

IN THE SENATE

SENATE BILL NO. 1383

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOL; AMENDING SECTION 23-603, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING DISPENSING ALCOHOL TO PERSONS UNDER TWENTY-ONE YEARS OF
3 AGE AND TO DEFINE A TERM; AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY
4 THE ADDITION OF A NEW SECTION 23-617, IDAHO CODE, TO PROVIDE FOR CERTAIN
5 PENALTIES AND TO DEFINE A TERM; AMENDING SECTION 23-901, IDAHO CODE,
6 TO REVISE PROVISIONS REGARDING A DECLARATION OF POLICY AND RETAIL SALE
7 OF LIQUOR; AMENDING SECTION 23-902, IDAHO CODE, TO REVISE DEFINITIONS,
8 TO REMOVE DEFINITIONS, AND TO DEFINE TERMS; REPEALING SECTION 23-903,
9 IDAHO CODE, RELATING TO LICENSE TO RETAIL LIQUOR; AMENDING CHAPTER 9,
10 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-903, IDAHO
11 CODE, TO PROVIDE FOR RETAIL SALE OF LIQUOR BY THE DRINK AND TO PROVIDE
12 CERTAIN RESTRICTIONS ON THE SALE OF LIQUOR; REPEALING SECTION 23-903a,
13 IDAHO CODE, RELATING TO LICENSE TO RETAIL LIQUOR AT SKI RESORTS AND
14 OTHER FACILITIES; REPEALING SECTION 23-903b, IDAHO CODE, RELATING TO
15 LICENSES ISSUED TO CERTAIN BUSINESS OWNERS AND OTHERS; REPEALING SEC-
16 TION 23-904, IDAHO CODE, RELATING TO LICENSE FEES; AMENDING CHAPTER 9,
17 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-904, IDAHO
18 CODE, TO PROVIDE GRANDFATHER RIGHTS TO CERTAIN PERSONS AND LICENSES;
19 REPEALING SECTION 23-905, IDAHO CODE, RELATING TO LICENSE APPLICA-
20 TIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
21 NEW SECTION 23-905, IDAHO CODE, TO AUTHORIZE COUNTIES AND CITIES TO
22 ISSUE CERTAIN LICENSES; REPEALING SECTION 23-906, IDAHO CODE, RELATING
23 TO LICENSES FOR COMMON CARRIERS; AMENDING CHAPTER 9, TITLE 23, IDAHO
24 CODE, BY THE ADDITION OF A NEW SECTION 23-906, IDAHO CODE, TO PROVIDE
25 FOR A CERTAIN REFERENDUM; REPEALING SECTION 23-907, IDAHO CODE, RE-
26 LATING TO INVESTIGATION OF APPLICATIONS; AMENDING CHAPTER 9, TITLE
27 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-907, IDAHO CODE, TO
28 PROVIDE FOR A BALLOT; REPEALING SECTION 23-908, IDAHO CODE, RELATING
29 TO THE FORM OF LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY
30 THE ADDITION OF A NEW SECTION 23-908, IDAHO CODE, TO ESTABLISH PROVI-
31 SIONS REGARDING THE EFFECT OF A CERTAIN ELECTION; AMENDING CHAPTER 9,
32 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-909, IDAHO
33 CODE, TO ESTABLISH PROVISIONS REGARDING SUBSEQUENT ELECTIONS; REPEAL-
34 ING SECTION 23-910, IDAHO CODE, RELATING TO PERSONS INELIGIBLE FOR
35 LICENSING; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF
36 A NEW SECTION 23-910, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING AN
37 APPLICATION FOR A MUNICIPAL LICENSE; REPEALING SECTION 23-911, IDAHO
38 CODE, RELATING TO RESTRICTIONS ON MANUFACTURERS, TRANSPORTERS, OR DIS-
39 TILLERS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
40 NEW SECTION 23-911, IDAHO CODE, TO PROVIDE FOR INVESTIGATION OF LICENSE
41 APPLICATIONS AND TO PROVIDE A PENALTY FOR FALSE STATEMENTS; REPEALING
42 SECTION 23-912, IDAHO CODE, RELATING TO RESTRICTIONS ON PERSONS INTER-
43 ESTED IN CERTAIN PREMISES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY
44 THE ADDITION OF A NEW SECTION 23-912, IDAHO CODE, TO ESTABLISH PROVI-
45

