Utah Department of Alcoholic Beverage Control P.O. Box 30408 Salt Lake City, UT 84130	DABC SPECIAL USE PERMIT **RELIGIOUS** APPLICATION CHECKLIST	Website: www.abc.utah.gov Phone 801-977-6800 Fax 801-977-6889

All items in the checklist must be completed before an application will be accepted by DABC. We will attempt to complete investigations for applications received by the 10th of the month for commission review that same month. However, an investigation may take up to three months to complete. You may also be asked to supply additional documentation as needed for the investigation. We encourage you to apply early to allow for adequate time for investigation and processing.

1. ____ Completed Application Form: ☐ Signed & Notarized
   Tax identification Numbers: ☐ State Sales Tax #

2. ____ Initial fee: ☐ $125

3. ____ Criminal history background documents:

   ☐ Electronic Fingerprints or Fingerprint card(s). Electronic fingerprinting (Live Scan) is available at DABC by appointment, at BCI, or a number of other FBI electronic fingerprint provider locations. (See instructions).
   ☐ Signed 'Informed Consent and Waiver' form
   ☐ FBI Background fees: $32.00 for all owners and persons employed to act in a supervisory/managerial capacity. (see background instructions)

4. ____ Exemption Certificate form TC-721

5. ____ Ownership entity / organizational documents filed with Utah Department of Commerce

   ☐ a) Individual / Sole Proprietor
   ☐ b) If a Corporation, submit a copy of the Articles of Incorporation
   ☐ c) If a Partnership, submit a copy of the written partnership agreement
   ☐ d) If a Limited Liability Company, submit a copy of the Articles of Organization

6. ____ 'Local Consent Form from the city where the business is located

7. ____ Scaled floor plan (8 1/2" x 11") of premises highlighting areas for storage, sale & consumption of alcohol

Utah Department of Alcoholic Beverage Control 1625 South 900 West P.O. Box 30408 Salt Lake City, UT 84130	**RELIGIOUS SPECIAL USE PERMIT APPLICATION**	Licensing and Compliance Division permit Number _____

☐ **Religious Organization Fees $125**

Ownership Information

1. Ownership Entity: _____

Entity Type: **Individual** ☐ **Partnership** ☐ **Corporation** ☐ **Limited Liability Company** ☐

2. Church or Religious Organization: _____

3. Address:

_____
STREET CITY STATE ZIP

4. Mailing address:

_____
(IF DIFFERENT) STREET CITY STATE ZIP

5. Business Phone: _____ Email:_____ Other: _____

6. Contact person: _____ Phone# _____ Email _____

7. Other alcoholic beverage licenses currently or previously held by applicant/entity/principals:

_____

_____

Business / Property Information

8.. Date opened (or projected): _____

9. Days / hours of operation: _____

10. Religious or charitable Institution Sale Tax Exemption Number: _____

11. Are you an industry member; or do you own or have interest in a brewery, winery or distillery?

Yes ___ No ___ if Yes explain below (use additional sheets as necessary) _____

_____

_____

12. Ownership / Management

List all individuals, partners, managers, officers, directors or members. Percentage owned must = 100%. Also list employees appointed to manage or direct operations of the business. Anyone owning at least 20% of an entity and all employee/managers must submit fingerprints for a background check. All individuals listed MUST be at least 21 years or older. If not a U.S. Citizen, provide residency status in section 13. Use additional sheets if necessary. For complex corporate structures, please include an organizational chart showing ownership interests of all parent companies until all individual person percentages are disclosed.

Name	Complete home address (include city, state, zip code)	Position Social Security Number	Date of Birth Month / Day Year	Percent Owned	US Citizen Y/N

13. Residency status (list and attach proof of residency status for all individuals above who are not US citizens):_____

_____

14. Criminal Offenses: List all criminal offenses other than minor traffic offenses of which you or any person listed in section 12 have been convicted or pending criminal charges (name, criminal offense, date of conviction – use additional sheets if necessary)_____

