

1                   **CONSUMER ALCOHOLIC BEVERAGE PURCHASING**

2                                   2021 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Gene Davis**

5                                   House Sponsor: Timothy D. Hawkes

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7   **LONG TITLE**

8   **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

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

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 ENACTS:

27           **32B-2-212**, Utah Code Annotated 1953



- 28 [32B-2-801](#), Utah Code Annotated 1953
- 29 [32B-2-802](#), Utah Code Annotated 1953
- 30 [32B-2-803](#), Utah Code Annotated 1953



31  
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **32B-2-212** is enacted to read:

34 **32B-2-212. Division of Consumer Purchasing.**

35 There is created within the department the Division of Consumer Purchasing to  
36 establish and administer the consumer purchasing system described in Part 8, Consumer  
37 Purchasing System.

38 Section 2. Section **32B-2-801** is enacted to read:

39 **Part 8. Consumer Purchasing System**

40 **32B-2-801. Definitions.**

41 As used in this part:

42 (1) "Consumer purchasing system" means the consumer purchasing system established  
43 in Section [32B-2-802](#).

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

46 Section 3. Section **32B-2-802** is enacted to read:

47 **32B-2-802. 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 from a third party through the division, if the alcoholic  
51 product:

52 (A) is for personal household use and consumption; and

53 (B) is not for sale, resale, or consumption on premises licensed by the commission,  
54 except as permitted in Subsection [32B-5-307\(3\)](#); and

55 (ii) pick up an alcoholic product ordered as described in Subsection (1)(a)(i) from a  
56 state store or package agency; and

57 (b) requires an individual ordering an alcoholic product as described in Subsection  
58 (1)(a) to, at the time the order is made:

- 59 (i) designate a state store or package agency at which the individual would prefer to  
60 collect the alcoholic product; and
- 61 (ii) pay the division for the alcoholic product order in full, including:  
62 (A) the cost of the alcoholic product; and  
63 (B) in addition to any tax, the markup described in Section [32B-2-304](#).
- 64 (2) The division shall:  
65 (a) ensure that an alcoholic product ordered through the consumer purchasing system is  
66 shipped or transported to a department warehouse;  
67 (b) deliver an alcoholic product ordered through the consumer purchasing system to the  
68 appropriate state store or package agency;  
69 (c) when an alcoholic product ordered through the consumer purchasing system is  
70 ready for the individual who ordered the alcoholic product to collect, notify the individual;  
71 (d) administer the consumer purchasing system in a manner that:  
72 (i) is efficient; and  
73 (ii) ensures timely delivery of alcoholic products; and  
74 (e) establish a method by which an individual may submit to the commission a  
75 comment or complaint regarding the division or the consumer purchasing system.
- 76 (3) The division may not require that an individual order a specific quantity of an  
77 alcoholic product that is different than a quantity the third-party seller offers for sale.
- 78 Section 4. Section **32B-2-803** is enacted to read:
- 79 **32B-2-803. Rulemaking -- Consumer purchasing complaints.**
- 80 (1) The commission may make rules in accordance with Title 63G, Chapter 3, Utah  
81 Administrative Rulemaking Act, to carry out the provisions of this part.
- 82 (2) The commission shall:  
83 (a) receive and review each comment or complaint an individual submits in relation to  
84 the division or the consumer purchasing system; and  
85 (b) take any action permitted under this title that the commission determines necessary.