

IN THE SENATE

SENATE BILL NO. 1308

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-943, IDAHO CODE, TO
2 REVISE PROVISIONS REGARDING AN AGE RESTRICTION AND TO MAKE TECHNICAL
3 CORRECTIONS; AMENDING SECTION 23-949, IDAHO CODE, TO REVISE PROVI-
4 SIONS REGARDING AN AGE RESTRICTION AND TO MAKE A TECHNICAL CORRECTION;
5 AMENDING SECTION 23-1013, IDAHO CODE, TO REVISE PROVISIONS REGARDING
6 AN AGE RESTRICTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
7 23-1334, IDAHO CODE, TO AUTHORIZE CERTAIN MINORS TO SELL, SERVE, POS-
8 SESS, OR DISPENSE WINE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING
9 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
10

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

12 SECTION 1. That Section 23-943, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 23-943. PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR
15 LOITER AT CERTAIN LICENSED PLACES. No person under the age of twenty-one (21)
16 years shall enter, remain in or loiter in or about any place, as herein de-
17 fined, licensed for the sale of liquor by the drink at retail, or sale of
18 beer for consumption on the premises; nor shall any licensee of either such
19 place, or any person in charge thereof, or on duty while employed by the li-
20 censee therein, permit or allow any person under the age specified with re-
21 spect thereto to remain in or loiter in or about such place.

22 Provided, however, it is lawful for persons who are musicians and
23 singers eighteen (18) years of age or older, to enter and to remain in any
24 place as defined in section 23-942, Idaho Code, but only during and in the
25 course of their employment as musicians and singers. Provided further, that
26 it is lawful for persons who are ~~nineteen~~ seventeen (197) years of age or
27 older to sell, serve, possess or dispense liquor, beer or wine in the course
28 of their employment in any place as defined in section 23-942, Idaho Code,
29 or in any other place where liquor, beer or wine ~~are~~ is lawfully present,
30 ~~so~~ as long as such place is the place of employment for such person under
31 twenty-one (21) years of age. However, the foregoing shall not permit the
32 sale or distribution of any alcoholic beverages to any person under the ages
33 specified for sale of alcoholic beverages.

34 SECTION 2. That Section 23-949, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 23-949. PERSONS NOT ALLOWED TO SELL, SERVE OR DISPENSE BEER, WINE
37 OR OTHER ALCOHOLIC LIQUOR. It is unlawful for any person under the age of
38 twenty-one (21) years to sell, serve or dispense beer, wine or other alco-
39 holic liquor; provided, however, that any person who is ~~nineteen~~ seventeen
40 (197) years of age or older may sell, serve and dispense liquor, beer or wine

1 in the course of his employment in any place as defined in section 23-942,
 2 Idaho Code, or other place where liquor, beer or wine is lawfully present
 3 ~~so~~ as long as such place is the place of employment for such person under
 4 twenty-one (21) years of age.

5 For purposes of this section, a person who sells, serves or dispenses
 6 liquor, beer or wine in compliance with the provisions of this section shall
 7 not be deemed to "possess" alcohol in violation of section 23-604, Idaho
 8 Code.

9 Any person violating the provisions of this section shall be guilty and
 10 punished in accordance with section 18-1502, Idaho Code.

11 SECTION 3. That Section 23-1013, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 23-1013. RESTRICTIONS CONCERNING AGE. Any person who is ~~nineteen~~
 14 seventeen (197) years of age or older may sell, serve, possess or dispense
 15 beer in the course of his employment, otherwise it shall be unlawful for any
 16 person to sell, serve or dispense beer to or by any person under twenty-one
 17 (21) years of age, proof of which shall be a validly issued state, district,
 18 territorial, possession, provincial, national or other equivalent govern-
 19 ment driver's license, identification card or military identification card
 20 bearing a photograph and date of birth, or a valid passport.

21 SECTION 4. That Section 23-1334, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 23-1334. MINORS -- AUTHORIZATION TO DELIVER, SELL, SERVE, POSSESS, OR
 24 DISPENSE. (a) The prohibitions on possession of wine by any person under the
 25 age of twenty-one (21) years do not apply to possession by a person under the
 26 age of twenty-one (21) years making a delivery in pursuance of the order of
 27 his parent or in pursuance of his employment, or when such person under the
 28 age of twenty-one (21) years is in a private residence accompanied by his
 29 parent or guardian and with such parent's or guardian's consent.

30 (b) Any person who shall, by any means, represent to any retailer or
 31 distributor, or the agent or employee of such retailer or distributor, that
 32 any other person is twenty-one (21) years or more of age, when in fact such
 33 other person is under the age of twenty-one (21) years, for the purpose of
 34 entering licensed premises or inducing such retailer or distributor, or the
 35 agent or employee of such retailer or distributor, to sell, serve, or dis-
 36 pense wine to such other person shall be guilty of a misdemeanor.

37 (c) Any person who is seventeen (17) years of age or older may sell,
 38 serve, possess, or dispense wine in the course of his employment; other-
 39 wise, it shall be unlawful for any person to sell, serve, or dispense wine
 40 to or by any person under twenty-one (21) years of age, proof of which shall
 41 be a validly issued state, district, territorial, possession, provincial,
 42 national, or other equivalent government driver's license, identifica-
 43 tion card, or military identification card bearing a photograph and date of
 44 birth, or a valid passport.

1 SECTION 5. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2022.