_____

Applicant agrees as a condition of licensing that he/she has read and will abide by the provisions of Title 32B, Utah Code, and all rules of the commission and directives of the Department of Alcoholic Beverage Control; and understands that failure to adhere or to no longer possesses the qualifications of a licensee may result in the suspension or revocation of the alcohol license and forfeiture of the compliance bond.
Applicant agrees to immediately notify the department of any change in ownership entity and understands that failure to do so may result in immediate suspension of the license
The undersigned verifies that the premises will not be used for permitting gambling or any other violation of law or ordinance.
The undersigned hereby authorizes the department access to federal, state and local sales, payroll, income, and real and personal property tax information.
The undersigned verifies that the applicant is in compliance with all federal and state laws pertaining to payment of taxes and contributions to unemployment and insurance funds.
The undersigned applicant does not and will not discriminate against persons on the basis of race, color, sex, religion, ancestry, or national origin.
The undersigned hereby voluntarily consents that representatives of the Alcoholic Beverage Control Department, Commission, State Bureau of Investigation (Bureau of Alcoholic Beverage Law Enforcement), and any other law enforcement agencies shall be admitted immediately and permitted without hindrance or delay to inspect the entire premises and all records of the licensee.
The undersigned acknowledges that he/she has read and understands the statements herein and that the execution thereof is done voluntarily and by authorization of the applicant entity; and that any false statement made on this application or any other related document is a second degree felony.
The undersigned hereby makes application to the Utah Alcoholic Beverage Control Commission and certifies that the information contained herein and attached hereto is true and correct.

_____
Date

_____
Applicant/Owner of business

_____
Title / Position

_____
Authorized Signature

State of _____

County of _____

Subscribed and sworn before me this day _____ of

_____, 20_____

_____
Notary Public Signature

Seal

DABC Licensees /Applicant / Owner /Manager Criminal History Background Check Procedures

AUTHORITY: Utah Code 32B-1 Part 3

Criminal history background checks are required for all owners and persons employed to act in a supervisory or managerial capacity for a package agency, licensee, or permitee.

If the owner is a partnership, corporation, or limited liability company, a criminal history background check is required for all partners, managing agents, managers, officers, directors, or any stockholder who holds at least 20% of the total issued and outstanding stock of the corporation, or a member who owns at least 20% of the limited liability company

Each individual who falls under the description above shall consent to a criminal history background check and shall deliver the following documents and fees to the Department of Alcoholic Beverage Control:

Background checks for each applicable person must include:

- Fingerprints - either through a live scan service or a completed FBI fingerprint card
- A signed *Informed Consent & Waiver* form for each individual fingerprinted
- $33.25 submitted to DABC for each individual fingerprinted

You may have *live scan* fingerprint services done at the DABC by appointment. There is no charge for the fingerprinting services but the $33.25 Background fee will still apply. Call 801-977-6800 to set up your appointment. New DABC license applicants must submit fingerprints *prior to submitting or with their application*, so please plan ahead for fingerprinting services so you can meet your deadline prior to the 10th of the month.

Live scan fingerprint services are also available at other locations. Contact any live scan provider to see if they allow general public services.

The Bureau of Criminal Identification (BCI), located at 3888 W 5400 S., Salt Lake City Utah provides fingerprinting services as well. They may be contacted at 801-965-4445 for additional information regarding their fingerprint services.

If you use a different live scan provider other than DABC, you must supply them with the attached ***live scan authorization form***. They may or may not charge a fee for their services, but the $33.25 fee must still be paid to DABC regardless of their service fees.

DABC LICENSEE & MANAGER BACKGROUND CHECK
INFORMED CONSENT AND WAIVER

_____	_____
Print - Name of Applicant (First, Middle, Last)	Date of Birth (Month, Day, Year)
_____	_____
Name of Employer	Employer Address
_____	_____
Job Title	Phone Number of the Applicant

(The above information to be verified by valid identification document(s) prior to background check request per Section 1028 of Title 18, United States Code)

APPLICANT NOTIFICATION AND PURPOSE:

In accordance with Utah Code 32B-1-303-307, your fingerprints will be used to **continuously check** the criminal history records of local and national (FBI) background check databases to determine whether an applicable individual has been:

- Convicted of a felony under federal or state law;
- Convicted of a violation of a federal law, state law, or local ordinance concerning the sale, manufacture, distribution, warehousing, or transportation of an alcoholic beverage;
- Convicted of a crime involving moral turpitude;
- Convicted on two or more occasions within the previous five years, driving under the influence of alcohol, a drug, or the combined influence of alcohol and a drug.