1 SIONS REGARDING RULES; REPEALING SECTION 23-913, IDAHO CODE, RELATING
2 TO PROHIBITIONS ON LICENSEES NEAR CHURCHES OR SCHOOLS; AMENDING CHAP-
3 TER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-913,
4 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FEES; REPEALING SECTION
5 23-914, IDAHO CODE, RELATING TO LIQUOR PURCHASES; AMENDING CHAPTER 9,
6 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-914, IDAHO
7 CODE, TO ESTABLISH PROVISIONS REGARDING THE DISPOSITION OF FUNDS; RE-
8 PEALING SECTION 23-915, IDAHO CODE, RELATING TO SEIZURE OF ILLEGAL
9 LIQUOR; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
10 NEW SECTION 23-915, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ARE NOT
11 QUALIFIED TO BE LICENSED; REPEALING SECTION 23-916, IDAHO CODE, RELAT-
12 ING TO COUNTY AND CITY LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO
13 CODE, BY THE ADDITION OF A NEW SECTION 23-916, IDAHO CODE, TO PROVIDE
14 THAT LICENSEES MAY NOT BE LOCATED NEAR CHURCHES OR SCHOOLS WITHOUT CER-
15 TAIN APPROVAL AND TO PROVIDE AN EXCEPTION; REPEALING SECTION 23-917,
16 IDAHO CODE, RELATING TO A REFERENDUM; AMENDING CHAPTER 9, TITLE 23,
17 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-917, IDAHO CODE, TO
18 PROVIDE CERTAIN RESTRICTIONS; REPEALING SECTION 23-918, IDAHO CODE,
19 RELATING TO THE FORM OF A BALLOT; AMENDING CHAPTER 9, TITLE 23, IDAHO
20 CODE, BY THE ADDITION OF A NEW SECTION 23-918, IDAHO CODE, TO ESTABLISH
21 PROVISIONS REGARDING RESTRICTIONS ON PERSONS INTERESTED IN LICENSED
22 PREMISES AND TO PROVIDE AN EXCEPTION; REPEALING SECTION 23-919, IDAHO
23 CODE, RELATING TO THE EFFECT OF AN ELECTION; AMENDING CHAPTER 9, TITLE
24 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-919, IDAHO CODE,
25 TO ESTABLISH PROVISIONS REGARDING LICENSES; REPEALING SECTION 23-920,
26 IDAHO CODE, RELATING TO CERTAIN ELECTIONS; AMENDING CHAPTER 9, TITLE
27 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-920, IDAHO CODE,
28 TO PROVIDE RESTRICTIONS ON THE TRANSFER OF STATE LIQUOR LICENSES; RE-
29 PEALING SECTION 23-921, IDAHO CODE, RELATING TO RETAIL SALES; AMENDING
30 CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-921,
31 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING SUSPENSION AND REVOCA-
32 TION OF LICENSES AND REFUSAL TO RENEW LICENSES; AMENDING CHAPTER 9,
33 TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-921A, IDAHO
34 CODE, TO ESTABLISH PROVISIONS REGARDING CERTAIN VIOLATIONS ON LICENSED
35 PREMISES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A
36 NEW SECTION 23-922, IDAHO CODE, TO PROVIDE A PENALTY FOR SELLING LIQUOR
37 WITHOUT A LICENSE; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE AD-
38 DITION OF A NEW SECTION 23-923, IDAHO CODE, TO PROVIDE THAT LICENSEES
39 MUST PURCHASE LIQUOR FROM THE STATE LIQUOR DIVISION, TO DEFINE A TERM,
40 TO PROVIDE THAT ALCOHOL PURCHASED UNDER A SPECIFIC DISCOUNT MAY NOT BE
41 SOLD AT CERTAIN LOCATIONS, AND TO PROVIDE PENALTIES; AMENDING CHAPTER
42 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-924, IDAHO
43 CODE, TO PROVIDE FOR EXAMINATION AND INSPECTION OF LICENSED PREMISES;
44 AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
45 TION 23-925, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ILLEGAL
46 LIQUOR; REPEALING SECTION 23-926, IDAHO CODE, RELATING TO DESTRUCTION
47 OF STAMPS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF
48 A NEW SECTION 23-926, IDAHO CODE, TO REQUIRE A CERTAIN SIGN; REPEALING
49 SECTION 23-927, IDAHO CODE, RELATING TO SALES HOURS; AMENDING CHAPTER
50 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-927, IDAHO

