

Senator Gene Davis proposes the following substitute bill:

CONSUMER ALCOHOLIC BEVERAGE PURCHASING

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: Timothy D. Hawkes

LONG TITLE

General Description:

This bill amends provisions of the Alcoholic Beverage Control Act regarding consumer purchasing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Division of Consumer Purchasing (division) within the Department of Alcoholic Beverage Control;
- ▶ requires the division to establish a consumer purchasing system;
- ▶ outlines the parameters of the consumer purchasing system;
- ▶ requires the Alcoholic Beverage Control Commission (commission) to receive and review complaints regarding the Division or the consumer purchasing system; and
- ▶ grants the commission rulemaking authority.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 [32B-2-212](#), Utah Code Annotated 1953

28 [32B-2-701](#), Utah Code Annotated 1953

29 [32B-2-702](#), Utah Code Annotated 1953

30 [32B-2-703](#), Utah Code Annotated 1953

31 [32B-2-704](#), Utah Code Annotated 1953

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

34 Section 1. Section [32B-2-212](#) is enacted to read:

35 **[32B-2-212](#). **Division of Consumer Purchasing.****

36 There is created within the department the Division of Consumer Purchasing to
37 establish and administer the consumer purchasing system described in Part 7, Consumer
38 Purchasing System.

39 Section 2. Section [32B-2-701](#) is enacted to read:

40 **[32B-2-701](#). **Definitions.****

41 As used in this part:

42 (1) "Consumer purchasing system" means the consumer purchasing system established
43 in Section [32B-2-702](#).

44 (2) "Division" means the Division of Consumer Purchasing created in Section
45 [32B-2-212](#).

46 Section 3. Section [32B-2-702](#) is enacted to read:

47 **[32B-2-702](#). **Consumer purchasing system.****

48 (1) The division shall establish and administer a consumer purchasing system that:

49 (a) allows an individual to:

50 (i) order an alcoholic product:

51 (A) from a third party through the division; and

52 (B) if the alcoholic product is for personal household use and consumption, and not for
53 sale, resale, or consumption on premises licensed by the commission; and

54 (ii) pick up the alcoholic product ordered under Subsection (1)(a)(i) from a state store
55 or package agency; and

56 (b) requires an individual ordering an alcoholic product to first:

57 (i) ~~Ŝ → [(A) enter the individual's state-issued identification number through an electronic~~
 58 ~~platform; or~~

59 ~~—— (B) show proof of age to division staff taking the order in person;~~

60 ~~—— (ii) ←Ŝ designate a state store or package agency at which the individual would prefer to~~
 61 ~~collect the alcoholic product; and~~

62 ~~Ŝ → [(iii)] (ii) ←Ŝ pay the division for the alcoholic product order in full, including:~~

63 ~~(A) the cost of the alcoholic product; and~~

64 ~~(B) in addition to any tax, the markup described in Section [32B-2-304](#).~~

65 ~~(2) The division shall:~~

66 ~~(a) ensure that an alcoholic product ordered through the consumer purchasing system is~~
 67 ~~shipped or transported to a department warehouse;~~

68 ~~(b) deliver the alcoholic product to the appropriate state store or package agency;~~

69 ~~(c) notify the individual who ordered the alcoholic product when the alcoholic product~~
 70 ~~is ready for the individual to collect from the state store or package agency described in~~
 71 ~~Subsection (2)(b);~~

72 ~~(d) administer the consumer purchasing system in a manner that:~~

73 ~~(i) is efficient; and~~

74 ~~(ii) ensures timely delivery of alcoholic products; and~~

75 ~~(e) establish a method by which an individual may submit to the commission a~~
 76 ~~comment or complaint regarding the division or the consumer purchasing system.~~

77 ~~(3) Ŝ → [(a) Subject to Subsection (3)(b), the] The ←Ŝ division may not require that an~~
 77a ~~individual~~

78 ~~order a specific quantity of an alcoholic product that is different than a quantity the third-party~~
 79 ~~seller offers for sale.~~

80 ~~Ŝ → [(b) The division may require that an individual order an alcoholic product in a~~
 81 ~~container that is not:~~

82 ~~—— (i) smaller than 200 milliliters, except as otherwise allowed by the commission; or~~

83 ~~—— (ii) larger than two liters.] ←Ŝ~~

84 Section 4. Section [32B-2-703](#) is enacted to read:

85 **[32B-2-703](#). Consumer purchasing complaints.**

86 The commission shall:

87 (1) receive and review each comment or complaint an individual submits in relation to

88 the division or the consumer purchasing system; and

89 (2) take any action the commission determines necessary.

90 Section 5. Section **32B-2-704** is enacted to read:

91 **32B-2-704. Rulemaking.**

92 The commission may make rules in accordance with Title 63G, Chapter 3, Utah

93 Administrative Rulemaking Act, to carry out the provisions of this part.