RECORD CHALLENGE:

If it is determined that a criminal history record contains a disqualifying offense, the applicable person must be notified of the reason for disqualification and given an opportunity to respond to the disqualification. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34. Procedures for challenging the State of Utah records if Utah has records that the FBI does not (UCA 53-10-108) can be found on the BCI website at: https://bci.utah.gov/wp-content/uploads/sites/15/2018/01/Challenge-Application-12-5-2017.pdf

WAIVER:

I hereby authorize the Department of Alcoholic Beverage Control (DABC) to investigate my criminal history records and acknowledge that a background check will be conducted and maintained by the State Bureau of Criminal Identification and my fingerprints continuously checked against local and national (FBI) background check databases for so long as I maintain an employment or regulatory relationship with the DABC.

My personal information and fingerprints may be retained for ongoing monitoring and comparison against future submissions to the state, regional or federal database and latent fingerprint inquiries. DABC will establish procedures to ensure removal of my fingerprints from applicable state and federal databases when I am no longer under their purview. I will provide a list of all criminal convictions which contains a description of the crimes and the particulars of the convictions.

I have read the attached Privacy Statement and understand my rights according to this statement.

I stipulate that if a criminal conviction that would disqualify any applicable individual from holding the license, permit, or package agency, the license, permit or package agency will immediately be surrendered.

I agree by signing below to notify the DABC if I cease this relationship and wish my fingerprints to be removed from the notification system.

_____	_____
Signature	Date

FBI Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any system(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

Utah Department of Alcohol Beverage Control

LIVE SCAN AUTHORIZATION FORM

Billable to DABC

Agency Billing Code: **B1664 (DABC – WIN/FBI)**
Type of Background Check Required: **WIN/FBI Check: NFUF**

Use this form if NOT doing fingerprinting services at DABC. Any qualified 'Live Scan' provider that can provide the services may do so using the DABC billing code. They may or may not charge a fee for their services. Call Ahead!

Date: _____

Applicant Name: _____

Applicant DOB:_____Applicant SSN: _____

DABC Authorization Signature: _____RuthAnne Oakey-Frost_____

NOTE: THIS FORM STAYS WITH THE 'LIVE SCAN' PROVIDER

Regardless of any additional fees paid to the 'Live Scan' provider for their fingerprinting services, in accordance with Utah Code 32B-1-303-307, **fees of $33.25 must be submitted to DABC** for all owners and persons employed to act in a supervisory or managerial capacity for a package agency, licensee or permitee. If the owner is a partnership, corporation, or limited liability company, a criminal history background check is required for all partners, managing agents, managers, officers, directors, or any stockholder who holds at least 20% of the total issued and outstanding stock of the corporation, or a member who owns at least 20% of the limited liability company

Special Use Permit
Local Consent

(Check which type of permit is being obtained):

[ ] Religious wine [ ] Industrial/Manufacturing [ ] Scientific/Educational [ ] Public service

AUTHORITY: Special Use Permit Act pursuant to the provisions of Section 32B-10, Utah Code for the purpose of purchase, storage and/or other lawful use of alcoholic products as authorized by the Utah Department of Alcoholic Beverage Control.

_____, [ ] City [ ] Town [ ] County
Local business license authority

hereby grants its consent to the issuance of a Special Use Permit (type must be noted above) to:

Business Name (DBA): _____

Entity Name (or owner's name if sole proprietor): _____

Location Address: _____

_____

_____
Authorized Signature

_____ _____
Name/Title Date

This is a suggested format. A locally produced city, town, or county form is also acceptable.
The local consent must be submitted to the DABC by the applicant as part of a complete application.

Utah State Tax Commission • 210 N 1950 W • Salt Lake City, UT 84137

Exemption Certificate

(Sales, Use, Tourism and Motor Vehicle Rental Tax)

TC-721
Rev. 7/15

Name of business or institution claiming exemption (purchaser)			Telephone number	
Street address		City	State	ZIP Code
Authorized signature	Name (please print)		Title	
Name of Seller or Supplier:	**Department of Alcoholic Beverage Control**		Date	

The signer of this certificate MUST check the box showing the basis for which the exemption is being claimed.