1 CODE, TO PROHIBIT CERTAIN ACTIVITIES; REPEALING SECTION 23-928, IDAHO
2 CODE, RELATING TO SALES AWAY FROM LICENSED PREMISES; AMENDING CHAPTER
3 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-928, IDAHO
4 CODE, TO ESTABLISH PROVISIONS REGARDING ALCOHOL BEVERAGE CATERING PER-
5 MITS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
6 SECTION 23-929, IDAHO CODE, TO PROVIDE FOR THE APPROVAL OF APPLICATIONS
7 FOR ALCOHOL BEVERAGE CATERING PERMITS; REPEALING SECTION 23-930, IDAHO
8 CODE, RELATING TO EXAMINATION OF PREMISES BY OFFICERS; AMENDING CHAPTER
9 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-930, IDAHO
10 CODE, TO PROVIDE THAT CERTAIN PROVISIONS OF LAW APPLY TO ALCOHOL BEVER-
11 AGE CATERING PERMITS; REPEALING SECTION 23-931, IDAHO CODE, RELATING TO
12 ADVERTISING; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION
13 OF A NEW SECTION 23-931, IDAHO CODE, TO REQUIRE THE DESTRUCTION OF CER-
14 TAIN STAMPS AND TO ESTABLISH SANITARY REQUIREMENTS; REPEALING SECTION
15 23-932, IDAHO CODE, RELATING TO REGULATIONS; AMENDING CHAPTER 9, TITLE
16 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-932, IDAHO CODE, TO
17 ESTABLISH PROVISIONS REGARDING HOURS OF SALE OF LIQUOR; REPEALING SEC-
18 TION 23-933, IDAHO CODE, RELATING TO SUSPENSION, RENEWAL, AND REFUSAL
19 TO RENEW LICENSES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE AD-
20 DITION OF A NEW SECTION 23-933, IDAHO CODE, TO PROVIDE FOR A CERTAIN DUTY
21 OF PUBLIC OFFICERS; REPEALING SECTION 23-933A, IDAHO CODE, RELATING
22 TO LICENSES; REPEALING SECTION 23-933B, IDAHO CODE, RELATING TO PRO-
23 CEDURE; REPEALING SECTION 23-934, IDAHO CODE, RELATING TO UNLICENSED
24 ROOMS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
25 SECTION 23-934, IDAHO CODE, TO PROVIDE MITIGATION FOR THE LOST VALUE OF
26 CERTAIN LICENSES; REPEALING SECTION 23-934A, IDAHO CODE, RELATING TO
27 ALCOHOL BEVERAGE CATERING PERMITS; REPEALING SECTION 23-934B, IDAHO
28 CODE, RELATING TO A CERTAIN APPLICATION; REPEALING SECTION 23-934C,
29 IDAHO CODE, RELATING TO REGULATORY AND PENALTY PROVISIONS; REPEALING
30 SECTION 23-935, IDAHO CODE, RELATING TO A CERTAIN VIOLATION; REPEALING
31 SECTION 23-936, IDAHO CODE, RELATING TO DUTY OF PUBLIC OFFICERS; RE-
32 PEALING SECTION 23-937, IDAHO CODE, RELATING TO MORAL NUISANCE; REPEAL-
33 ING SECTION 23-938, IDAHO CODE, RELATING TO SELLING LIQUOR WITHOUT A LI-
34 CENSE; REPEALING SECTION 23-939, IDAHO CODE, RELATING TO SEPARABILITY;
35 AMENDING SECTION 23-940, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE
36 ALCOHOL BEVERAGE CONTROL FUND; REPEALING SECTION 23-941, IDAHO CODE,
37 RELATING TO A DECLARATION OF PUBLIC POLICY; REPEALING SECTION 23-942,
38 IDAHO CODE, RELATING TO DEFINITIONS; AMENDING SECTION 23-943, IDAHO
39 CODE, TO REVISE PROVISIONS REGARDING PERSONS UNDER A SPECIFIED AGE;
40 REPEALING SECTION 23-943A, IDAHO CODE, RELATING TO IDENTIFICATION; RE-
41 PEALING SECTION 23-944, IDAHO CODE, RELATING TO EXCEPTIONS; REPEALING
42 SECTION 23-945, IDAHO CODE, RELATING TO POSTING SIGNS; REPEALING SEC-
43 TION 23-946, IDAHO CODE, RELATING TO A STATEMENT MADE BY LICENSEES; RE-
44 PEALING SECTION 23-947, IDAHO CODE, RELATING TO VIOLATIONS; REPEALING
45 SECTION 23-948, IDAHO CODE, RELATING TO WATERFRONT RESORTS; AMENDING
46 SECTION 23-949, IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONS UN-
47 ABLE TO SELL LIQUOR; REPEALING SECTION 23-950, IDAHO CODE, RELATING TO
48 RESTRICTIONS; REPEALING SECTION 23-951, IDAHO CODE, RELATING TO DIS-
49 TILLED SPIRIT FUELS; REPEALING SECTION 23-952, IDAHO CODE, RELATING TO
50 CROSS-COUNTRY SKIING FACILITIES; REPEALING SECTION 23-953, IDAHO CODE,

