

IN THE SENATE

SENATE BILL NO. 1076

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIQUOR STORES; AMENDING SECTION 23-313, IDAHO CODE, TO REVISE A
2 PROVISION REGARDING LIQUOR CONSUMED ON CERTAIN PREMISES; AND AMENDING
3 CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-314,
4 IDAHO CODE, TO DEFINE TERMS, TO AUTHORIZE SAMPLE TASTINGS OF LIQUOR IN
5 CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS FOR SAMPLE TAST-
6 INGS, AND TO PROVIDE THAT A RETAIL STORE SHALL NOT INCUR LIABILITY.
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 23-313, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 23-313. LIQUOR NOT TO BE CONSUMED ON PREMISES. No vendor, officer,
12 clerk, servant, agent, or employee of the division employed in any state
13 liquor store, state-owned warehouse, or distributing station, shall allow
14 any alcoholic liquor to be consumed on the premises of such state warehouse,
15 store, or distributing station, except for sampling purposes only, as de-
16 scribed in section 23-314, Idaho Code. Nor shall any ~~person~~ officer, clerk,
17 servant, agent, or employee of the division consume any such liquor on such
18 premises.

19 SECTION 2. That Chapter 3, Title 23, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 23-314, Idaho Code, and to read as follows:

22 23-314. SAMPLE TASTINGS IN RETAIL STORES. (1) As used in this section:
23 (a) "Distilled spirits supplier" means any manufacturer, rectifier,
24 importer, or wholesaler of liquor products offered for sale by the di-
25 vision.
26 (b) "Retail store" means any state store or distributing station.
27 (2) A distilled spirits supplier or its representative may offer sample
28 tastings on the premises of a retail store.
29 (3) A distilled spirits supplier shall not charge for sample tastings.
30 (4) Sample sizes for tasting events permitted pursuant to the provi-
31 sions of this section shall not exceed one-quarter of one ounce (0.25 oz) of
32 spirits. A sample may be mixed with another distilled spirit or nonalcoholic
33 beverage.
34 (5) The maximum number of samples allowed shall not exceed three (3)
35 samples per person in any twenty-four (24) hour period.
36 (6) Samples may be served only by persons twenty-one (21) years of age
37 or older.
38 (7) In accordance with state law, distilled spirits shall be served
39 only to persons who are twenty-one (21) years of age or older.

1 (8) Samples shall be served in a specifically identified sample area
2 or areas within the retail store. Such area or areas shall be of a size and
3 design such that the person conducting the tasting can observe and control
4 persons in the area to ensure that no persons under twenty-one (21) years of
5 age or visibly intoxicated persons possess or consume alcohol. Customers
6 must remain in the tasting area or areas until they have finished consuming
7 the sample. The retail store shall keep on file at the premises a floor plan
8 identifying the tasting area or areas. If a retail store does not have an
9 identified tasting area or areas, the division may require prior approval of
10 an area or areas before the retail store allows any more tastings to be con-
11 ducted on the premises.

12 (9) The distilled spirits for sample tastings shall be purchased from
13 the Idaho state liquor division, and all taxes for such distilled spirits
14 shall be paid by the manufacturer of the distilled spirits.

15 (10) Any unused product must be removed from the premises by the sup-
16 plier or its representative.

17 (11) The division must approve of the time, location, method, and items
18 to be sampled at tastings.

19 (12) It shall be the responsibility of the distilled spirits supplier
20 to conduct a sample tasting in accordance with the provisions of this sec-
21 tion. A retail store that hosts such a sample tasting shall not incur lia-
22 bility arising from a right of action directly resulting from consumption of
23 liquor authorized by this section.