DO NOT SEND THIS CERTIFICATE TO THE TAX COMMISSION
Keep it with your records in case of an audit.

❑ **RESALE OR RE-LEASE**
Sales Tax License No. _____

I certify I am a dealer in tangible personal property or services that are for resale or re-lease. If I use or consume any tangible personal property or services I purchase tax free for resale, or if my sales are of food, beverages, dairy products and similar confections dispensed from vending machines (see Rule R865-19S-74), I will report and pay sales tax directly to the Tax Commission on my next sales and use tax return.

❑ **COMMERCIAL AIRLINES**
Sales Tax License No. _____

I certify the food and beverages purchased are by a commercial airline for in-flight consumption; or, any parts or equipment purchased are for use in aircraft operated by common carriers in interstate or foreign commerce.

❑ **RELIGIOUS OR CHARITABLE INSTITUTION**
Sales Tax License No. _____

I certify the tangible personal property or services purchased will be used or consumed for essential religious or charitable purposes. **This exemption can only be used on purchases totaling $1,000 or more, unless the sale is pursuant to a contract between the seller and purchaser.**

_____

NOTE TO SELLER: Keep this certificate on file since it must be available for audit review. Questions? Email taxmaster@utah.gov, or call 801-297-2200 or 1-800-662-4335.

If you need an accommodation under the Americans with Disabilities Act, email **taxada@utah.gov**, or call 801-297-3811 or TDD 801-297-2020. Please allow three working days for a response.

DO NOT SEND THIS CERTIFICATE TO THE TAX COMMISSION

Sales Tax Information for Liquor License Holders

The prices of liquor, wine, and heavy beer at the liquor stores and package agencies do not include sales tax. The sales tax is added at the cash register when members of the general public shop in a liquor store or package agency and bring their purchases to the cash register. License holders (licensees) that make purchases at the cash register will be charged sales tax just like the general public.

Licensees may purchase liquor from the department without paying the sales tax under these two conditions:

1. The licensee must file tax commission form TC-721 with the DABC. A copy of this form is included in this application packet. Once filed, the licensee can buy liquor, wine, and heavy beer exempt from sales tax at any DABC owned and operated state liquor store. If the licensee buys from a local package agency that is a "contracted store" (not owned or operated by the DABC), the licensee has to file form TC-721 with the package agency in order to be able to purchase "sales tax exempt"; *and*

2. The licensee must adhere to the liquor order procedures established by the DABC commission as follows:

(a) Commission rule requires that orders must be placed in advance to allow department personnel sufficient time to assemble the order. The order shall include the business name of the licensee, department permit number, and list the products ordered specifying each product by code number and quantity. The order may be telephoned or faxed to the store or agency.

(b) The licensee shall allow at least four hours for department personnel to assemble the order for pick-up. When the order is complete, the licensee will be notified by phone and given the total cost of the order. The licensee may pay for the product in cash, company check, cashier's check, or debit card with a PIN.

(c) The licensee or the licensee's designee shall examine and sign for the order before it leaves the store, agency or satellite warehouse to verify that the product has been received.

(d) Merchandise shall be supplied to the licensee on request when it is available on a first come first serve basis. Discounted items and limited items may, at the discretion of the department, be provided to a licensee on an allocated basis.

The following licensees and permittees qualify to buy tax exempt:

- full-service restaurants
- limited restaurants
- private clubs
- airport lounges
- on-premise banquet licensees
- holders of single event permit, public service permits and educational special use permits that buy for resale
- holders of religious wine permits

Each licensee or permittee will be responsible for collecting the sales tax on the liquor, wine and heavy beer they resell and remitting the tax directly to the State Tax Commission.

R81. Alcoholic Beverage Control, Administration.
R81-6. Special Use Permits.

R81. Alcoholic Beverage Control, Administration.
R81-6. Special Use Permits.

R81-6-1. Application. *(proposed)*

An application for a special use permit shall be included in the agenda of the monthly commission meeting for consideration for issuance of a special use permit when the requirements of Sections [32A-6-102 and -103] 32B-1-304 and 32B-10-202, -205 have been met, and a completed application has been received by the department.

R81-6-2. Warning Sign. (existing)

All public service permittees which utilize a hospitality room shall display in a prominent place therein a "warning sign" as defined in R81-1-2.

