

PROVISIONAL PERMIT INFORMATION

The Department must investigate and verify every permit application to ensure the documents are complete and that the applicant and location are suitable for the requested permit. Additionally, nearly every permit requires a public notification period that can take several weeks to finish. In most instances, a final liquor permit may be issued by the Department within three to six months from the time the application is filed with the Department.

If you are applying for a liquor permit and you anticipate opening your business before the final permit will be ready, you may wish to consider requesting a provisional liquor permit at the time you submit your application. The provisional permit will allow you to sell and/or serve alcohol while your application for a final permit is pending. To request a provisional permit, complete the Provisional Permit Agreement Form and submit it (along with the fee, more information below) with your application. You may also request a provisional permit at any point during your application process by notifying your assigned agent and sending him or her a copy of the Provisional Permit Agreement Form.

A provisional permit may be requested even though the investigation into your application is not complete and the public notification period is ongoing. The Department has the discretion to grant or take no action your provisional permit request, and may place certain conditions or require certain documents before issuing the provisional permit.

The fee for a provisional permit is \$500.00. This fee is in addition to the application fee and licensing fee for your final permit. **This fee must be paid before the Department will consider your provisional permit request. The fee is nonrefundable, even if the Department does not grant the provisional permit or you chose not to use the provisional permit after you apply.**

Your provisional permit is effective for 90 days but may be extended by the Department as long as you did not cause the delay. As your expiration date of the provisional permit approaches, email your assigned Liquor Control Agent to request an extension. Note that a provisional permit cannot be renewed past the one-year anniversary of your application. In other words, you must complete your application process within one year or else your application and your provisional permit will permanently expire.

If approved, you will be required to make cash payment for alcoholic liquor on any delivery from a wholesaler or manufacturer. However, the Department has the discretion to waive this requirement and allow wholesalers to extend credit to you while operating under a provisional permit. If you decide to request a provisional permit and wish to request a C.O.D. payment, please check the appropriate box on the Provisional Permit Agreement Form and provide the necessary documentation.

Below is the relevant statute and regulation.

Sec. 30-35b. Ninety-day provisional permit. The Department of Consumer Protection or Liquor Control Commission may, in the department's or commission's discretion, issue to any applicant, who makes a sworn application for a liquor permit under section 30-39, as amended by this act, and such applicant's backer, if any, a ninety-day provisional permit allowing such applicant and

backer to manufacture or sell, at retail, alcoholic liquor. If such applicant or backer causes any delay in the investigation conducted by the department pursuant to section 30-29, such ninety-day provisional permit shall immediately cease to be effective. The department or commission shall issue only one ninety-day provisional permit to any such applicant and applicant's backer for each location of the club or place of business which is to be operated under such permit. Such ninety-day provisional permit shall be nonrenewable, but may be extended due to delays not caused by the applicant. The department or commission shall not extend such permit beyond one year from the filing date as defined in section 30-29. The nonrefundable fee for such ninety-day permit shall be five hundred dollars.

Sec. 30-6-A36 (b). Period of credit No wholesaler shall provide credit to a permittee while under a provisional permit, unless otherwise approved by the department.