1 RELATING TO RACING FACILITIES; REPEALING SECTION 23-954, IDAHO CODE,
 2 RELATING TO THEME PARKS; REPEALING SECTION 23-955, IDAHO CODE, RELATING
 3 TO SPLIT OWNERSHIP FACILITIES; REPEALING SECTION 23-956, IDAHO CODE,
 4 RELATING TO GOLF COURSE LIQUOR LICENSE CONTINUATION; REPEALING SECTION
 5 23-957, IDAHO CODE, RELATING TO YEAR-ROUND LIQUOR LICENSES; AMENDING
 6 SECTION 18-7803, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMEND-
 7 ING SECTION 23-217, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE A
 8 CORRECT CODE REFERENCE; AMENDING SECTION 23-309, IDAHO CODE, TO PRO-
 9 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 23-1010, IDAHO CODE,
 10 TO REMOVE A CODE REFERENCE; AMENDING SECTION 23-1312, IDAHO CODE, TO
 11 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 23-1406, IDAHO CODE,
 12 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 67-7446, IDAHO
 13 CODE, TO PROVIDE A CORRECT CODE REFERENCE; PROVIDING SEVERABILITY; AND
 14 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

16 SECTION 1. That Section 23-603, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 23-603. DISPENSING TO A PERSON UNDER THE AGE OF TWENTY-ONE YEARS. (1)
 19 Any person who is eighteen (18) years of age or older who shall sell, give,
 20 or furnish, or cause to be sold, given, or furnished, alcohol beverage, in-
 21 cluding any distilled spirits, beer or wine, to a person under the age of
 22 twenty-one (21) years shall be guilty of a misdemeanor and upon conviction
 23 thereof may be punished by a fine of not less than five hundred dollars (\$500)
 24 nor more than one thousand dollars (\$1,000) per violation, or by imprison-
 25 ment in the county jail for a period not to exceed one (1) year, or by both
 26 such fine and imprisonment. A second or subsequent violation of this sec-
 27 tion by the same defendant shall constitute a misdemeanor and upon convic-
 28 tion thereof the defendant shall be punished by a fine of not less than one
 29 thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) per
 30 violation, or imprisonment in the county jail for a period not to exceed one
 31 (1) year, or by both such fine and imprisonment. Notwithstanding the provi-
 32 sions of section 19-4705, Idaho Code, moneys received pursuant to such fines
 33 shall be deposited in the substance abuse treatment fund, as created in sec-
 34 tion 23-408, Idaho Code.

35 ~~(2) Upon conviction of any~~ If a person for is convicted of a violation
 36 ~~of the provisions subsection (1) of this section, the court shall notify the~~
 37 ~~director of the Idaho state police. The director shall review the circum-~~
 38 ~~stances of the conviction, and if the dispensing violation took place at a~~
 39 ~~on licensed establishment or other retailer or distributor premises, the~~
 40 ~~director court shall notify the responsible authority, which may take admin-~~
 41 ~~istrative action he considers appropriate against the licensee or business~~
 42 ~~including suspension of the license for not to exceed six (6) months, a fine,~~
