

LIQUOR DELIVERY SERVICES

32B Chapter 17 - Liquor Transport License Act

The Utah legislature introduced a new license type in 2019 - the Liquor Transport License Act which:

- Allows the new DABS liquor transport service to pick up liquor from a package agency or state store on behalf of a bar, restaurant, hotel, or any other retail licensee who can sell liquor.
- Requires that the liquor transport delivery service use the retail licensee's funds (transport service cannot use their own money) &
- Transport and deliver the liquor directly to the retail licensee



A liquor transport licensee may provide a delivery service of liquor (wine, spirits, flavored malt beverages, and heavy beer) under the following guidelines:

1. Per DABS administrative rule R82-2-202 and 32B-17-201 (3)(a) the alcohol must be paid for by the retail licensee and not the liquor transport delivery service. DABS stores will accept payment from the retail licensee by way of ACH or company credit card or check.

**A DABS licensed LIQUOR
TRANSPORT delivery service
may not deliver liquor to any
other person within the
state except a retail licensee**

2. 32B-5-303 authorizes the transportation to the retail licensee premise which is authorized for storage, the delivery service is authorized solely to transport the liquor from the state store or package agency and may not store or otherwise transport the liquor.
3. The transport service is not authorized to sell alcohol under the alcoholic beverage control act, only a fair market charge may be assessed to the retailer for the delivery service.

NOTE: A liquor transport licensee may not deliver liquor to any other person within the state except to a retail licensee.

LICENSEES CAN STILL PICK UP THEIR ORDER THEMSELVES – OF COURSE

Nothing prohibits a retail licensee or staff of a licensee from picking up their own properly purchased liquor and transporting it to their own licensed premises (32B-5-303). Staff would include an officer, director; employee, personnel management, an agent of the licensee, including a managing agent, an operator; or a representative. 32B-1-102 (115) defines staff as individual(s) who engage in an activity on behalf of a DABS licensed business, at the request of the licensee or under the authority of the licensee.



BUT CAN LIQUOR BE TRANSPORTED BY A NON-LICENSED INDIVIDUAL TO A NON-LICENSED INDIVIDUAL OR BUSINESS?

Obviously, an individual can purchase liquor from a package agency or liquor store and take it to their own private residences, events, etc. However, the DABS has had several people and businesses ask about buying and/or transporting alcohol to non-licensed or non-permitted events, i.e. private parties, dinner events, or even other individual's private residences, etc., and doing so *as a business venture and getting paid for their service*. First of all, no one can buy and re-sell alcohol to any other individual without a license to do so. Neither can they transport alcohol as a business unless licensed to do so as previously discussed. A person may not buy or transport liquor for profit, either directly or indirectly in any other way, except as provided by 32B Alcoholic Beverage Control Act or the rules of the commission.

See:

- 32B-4-401(7) Unlawful sale or furnishing
- 32B-4-602 Unlawful transportation
- 32B-4-408 Unlawful purchase or acceptance

Also, the delivery service cannot be provided directly or indirectly by an industry member subject to 32B-11-608(c) and 32B-4-704. Indirect delivery would include delivery persons being compensated in any way by a manufacturer, supplier, importer, or local industry representative.

A delivery service cannot be provided directly or indirectly by an industry member.

NOTE: Regular beer must also be purchased and delivered to licensees by a licensed beer wholesaler.