

**SPECIAL USE PERMITS / 32A-6 - VIOLATION GRID**

(Public Service; Industrial/Manufacturing; Scientific/Educational; Wine Judging; Religious Wine; & Health Care Facilities & Professions)

Descriptions

Code Citation

Rule Citation

Degree

**I. GENERAL PROVISIONS**

**I - A. ADVERTISING**

<p>1. Improper advertising:</p> <p>a. that contains any statement, design, device, or representation that is false or misleading;</p> <p>b. that contains any statement, design, device, or representation that is obscene or indecent;</p> <p>c. that refers to, portrays, or implies illegal conduct, illegal activity, abusive or violent relationships or situation, or anti-social behavior;</p> <p>d. that encourages over-consumption or intoxication, promotes the intoxicating effects of alcohol, or overtly promotes increased consumption;</p> <p>e. that offers any unlawful discounting practice such as “happy hour”, “two for the price of one”, or “all you can drink for \$.....”;</p> <p>f. that encourages or condones drunk driving;</p> <p>g. that depicts the act of drinking;</p> <p>h. that promotes or encourages the sale to or use of alcohol by minors;</p> <p>i. that is directed or appeals primarily to minors by:                  (1) using any symbol, language, music, gesture, cartoon character, or childhood figure such as Santa Clause;</p>	<p>32A-12-401(4)</p>	<p>R81-1-17(6)(b), (7)</p> <p>R81-1-17(6)(c), (7)</p> <p>R81-1-17(6)(d), (7)</p> <p>R81-1-17(6)(e), (7)</p> <p>R81-1-17(6)(f), (7)</p> <p>R81-1-17(6)(g), (7)</p> <p>R81-1-17(6)(h), (7)</p> <p>R81-1-17(6)(i), (7)</p> <p>R81-1-17(6)(j), (7)</p>	<p>MOD, *b</p>
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\*a - Class "A" misdemeanor  
 \*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
 \*d - 2<sup>nd</sup> degree felony

\*e - See rule  
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<p>(2) employing any entertainment figure or group that appeals primarily to minors;</p> <p>(3) placing advertising in magazines, newspapers, television programs, radio programs, or other media where most of the audience is reasonably expected to be minors, or placing advertising on the comic pages of magazines, newspapers, or other publications;</p> <p>(4) placing advertising in any school, college or university magazine, newspaper, program, television program, radio program, or other print media, or sponsoring any school, college or university activity;</p> <p>(5) using models or actors in the advertising that are or reasonably appear to be minors;</p> <p>(6) advertising at an event where most of the audience is reasonably expected to be minors;</p> <p>(7) using alcoholic beverage identification, including logos, trademarks, or names on clothing, toys, games or game equipment, or other materials intended for use by minors.</p>			
<p>j. that portrays use of alcohol by a person while that person is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination;</p>	32A-12-401(4)	R81-1-17(6)(k), (7)	MOD, *b
<p>k. that contains claims of representations that individuals can obtain social, professional, educational, athletic, or financial success or status or solve such problems as a result of consumption;</p>	32A-12-401(4)	R81-1-17(6)(l), (7)	MOD, *b
<p>l. that requires the purchase, sale, or consumption of an alcoholic beverage in order to participate in any promotion, program or other activity;</p>	32A-12-401(4) 32A-12-606(2)	R81-1-17(6)(n), (7)	MOD, *b
<p>m. that implies by use of appealing characters or life-enhancing images that consumption of the product will benefit the consumer's health, physical or sexual prowess, athletic ability, social welfare, or capacity to enjoy life's activities.</p>	32A-12-401(4)	R81-1-17(6)(o), (7)	MOD, *b

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
2. Advertising scheme that offers alcoholic beverages to patrons or the general public without charge.	32A-12-401(4), (5)	R81-1-17(6)(m), (7)	MOD, *b

**I - B. AUDIT**

1. Change of floor plan without department approval.	32A-6-102(1)(g) 32A-6-105(3)		MOD
2. Failure to maintain records and accounts of all alcoholic products purchased, manufactured, used, and/or sold.	32A-6-105(6)		MOD
3. Falsification/tampering with records.	32A-12-303(2), -304		GR, *b, *d
4. Change of ownership or organizational structure without notifying the department.	32A-6-102(3) 32A-6-105(8)		*f
5. Obstructing an officer or department representative from making a search or investigation.	32A-6-102(1)(h) 32A-12-305 32A-13-109		GR, *b
6. Failure to maintain bond as specified in specific permits.	32A-6-102(1)(f) 32A-6-103(7) 32A-6-201(1)(e) & (3) [public service] 32A-6-301(1)(c) & (2) [indust/manuf]	R81-6-5(3) [wine judging seminar]	*f, *e