R81-6-3. Direct Delivery. (existing)

Industrial, manufacturing, scientific, educational, and health care special use permittees may purchase alcohol directly from the manufacturer and have it shipped directly to the permittee's address, provided the alcohol is used for industrial, manufacturing, scientific, educational, or health care purposes.

R81-6-6. Religious Wine Permits. (existing)

(1) Purpose. This rule outlines the procedures for a religious wine permit holder to purchase wine for religious purposes, and the procedures department personnel shall follow to process the purchase.

(2) Application of Rule.

(a) The permit holder may purchase any generally listed wine directly off of the shelf of any state store or package agency at a charge of cost plus freight. The cashier shall first verify that the purchasing religious organization is a holder of a permit on file in the department's licensee/permittee data base. The cashier shall determine the cost plus freight price of the wine. The wine may be purchased only with cash or a check belonging to the religious organization, and not with an individual's personal check or credit card. Checks shall be deposited in the ordinary course of business with other checks. [If wines are purchased by the case, the cases must be opened and the individual bottles marked with the state label.]*

(b) The permit holder may order wine for religious purposes directly from the winery and have the winery ship the wine prepaid at a charge of cost plus freight to the department's central administrative warehouse. The warehouse shall deliver the wine to the state store or package agency nearest to the permit holder's church. [The state store or package agency shall open any cases and mark individual bottles with the state label.]* The state store or package agency shall notify the permit holder when the product is available for pick-up.

(c) The permit holder may place a special order for wines not generally listed by the department only if the winery will not sell directly to the permit holder. Special orders may be placed only with the special order clerk at the department's administrative office. No special orders may be placed with a state store or package agency. The special order clerk shall verify that the purchasing religious organization is on file in the department's licensee/permittee data base, place the order, assign it a special order code number, assess a charge of cost plus freight, and have the wine delivered to the state store or package agency nearest to the permit holder's church. The state store or package agency shall notify the permit holder when the product is available for pick-up. All procedures for processing the purchase that are outlined in (a) above shall be followed by the state store or package agency to complete the sale.

* not applicable

TITLE 32B - ALCOHOLIC BEVERAGE CONTROL ACT

(Updated through July 2011)

Part 1
General Provisions

32B-10-101. Title.
This chapter is known as the "Special Use Permit Act."

32B-10-102. Definitions.
As used in this chapter, "special use permit" means a special use permit issued under this chapter, including:
(1) a religious wine use permit;

(2) an industrial or manufacturing use permit;

(3) a scientific or educational use permit; and

(4) a public service permit.

Part 2
Commission's power to issue special use permit

32B-10-201. Commission's power to issue special use permit.
(1) Before a person may purchase, use, store, sell, offer for sale, allow consumption, or manufacture an alcoholic product in a manner that requires a special use permit, the person shall first obtain a special use permit in accordance with this chapter.

(2) (a) The commission may issue a special use permit for the purchase, use, storage, sale, offer for sale, consumption, or manufacture of an alcoholic product for a limited purpose specified by this chapter and the rules of the commission.

(b) A special use permit authorizes the special use permittee to purchase, use, store, sell, offer for sale, consume, or manufacture an alcoholic product only in the quantity, in a type, and for a purpose stated in the special use permit.

32B-10-202. Application for special use permit -- Qualifications.
(1) To obtain a special use permit, a person shall submit to the department:

(a) a written application in a form prescribed by the department;

(b) a nonrefundable application fee, if required by the relevant part of this chapter applicable to the type of special use permit for which the person applies;

(c) an initial permit fee:

(i) if required by the relevant part of this chapter applicable to the type of special use permit for which the person applies; and

(ii) that is refundable if a special use permit is not issued;

(d) a one-time special use permit fee if required by a section of this chapter:

(i) applicable to the type of special use permit for which the person applies; and
(ii) that is refundable if a special use permit is not issued;
(e) a statement of the purpose for which the person applies for the special use permit;
(f) a description of the types of alcoholic product the person intends to use under authority of the special use permit;
(g) written consent of the local authority;
(h) if required, a bond as provided in Section 32B-10-205;
(i) a floor plan of the immediate area within the premises in which the person proposes that an alcoholic product will be used, mixed, stored, sold, or consumed if required by the relevant part of this chapter applicable to the type of special use permit for which the person applies;
(j) a signed consent form stating that the special use permittee will permit any authorized representative of the commission, department, or any other law enforcement officer to have unrestricted right to enter the special use permittee's premises;
(k) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
(l) any other information the commission or department may require.