 43 ~~or both such suspension and fine consistent with section 23-617, Idaho Code.~~
 44 For purposes of this subsection, "responsible authority" means:

45 (a) The director of the Idaho state police, if the licensee is a state
 46 licensee; or

1 (b) The city council, mayor, chief executive of a city, board of county
2 commissioners, or entity established by ordinance that issued the mu-
3 nicipal license, if the licensee is a municipal licensee.

4 SECTION 2. That Chapter 6, Title 23, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 23-617, Idaho Code, and to read as follows:

7 23-617. VIOLATION -- ADMINISTRATIVE PENALTIES. (1) The following ad-
8 ministrative penalties shall apply to licensees for violations of the provi-
9 sions of this chapter if all of the licensee's employees, at the time of the
10 violation, have completed an alcohol training program approved by the direc-
11 tor:

12 (a) For the first and second violation within a three (3) year period, a
13 written warning shall be issued to the licensee who employs or employed
14 the violator by the responsible authority that administers the license.

15 (b) For the third violation within a three (3) year period, the respon-
16 sible authority shall impose an administrative fine in the amount of
17 five hundred dollars (\$500) on the licensee who employs or employed the
18 violator.

19 (c) For a fourth or subsequent violation within a three (3) year period,
20 the responsible authority shall review the circumstances and may take
21 additional administrative action against the licensee, including but
22 not limited to revoking the license, subject to compliance with this ti-
23 tle.

24 (2) The following administrative penalties shall apply to licensees
25 for violations of the provisions of this chapter if any of the licensee's
26 employees at the time of violation have not completed an alcohol training
27 program approved by the director:

28 (a) For the first violation within a three (3) year period, the respon-
29 sible authority shall impose an administrative fine in the amount of
30 three hundred dollars (\$300) on the licensee who employs or employed the
31 violator.

32 (b) For the second violation within a three (3) year period, the respon-
33 sible authority shall impose an administrative fine in the amount of one
34 thousand dollars (\$1,000) on the licensee who employs or employed the
35 violator.

36 (c) For a third or subsequent violation within a three (3) year period,
37 the responsible authority shall review the circumstances and may take
38 additional administrative action against the licensee, including but
39 not limited to revoking the license, subject to compliance with this ti-
40 tle.

41 (3) Any fines imposed on a state licensee pursuant to the provisions of
42 this section shall be paid to the state license value loss mitigation fund
43 established by section 23-934, Idaho Code, until June 30, 2027. On and after
44 July 1, 2027, fines imposed under this section shall be deposited in the gen-
45 eral fund.

