

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 744

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOLIC BEVERAGES; AMENDING CHAPTER 5, TITLE 23, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 23-509B, IDAHO CODE, TO DEFINE TERMS, TO
3 PROVIDE FOR THE DONATION OF LIQUOR FOR BENEVOLENT, CHARITABLE, OR PUB-
4 LIC PURPOSES, TO REQUIRE A PERMIT IN CERTAIN INSTANCES, AND TO PROVIDE
5 CERTAIN REQUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
6 FECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 5, Title 23, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 23-509B, Idaho Code, and to read as follows:

12 23-509B. DONATIONS FOR BENEVOLENT, CHARITABLE, OR PUBLIC PURPOSES --
13 PERMIT REQUIRED. (1) As used in this section:

14 (a) "Director" means the director of the Idaho state police.

15 (b) "Event" means an event held for benevolent, charitable, or public
16 purposes where all proceeds from the event, after deducting reasonable
17 expenses, must be donated for a benevolent, charitable, or public pur-
18 pose.

19 (c) "Licensee" is as defined in section 23-902, Idaho Code.

20 (d) "Liquor producer" means any liquor manufacturer, producer, or sup-
21 plier or a representative of a manufacturer, producer, or supplier.

22 (e) "Person" is as defined in section 23-902, Idaho Code, and who has
23 not been issued a license in this state for the sale of alcoholic bever-
24 ages.

25 (2) Notwithstanding the provisions of section 23-509, Idaho Code, any
26 liquor producer may donate packaged, unopened, and sealed liquor to a person
27 for an event as provided in this section. Any liquor donated under this sec-
28 tion must have been acquired from the state liquor division.

29 (3) To sell or dispense packaged, unopened, and sealed liquor, a per-
30 son must apply for a permit from the alcohol beverage control bureau. The
31 director may issue the permit. All proceeds from the sale, after deducting
32 reasonable expenses, must be donated for a benevolent, charitable, or public
33 purpose.

34 (4) The director shall prescribe the form of application, pursuant to
35 his duties in section 23-932, Idaho Code. Such form of application shall be
36 substantially similar to the form described in section 23-1336, Idaho Code,
37 and may include any other information the director deems necessary.

38 (5) A licensee may, on behalf of a person granted a permit under this
39 section, receive and store liquor to be used at the event and may dispense
40 such liquor to attendees of the event for which the permit was issued. The
41 licensee must act in accordance with any applicable provisions of this ti-
42 tle.

1 (6) The director may suspend, revoke, or refuse to renew a license for
2 any violation of or failure to comply with the provisions of chapter 9, ti-
3 tle 23, Idaho Code. Procedures for the suspension, revocation, or refusal to
4 grant or renew licenses shall be in accordance with the provisions of chapter
5 52, title 67, Idaho Code.

6 (7) If a permittee fails to comply with permit requirements, the direc-
7 tor may revoke existing permits or deny future permits under this section un-
8 til the permittee cures the failure.

9 SECTION 2. An emergency existing therefor, which emergency is hereby
10 declared to exist, this act shall be in full force and effect on and after
11 July 1, 2022.