(2) (a) The commission may issue a special use permit only to a person who qualifies as follows:
(i) the commission may issue a religious wine use permit to a religious organization;
(ii) the commission may issue an industrial or manufacturing use permit to a person engaged in an industrial or manufacturing pursuit;
(iii) the commission may issue a scientific or educational use permit to a person engaged in a scientific or educational pursuit; and
(iv) the commission may issue a public service permit to an operator of an airline, railroad, or other public conveyance.
(b) The commission may not issue a special use permit to a person who is disqualified under Section 32B-1-304.
(c) If a person to whom a special use permit is issued no longer possesses the qualifications required by this title for obtaining that special use permit, the commission may suspend or revoke that special use permit.

32B-10-203. Renewal of special use permit.
(1) A special use permit expires on December 31 of each year unless otherwise provided on the special use permit.

(2) To renew a renewable special use permit, a person shall submit a completed renewal application to the department:
(a) no later than November 30; and
(b) in a form prescribed by the department.

(3) Failure to meet the renewal requirements results in an automatic forfeiture of the special use permit, effective on the date the existing special use permit expires.

32B-10-204. Duties of commission and department before issuing special use permit.
(1) (a) Before the commission issues a special use permit, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the commission as to whether a special use permit should be issued.

(b) The department shall forward the information it gathers and its recommendations to the commission to aid in the commission's determination.

(2) Before issuing a special use permit, the commission shall:

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

(i) Section 32B-10-202; and

(ii) the relevant part under this chapter that applies to the special use permit for which the person is applying;

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

(c) consider the physical characteristics of the premises where an alcoholic product is proposed to be used, mixed, stored, sold, offered for sale, or furnished such as:

(i) the condition of the premises;

(ii) public visibility; and

(iii) safety considerations;

(d) consider the person's ability to properly use the special use permit within the requirements of this title and the commission rules including:

(i) the proposed use of the special use permit; and

(ii) the nature and type of person making use of the special use permit;

(e) consider specific factors regarding the specific type of special use permit sought by the person;

(f) approve of the location and equipment used by the person to distill alcohol for experimental testing purposes or use as a fuel; and

(g) consider any other factor the commission considers necessary.

32B-10-205. Bond for special use permit.
(1) A special use permittee shall post a cash bond or surety bond only if the relevant part under this chapter for the type of special use permit requires posting of a bond.

(2) (a) If a special use permittee is required to post a bond as provided in Subsection (1), the special use permittee shall procure and maintain the bond for as long as the special use permittee continues to operate under the special use permit.

(b) A bond required under this section shall be:

(i) in a form approved by the attorney general; and

(ii) conditioned upon the special use permittee's faithful compliance with this title and the rules of the commission.

(3) If a surety bond posted by a special use permittee under this section is canceled due to a special use permittee's negligence, the department may assess a $300 reinstatement fee.

(4) No part of a bond posted by a special use permittee under this section may be withdrawn during the period that the special use permit is in effect.

(5) (a) A bond posted by a special use permittee under this section may be forfeited if the special use permit is revoked.

(b) Notwithstanding Subsection (5)(a), the department may make a claim against a bond posted by a special use permittee for money owed the department under this title without the commission first revoking the special use permit.

32B-10-206. General operational requirements for special use permit.

(1) (a) A special use permittee and staff of the special use permittee shall comply with this title and rules of the commission, including the relevant part of the chapter that applies to the type of special use permit held by the special use permittee.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a special use permittee;

(ii) individual staff of a special use permittee; or

(iii) a special use permittee and staff of the special use permittee.

(c) The commission may suspend or revoke a special use permit with or without cause.

(2) (a) If there is a conflict between this part and the relevant part under this chapter for the specific type of special use permit, the relevant part under this chapter governs.

(b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," a special use permittee may only purchase, use, store, sell, offer for sale, allow consumption, or manufacture an alcoholic product authorized for the special use permit that is held by the special use permittee.