46 (4) Any fines imposed on a municipal licensee pursuant to the provi-
47 sions of this section shall be paid to the city or county that issued the mu-
48 nicipal license.

1 (5) As used in this section, "responsible authority" shall have the
2 same meaning as provided in section 23-603, Idaho Code.

3 SECTION 3. That Section 23-901, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 23-901. DECLARATION OF POLICY -- RETAIL SALE OF LIQUOR. It is hereby
6 declared as the policy of the state of Idaho that it is necessary to further
7 regulate and control the sale and distribution within the state of alcoholic
8 beverages and to eliminate certain illegal traffic in liquor now existing
9 and to ~~insure~~ ensure the entire control of the sale of liquor it is advisable
10 and necessary, in addition to the operation of the state liquor stores now
11 provided by law, that the director of the Idaho state police and the boards
12 of county commissioners and the councils of cities in the state of Idaho be
13 empowered and authorized to grant licenses for liquor by the drink to persons
14 qualified under this ~~act~~ chapter to sell liquor purchased by them at state
15 liquor stores at retail posted prices in accordance with this ~~act~~ title and
16 under the rules promulgated by ~~said the~~ the director ~~and under his strict su-~~
17 ~~pervision and control and to provide severe penalty for the sale of liquor~~
18 ~~except by and in state liquor stores and by persons licensed under this act~~
19 or under an ordinance enacted by a board of county commissioners or by a city
20 council. The restrictions, rules, and provisions contained in this ~~act~~
21 chapter are enacted by the legislature for the protection, health, welfare
22 and safety of the people of the state of Idaho and for the purpose of promot-
23 ing and encouraging temperance in the use of alcoholic beverages within the
24 state of Idaho.

25 SECTION 4. That Section 23-902, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 23-902. DEFINITIONS. ~~The following words and phrases~~ As used in this
28 chapter ~~shall be given the following interpretation:~~

29 (1) "Bar" or "drinking establishment" means a business whose pri-
30 mary function is the serving of alcohol beverages for consumption on the
31 premises. A bar or drinking establishment may also serve food or have enter-
32 tainment, but the main purpose shall be to serve alcohol beverages.

33 (2) "Brewery" means a place, premises, or establishment for the manu-
34 facture, bottling, or canning of beer.

35 (3) "Club" ~~includes~~ means any of the following organizations where the
36 sale of spirituous liquor for consumption on the premises is made to members
37 and to bona fide guests of members only:

38 (a) A post, chapter, camp or other local unit composed solely of vet-
39 erans and their duly recognized auxiliary, and which is a post, chap-
40 ter, camp or other local unit composed solely of veterans which has been
41 chartered by the congress of the United States for patriotic, fraternal
42 or benevolent purposes, and which has, as the owner, lessee or occupant,
43 operated an establishment for that purpose in this state; or

44 (b) A chapter, aerie, parlor, lodge or other local unit of an Ameri-
45 can national fraternal organization, which has, as the owner, lessee
46 or occupant, operated an establishment for fraternal purposes in this
47 state and actively operates in not less than thirty-six (36) states or

1 has been in continuous existence for not less than twenty (20) years;
2 and which has no fewer than fifty (50) bona fide members in each unit,
3 and which owns, maintains or operates club quarters, and is autho-
4 rized and incorporated to operate as a nonprofit club under the laws of
5 this state, and which has recognized tax exempt status under section
6 501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been con-
7 tinuously incorporated and operating for a period of not less than one
8 (1) year. The club shall have had, during that period of one (1) year,
9 a bona fide membership with regular meetings conducted at least once
10 each month, and the membership shall be and shall have been actively en-
11 gaged in carrying out the objects of the club. The club membership shall
12 consist of bona fide dues-paying members, recorded by the secretary of
13 the club, paying at least six dollars (\$6.00) per year in dues, payable
14 monthly, quarterly or annually; and the members at the time of applica-
15 tion for a club license shall be in good standing, having paid dues for
16 at least one (1) full year.