**I - C. EMPLOYEE:**

1. Minor employed to handle alcoholic beverages.	32A-6-103(6)(a)(ii)		SER
2. Supervisor or manager convicted of (or arrested for) designated offense.	32A-6-103(2), (3), (7)		*f

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<u>I - D. OPERATIONS:</u>	<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
1.	Operating an applicable business without first obtaining a special use permit.	32A-6-101(1) 32A-12-201(7), 202, -301		GR, *b
2.	Minor handling alcoholic beverages.	32A-6-103(6)(a)(ii)		SER
3.	Refusing proper entry to the department, commission, or law enforcement officers.	32A-6-102(1)(h) 32A-12-305 32A-13-109		GR, *b
4.	Storing, manufacturing, using, selling, or allowing consumption of alcoholic products other than where designated on floor plan.	32A-6-105(3) 32A-12-201(7)		MOD, *b
5.	Purchasing, storing, selling, using, consuming, or manufacturing alcoholic products for purposes other than what is authorized by permit.	32A-6-105(4) 32A-12-201(7)		SER, *b
6.	Bad checks tendered to department.	32A-1-113(5)	R81-1-3(6)	*e, *g

### 1 - E. PERMIT:

1.	Unapproved transfer of permit to another location.	32A-6-105(7)		GR
2.	Attempt to sell, transfer, barter, give, etc. permit to another entity.	32A-6-105(8)		GR
3.	Operating without a permit.	32A-6-101(1) 32A-12-201(7)		GR, *b

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I - F. <u>PERMITTEE:</u>	<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
1. After the day the permit is granted, a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is found to have been convicted</u> of any of the following offenses <u>prior</u> to the permit being granted: <ul style="list-style-type: none"> <li>a. a felony;</li> <li>b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; or</li> <li>c. a crime of moral turpitude.</li> <li>d. driving under the influence of alcohol, any drug, or the combination of the two – twice within 5 years.</li> </ul>	32A-6-103(3)(a) 32A-6-103(7)	R81-1-16	*f	
2. On or after the day the permit is granted, a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is convicted of</u> : <ul style="list-style-type: none"> <li>a. a felony;</li> <li>b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages;</li> <li>c. a crime of moral turpitude; or</li> <li>d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.</li> </ul>	32A-6-103(3)(b) 32A-6-103(7)	R81-1-16	*f	
3. On or after the day the permit is granted, a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is arrested for</u> : <ul style="list-style-type: none"> <li>a. a felony;</li> <li>b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages;</li> <li>c. a crime of moral turpitude; or</li> <li>d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.</li> </ul>	32A-6-103(4) 32A-6-103(7)	R81-1-16	*f	

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4. Falsification/tampering with records.	32A-12-303(2), 32A-12-304		GR, *b, *d
5. False statement.	32A-12-304		GR, *d
6. A minor is found to be serving as a partner, managing agent, manager, officer, director, 20% stockholder, or 20% member of an LLC.	32A-6-103(6)(a)(i), (b)		*f
7. Failure to notify department of any change in ownership.	32A-6-102(3) 32A-6-105 (8)		*f
8. Permittee no longer possesses qualifications required for obtaining the license.	32A-6-103(7)		*f

**I - G. SALES**

1. Sell, deliver, or furnish alcoholic beverages to:			
a. minor	32A-6-105(5)(a) 32A-12-203		SER, *a, *b
b. intoxicated person	32A-6-105()(b) 32A-12-204		GR, *a, *b
c. any known habitual drunkard	32A-6-105(5)(c)		GR
d. any known interdicted person	32A-6-105(5)(d) 32A-12-205		GR, *b
2. Sale of alcoholic beverages <i>by</i> a minor.	32A-6-103(6)(a)(ii)		SER

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3. Sale of alcoholic beverages during emergencies.	32A-12-207		GR, *b
4. Sale of alcoholic beverages without a license or during a license suspension.	32A-6-101(1) 32A-12-201(7)		GR, *b

### I - H. STORAGE

1. Storage area of alcoholic products not consistent with floor plan.	32A-6-102(1)(g) 32A-6-105(3)		MOD
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### I - I. OTHER

1. Unlawful importations.	32A-12-201(1), (2), & (7), -214		GR, *h
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### I - J. TRADE PRACTICES

See violation grid - Industry Trade Practices.