(c) Notwithstanding that this part or the relevant part under this chapter for the type of special use permit held by a special use permittee refers to "special use permittee," a person involved in the purchase, use, store, sell, offer for sale, allow consumption, or manufacture of an alcoholic product for which the special use permit is issued is subject to the same requirement or prohibition.

(3) (a) A special use permittee shall make and maintain a record, as required by commission rule, of any alcoholic product purchased, used, sold, or manufactured.

(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (3).

(4) (a) Except as otherwise provided in this title, a special use permittee may not purchase liquor except from a state store or package agency.

(b) A special use permittee may transport liquor purchased by the special use permittee in accordance with this Subsection (4) from the place of purchase to the special use permittee's premises.

(c) A special use permittee shall purchase liquor at prices set by the commission.

(d) When authorized by a special use permit, a special use permittee may purchase and receive an alcoholic product directly from a manufacturer for a purpose that is industrial, educational, scientific, or manufacturing.

(e) A health care facility may purchase and receive an alcoholic product directly from a manufacturer for use at the health care facility.

(5) A special use permittee may not use, mix, store, sell, offer for sale, furnish, manufacture, or allow consumption of an alcoholic product in a location other than as designated in a special use permittee's application.

(6) Except as otherwise provided, a special use permittee may not sell, offer for sale, or furnish an alcoholic product to:

(a) a minor;
(b) a person actually, apparently, or obviously intoxicated;
(c) a known interdicted person; or
(d) a known habitual drunkard.

(7) A special use permittee may not employ a minor to handle an alcoholic product.

(8) (a) The location specified in a special use permit may not be transferred from one location to another location, without prior written approval of the commission.

(b) A special use permittee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the permit to another person whether for monetary gain or not.

(9) A special use permittee may not purchase, use, mix, store, sell, offer for sale, furnish, consume, or manufacture an alcoholic product for a purpose other than that authorized by the special use permit.

(10) The commission may prescribe by policy or rule consistent with this title, the general operational requirements of a special use permittee relating to:

(a) physical facilities;
(b) conditions of purchase, use, storage, sale, consumption, or manufacture of an alcoholic product;
(c) purchase, storage, and sales quantity limitations; and
(d) other matters considered appropriate by the commission.

32B-10-207. Notifying department of change of ownership.

The commission may suspend or revoke a special use permit if a special use permittee does not immediately notify the department of a change in:

(1) ownership of the permittee's business;

(2) for a corporate owner, the:

(a) corporate officers or directors; or
(b) shareholders holding at least 20% of the total issued and outstanding stock of the corporation; or

(3) for a limited liability company:

(a) managers; or
(b) members owning at least 20% of the limited liability company.

Part 6
Religious Use of Alcoholic Products

32B-10-601 Title.
This part is known as "Religious Use of Alcoholic Products."
32B-10-602. Definitions.
Reserved

32B-10-603. Specific application requirements for religious wine use permit.
(1) To purchase an alcoholic product from the department at the department's cost plus freight charges, a religious organization shall obtain a religious wine use permit.

(2) To obtain a religious wine permit, a person shall comply with Section 32B-10-202.

(3) The one-time special use permit fee for a religious wine use permit is $125.

32B-10-604. Specific operational requirements for religious wine use permit.
(1) (a) In addition to complying with Section 32B-10-207, a religious wine permittee and staff of the religious wine permittee shall comply with this section.
(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
(i) a religious wine permittee;
(ii) individual staff of a religious wine permittee; or
(iii) a religious wine permittee and staff of the religious wine permittee.

(2) A religious wine use permittee may purchase wine from a state store as the department may designate at the department's cost plus freight charges.

(3) A religious wine use permittee may not use wine purchased under a religious wine use permit for a purpose other than a religious purpose.

32B-10-605. Religious organization exemption.
(1) A religious organization that provides or allows to be provided an alcoholic product to a person as part of the religious organization's religious services:
(a) does not violate this title by providing or allowing the provision of an alcoholic product as part of a religious service; and
(b) is not required to hold a license or special use permit to provide or allow the provision of an alcoholic product for religious services.

(2) This exemption does not exempt a religious organization from complying with this title with respect to an alcoholic product purchased by the religious organization for a purpose other than one purpose stated in Subsection (1).