17 (4) "Conference, convention, or event center" means facilities situ-
18 ated on premises consisting of a building or buildings and the contiguous
19 property owned or leased or controlled by the licensee. A conference, con-
20 vention, or event center must have four thousand (4,000) square feet of en-
21 closed space for meeting and event purposes.

22 (25) "Convention" means a formal meeting of members, representatives,
23 or delegates, as of a political party, fraternal society, profession or in-
24 dustry.

25 (36) "Director" means the director of the Idaho state police.

26 (7) "Eating establishment" means a restaurant, café, dining room,
27 coffee shop, cafeteria, food truck or trailer, or other establishment that
28 must be engaged in the preparation, cooking, and serving of complete meals.
29 An eating establishment must have and actively operate a commercial kitchen
30 that includes a type 1 commercial hood and commercial cooking equipment ca-
31 pable of cooking complete meals and be a public place kept, maintained, and
32 advertised as a place where complete meals are ordered off a menu, actually
33 and regularly served, and consumed on the premises or for takeout or delivery
34 during the time the establishment is open to the public. Limited food ser-
35 vice establishments, such as luncheonettes, drive-ins, sandwich shops, or
36 similar businesses, do not meet the requirements of this definition.

37 (48) "Festival" means a period or program of festive activities, cul-
38 tural events or entertainment lasting three (3) or more consecutive days.

39 (9) "Food truck or trailer" means a retail food establishment that is
40 not necessarily permanent and is a motorized wheel vehicle or trailer that
41 is licensed for use on public roadways and designed and equipped to cook
42 and serve food and beverages, including concession trailers and mobile
43 kitchens.

44 (510) "Gaming" means any and all gambling or games of chance defined in
45 chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof,
46 whether those games are licensed or unlicensed.

47 ~~(6) "Interdicted person" means a person to whom the sale of liquor is~~
48 ~~prohibited under law.~~

1 ~~(7) "License" means a license issued by the director to a qualified per-~~
 2 ~~son, under which it shall be lawful for the licensee to sell and dispense~~
 3 ~~liquor by the drink at retail, as provided by law.~~

4 ~~(811) "Licensee" means the person to whom a license is issued under the~~
 5 ~~provisions of law.~~

6 ~~(912) "Liquor" means all kinds of liquor sold by and in a state liquor~~
 7 ~~store of the state of Idaho.~~

8 ~~(10) "Live performance" means a performance occurring in a theater and~~
 9 ~~not otherwise in violation of any provision of Idaho law.~~

10 ~~(113) "Municipal license" means a license issued by a municipality~~
 11 ~~county or incorporated city of the state of Idaho under the provisions of~~
 12 ~~law.~~

13 ~~(124) "Party" means a social gathering especially for pleasure or~~
 14 ~~amusement and includes, but is not limited to, such social events as wed-~~
 15 ~~dings, birthdays, and special holiday celebrations to include, but not be~~
 16 ~~limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day,~~
 17 ~~the Fourth of July and Labor Day.~~

18 ~~(15) "Permit" means a license to sell liquor by the drink.~~

19 ~~(136) "Person" means any individual, corporation, business corpora-~~
 20 ~~tion, nonprofit corporation, benefit corporation as defined in section~~
 21 ~~30-2002(1), Idaho Code, partnership, limited partnership, limited liabil-~~
 22 ~~ity company, general cooperative association, limited cooperative asso-~~
 23 ~~ciation, estate, unincorporated nonprofit association, statutory trust,~~
 24 ~~business trust, common-law business trust, estate trust, association,~~
 25 ~~joint venture, public corporation, government or governmental subdivision,~~
 26 ~~agency or instrumentality, any entity defined in section 30-21-102, Idaho~~
 27 ~~Code, or any other commercial entity, whether conducting the business sin-~~
 28 ~~gularly or collectively.~~