## II. SPECIFIC PROVISIONS

### II - A PUBLIC SERVICE PERMITS

1. Failure to maintain a bond.	32A-6-102(1)(f) 32A-6-103(7) 32A-6-201(1)(e), (3)		*f
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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
2. Failure to remit a fee of \$30 for each regular scheduled public conveyance.	32A-6-201(2)		*f
3. Purchase of liquor from other than state store or package agency when used in the hospitality room and/or on a conveyance that only operates within the state.	32A-6-105(2) 32A-6-202(1)(b)(i), (2)(d)(i)	R81-6-4(1)	GR, *b
4. Purchase of beer from other than a beer wholesaler when used in the hospitality room and/or on a conveyance that only operates within the state.	32A-6-202(1)(b)(ii), (2)(d)(ii) 32A-10-102(1) 32A-12-201(7), -208		GR, *a, *b
5. <u>Hospitality Room:</u>  a. Hospitality room not appropriately located within depot, terminal, or other similar facility.  b. Hospitality room not completely enclosed.  c. Interior of hospitality room visible to the public.  d. No warning sign posted in hospitality room.  e. Selling alcoholic beverages from the hospitality room to persons other than those in transit using the host company's public conveyance.  f. Hospitality room premises not consistent with floor plan.	32A-6-202(2)(a)  32A-6-202(2)(b)  32A-6-202(2)(b)  32A-6-202(3)  32A-6-202(2)(c)  32A-6-102(1)(g) 32A-6-103(7) 32A-6-201(f)	R81-6-2	MOD  MOD  MOD  MIN  MOD  *f
6. <u>Transport of Liquor:</u>  a. Liquor transported from outside the state not carried in a sealed conveyance and/or not available for inspection by the department.  b. Not allowing inspection of transported liquor.		R81-6-4(2)  R81-6-4(2)	GR  GR
7. <u>Records:</u>  a. Failure to keep (for three years) records available, during regular business hours, of alcoholic products shipped to and from the storage facility.  b. Not allowing department auditors to audit all records.	32A-6-105(6)  32A-6-102(1)(h)	R81-6-4(3)  R81-6-4(4)	MOD  GR

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8. Permitting a person to become intoxicated or an intoxicated person to consume.	32A-12-216		GR, *c
9. Using alcoholic beverages or products for any use other than what is authorized on the permit.	32A-6-105(4)		SER

**II - B INDUSTRIAL / MANUFACTURING PERMIT**

1. Failure to maintain bond.	32A-6-102(1)(f) 32A-6-103(7) 32A-6-301(1)(c) & (2)		*f
2. Storage area not consistent with floor plan.	32A-6-102(g) 32A-6-103(7) 32A-6-301(1)(e)		*f
3. Not following the guidelines of Title 27, Code of Federal Regulations, Sections 212.10 - 212.38 when denaturing alcohol	32A-6-302 32A-12-104		SER
4. Using alcoholic beverages or products for any use other than what is authorized on the permit.	32A-6-105(4)		SER

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**II - C SCIENTIFIC / EDUCATIONAL PERMITS**

<p>1. <u>Educational Wine Judging Seminars:</u></p> <p>a. Failure to maintain bond.</p> <p>b. Using unacceptable judging techniques.</p> <p>c. Wines used being consumed.</p> <p>d. Unopened bottles not returned to the department.</p> <p>e. Residual wine in opened bottles not destroyed.</p> <p>f. Not all wines being used were ordered from the department.</p> <p>g. Failure to pay \$2 per bottle fee for wine used in judging.</p> <p>h. Purpose other than to inform/educate about qualities/characteristics of the wines.</p>	<p>32A-6-102(f) 32A-6-103(7)</p>	<p>R81-6-5(3)</p> <p>R81-6-5(5)(a)</p> <p>R81-6-5(5)(a)</p> <p>R81-6-5(5)(b)</p> <p>R81-6-5(5)(b)</p> <p>R81-6-5(6)(a &amp; b)</p> <p>R81-6-5(6)(c)</p> <p>R81-6-5(1)</p>	<p>*f, *e</p> <p>*f</p> <p>*f</p> <p>*f</p> <p>*f</p> <p>*f</p> <p>*f</p> <p>*f</p>
<p>2. Using alcoholic beverages or products for any use other than what is authorized on the permit.</p>	<p>32A-6-105(4)</p>		<p>SER</p>

**II - D RELIGIOUS WINE PERMITS**

<p>1. Wine used for other than religious purposes.</p>	<p>32A-6-105(4) 32A-6-501(2)</p>		<p>SER</p>
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**II - E HEALTH CARE FACILITIES AND PROFESSIONS**

<p>1. Using alcoholic products for purposes other than those listed on the permit.</p>	<p>32A-6-105(4)</p>		<p>SER</p>
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