

WINE SERVICES AND AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends and enacts provisions in the Alcoholic Beverage Control Act regarding wine and a state wine order and delivery service.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Alcoholic Beverage Control to establish a wine order and delivery service;
- ▶ outlines requirements for the wine order and delivery service;
- ▶ grants rulemaking authority to administer the wine order and delivery service;
- ▶ removes the requirement that a person moving the person's residence into the state obtain department approval before bringing liquor for personal consumption into the state;
- ▶ removes the requirement that a person who inherits liquor that is located outside the state obtain department approval before bringing the liquor into the state; and
- ▶ raises the amount of wine purchased from without the United States that a person who clears customs may bring into the state.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **32B-4-414**, as enacted by Laws of Utah 2010, Chapter 276

32 ENACTS:

33 **32B-2-701**, Utah Code Annotated 1953

34 **32B-2-702**, Utah Code Annotated 1953

35 **32B-2-703**, Utah Code Annotated 1953

36 **32B-2-704**, Utah Code Annotated 1953



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **32B-2-701** is enacted to read:

40 **32B-2-701. Definitions.**

41 As used in this part, "valid address" means an address that:

- 42 (1) is in the state;
- 43 (2) is not associated with licensed premises; and
- 44 (3) is not a community location.

45 Section 2. Section **32B-2-702** is enacted to read:

46 **32B-2-702. Department wine order and delivery service.**

47 (1) The commission shall establish a wine order and delivery service as described in
48 this part.

49 (2) The department's wine order and delivery service shall allow a person to:

- 50 (a) order wine through the department; and
- 51 (b) (i) pick up wine ordered through the department from:
 - 52 (A) a state store; or
 - 53 (B) a package agency; or
- 54 (ii) have the department deliver wine ordered through the department to a valid

55 address.

56 (3) The department shall require an individual placing a wine order to:

- 57 (a) (i) enter the individual's state-issued identification number through an electronic
58 platform; or

59 (ii) show proof of age to department staff taking the order in person; and
60 (b) pay for the wine order in full, including:
61 (i) the cost of the wine; and
62 (ii) if applicable, the cost of delivering the wine to the valid address.
63 (4) (a) The department may not deliver wine to a valid address unless the wine is first
64 delivered to:

65 (i) a state store; or
66 (ii) a package agency.
67 (b) After a wine order is delivered to a state store or package agency in accordance
68 with this Subsection (4), the department shall:

69 (i) notify the individual who ordered the wine that the wine is available for pickup
70 from the state store or package agency; or
71 (ii) deliver the wine to the valid address provided in the wine order, in accordance with
72 Section 32B-2-703.

73 Section 3. Section 32B-2-703 is enacted to read:

74 **32B-2-703. Delivery of wine to a valid address.**

75 (1) An individual transporting wine ordered through the wine order and delivery
76 service to a valid address may not:

77 (a) open or allow to be opened a container containing the wine; or
78 (b) consume, use, or allow to be consumed or used, the wine.

79 (2) Before furnishing wine ordered through the wine order and delivery service to an
80 individual at a valid address, the department shall require the signature of an individual who is
81 at least 21 years of age.

82 (3) The department may not furnish wine ordered through the wine order and delivery
83 service to:

84 (a) a minor;
85 (b) an individual actually, apparently, or obviously intoxicated;
86 (c) a known interdicted individual; or
87 (d) a known habitual drunkard.

88 Section 4. Section 32B-2-704 is enacted to read:

89 **32B-2-704. Rulemaking.**

90 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
91 commission may make rules to administer this part.

92 Section 5. Section **32B-4-414** is amended to read:

93 **32B-4-414. Unlawful possession -- Exceptions.**

94 [(+)] A person may not possess liquor within this state unless authorized by this title or
95 the rules of the commission, except that:

96 [(a)] (1) a person who clears United States Customs when entering this country may
97 possess for personal consumption and not for sale or resale, a maximum of [~~two~~] nine liters of
98 liquor purchased from without the United States;

99 [(b)] (2) a person who moves the person's residence to this state from outside of this
100 state may possess for personal consumption and not for sale or resale, liquor previously
101 purchased outside the state and brought into this state during the move, if the person[~~:(i)-~~
102 ~~obtains department approval before moving the liquor into the state; and (ii)] pays the
103 department a reasonable administrative handling fee as determined by the commission;~~

104 [(c)] (3) a person who inherits liquor as a beneficiary of an estate that is located outside
105 the state, may possess the liquor and transport or cause the liquor to be transported into the
106 state if the person[~~:(i) obtains department approval before moving the liquor into the state;];~~

107 [(ii)] (a) provides sufficient documentation to the department to establish the person's
108 legal right to the liquor as a beneficiary; and

109 [(iii)] (b) pays the department a reasonable administrative handling fee as determined
110 by the commission; or

111 [(d)] (4) a person may transport or possess liquor if:

112 [(i)] (a) the person transports or possesses the liquor:

113 [(A)] (i) for personal household use and consumption; and

114 [(B)] (ii) not for:

115 [(F)] (A) sale;

116 [(H)] (B) resale;

117 [(HH)] (C) gifting to another; or

118 [(IV)] (D) consumption on premises licensed by the commission;

119 [(ii)] (b) the liquor is purchased from a store or facility on a military installation; and

120 [(iii)] (c) the maximum amount the person transports or possesses under this

121 Subsection ~~[(1)(d)]~~ (4) is:
122 ~~[(A)]~~ (i) two liters of:
123 ~~[(1)]~~ (A) spirituous liquor;
124 ~~[(1)]~~ (B) wine; or
125 ~~[(1)]~~ (C) a combination of spirituous liquor and wine; and
126 ~~[(1)(1)]~~ (ii) (A) one case of heavy beer that does not exceed 288 ounces; or
127 ~~[(1)]~~ (B) one case of a flavored malt beverage that does not exceed 288 ounces.
128 ~~[(2)(a) Approval under Subsection (1)(b) may be obtained by a person who:]~~
129 ~~[(i) is transferring the person's permanent residence to this state; or]~~
130 ~~[(ii) maintains separate residences both in and out of this state.]~~
131 ~~[(b) A person may not obtain approval to transfer liquor under Subsection (1)(b) more~~
132 ~~than one time.]~~