices for certain hours of the event such as "happy hours", "two for ones", free beer, or selling at less than cost.

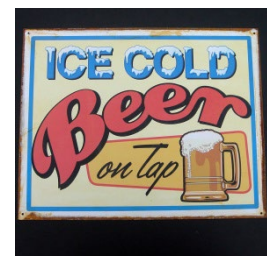
NOTE: No beer can be included in the event's promotional activities such as auctions, gift baskets, or prize winnings, etc.

CONSUMPTION ON THE PREMISES

- Only the permit holder can bring or remove alcohol from the premises of the event.
- An open container primarily used for drinking purposes and containing beer, may not be removed from the premises.
- No "Brown Bagging" - Attendees of an event may not bring any alcoholic beverages onto the premises of the event.

ADVERTISING

- Public advertising of the event may refer to the availability of beer at the event. However, beer advertising must comply with the guidelines in Rule R82-1-104.



WARNING SIGN

- Each temporary beer permittee shall display, in a prominent place, a "warning" sign. A sign will be provided along with your permit, or you can download one from abc.utah.gov.



PROHIBITED CONDUCT

- Lewd acts, attire, and sexually-oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.
- Gambling – Temporary beer permit holders must not engage in or permit any form of gambling on its premises.
- Illegal drugs or drug paraphernalia - An event permittee may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance, or use, deliver, or possess with the intent to deliver drug paraphernalia.



STILL HAVE QUESTIONS?

- Please contact us at:

DABS
1625 SOUTH 900 WEST
SALT LAKE CITY, UT
801-977-6800
ABS.UTAH.GOV

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

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

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

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

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

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

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

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

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

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

(e) to minimize the risk of minors being sold or furnished alcohol or adults being overserved alcohol at the event, determine that adequate and appropriate control measures and adequate and appropriate enforcement measures are in place at the event to assure that minors will not be sold or furnished alcohol and that adults will not be overserved, except that adequate and appropriate control and enforcement measures may be different for small, large, indoor, or outdoor events;

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

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

(i) the applicant; and

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

(h) obtain the approval of the Compliance, Licensing, and Enforcement Subcommittee before issuing an event permit;

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

(j) consider any other factor the director considers necessary.

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

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

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

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

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

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

(ii) shall issue the event permit if the applicant meets the requirements of this chapter or shall deny issuance of the event permit if the applicant fails to meet the requirements of this chapter.

(d) Notwithstanding the other provisions of this Subsection

(3), the director may at any time refer an application for an event permit directly to the commission for a determination as to whether an event permit should be issued or denied.

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

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

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

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

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

Bond for event permit.

(1)(a) A person applying for an event permit shall post a cash bond or surety bond:(i) in the amount specified in the relevant part under this chapter for the type of event permit for which the person is applying; and(ii) payable to the department.

(b) An event permittee shall procure and maintain a bond required under this section for as long as the event permit is in effect.

(2) A bond posted by an event permittee under this section shall be:(a) in a form approved by the attorney general; and

(b) conditioned upon the event permittee's faithful compliance with this title and the rules of the commission.

(3) No part of a bond posted by an event permittee under this section may be withdrawn during the period the event permit is in effect.

(4)(a) A bond posted by an event permittee under this section may be forfeited if the event permit is revoked.

(b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond posted by an event permittee for money owed the department under this title without the commission first revoking the event permit