29 ~~(147) "Plaza" means a public square, marketplace, or similar open space~~
 30 ~~in a city or town.~~

31 ~~(158) "Premises" means the building and contiguous property owned or~~
 32 ~~leased or used under a government permit by a licensee, as part of the busi-~~
 33 ~~ness establishment in the business of sale of liquor by the drink at retail,~~
 34 ~~which property is improved to include decks, docks, boardwalks, lawns,~~
 35 ~~gardens, golf courses, ski resorts, courtyards, patios, poolside areas or~~
 36 ~~similar improved appurtenances in which the sale of liquor by the drink at~~
 37 ~~retail is authorized under the provisions of law.~~

38 ~~(19) "Qualified applicant" means any person who has a valid retail beer~~
 39 ~~license issued under the laws of the state.~~

40 ~~(1620) "Rules" means rules promulgated by the director or ordinances~~
 41 ~~enacted by a county or city in accordance with the provisions of law.~~

42 ~~(21) "Specialty license" means a license duly issued by the director~~
 43 ~~prior to July 1, 2022, to a person, owner, operator, or lessee of: a golf~~
 44 ~~course; winery; ski resort; equestrian facility; restaurant operated in~~
 45 ~~an airport; club; conference, convention, or event center; gondola resort~~
 46 ~~complex; food, conference, and lodging facility; dining club or buffet~~
 47 ~~car operated in connection with a regularly operated train service, common~~
 48 ~~carrier boat, or common carrier airline; waterfront resort; cross-country~~
 49 ~~skiing facility; racing facility; theme park; ski resort facility or golf~~
 50 ~~course that has had a split in ownership; or a year-round resort.~~

1 (22) "State liquor license" means a license issued by the director prior
2 to July 1, 2022, under which it shall be lawful for the licensee to sell and
3 dispense liquor by the drink at retail, as provided by law.

4 ~~(1723)~~ "State liquor store" means a liquor store or distributor estab-
5 lished under and pursuant to the laws of the state of Idaho for the package
6 sale of liquor at retail.

7 ~~(18)~~ "Theater" means a room, place or outside structure for perfor-
8 mances or readings of dramatic literature, plays or dramatic representa-
9 tions of an art form not in violation of any provision of Idaho law.

10 ~~(19)~~ "Brewery" means a place, premises or establishment for the manu-
11 facture, bottling or canning of beer.

12 (204) "Winery" means a place, premises or establishment within the
13 state of Idaho for the manufacture or bottling of table wine or dessert wine
14 for sale. Two (2) or more wineries may use the same premises and the same
15 equipment to manufacture their respective wines, to the extent permitted by
16 federal law.

17 ~~(21)~~ All other words and phrases used in this chapter, the definitions of
18 which are not herein given, shall be given their ordinary and commonly under-
19 stood and acceptable meanings.

20 SECTION 5. That Section [23-903](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 6. That Chapter 9, Title 23, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 23-903, Idaho Code, and to read as follows:

25 23-903. NO RETAIL SALE EXCEPT BY THE DRINK -- RESTRICTIONS ON
26 SALES. (1) It shall be unlawful for any licensee to sell, keep for sale,
27 dispense, give away, or otherwise dispose of any liquor in the original con-
28 tainer or otherwise than by retail sale by the drink.

29 (2) No person licensed pursuant to this title or such person's agent,
30 officer, or employee shall sell, deliver, give away, or allow the consump-
31 tion of any alcohol beverage, including distilled spirits, beer, or wine,
32 to:

33 (a) A person under twenty-one (21) years of age. Proof of proper age
34 shall be a valid driver's license issued by a state, district, terri-
35 tory, province, or nation; a government identification card; a military
36 identification card; or a passport including a photograph and the per-
37 son's date of birth; or

38 (b) A person who is obviously intoxicated.

39 SECTION 7. That Section [23-903a](#), Idaho Code, be, and the same is hereby
40 repealed.

41 SECTION 8. That Section [23-903b](#), Idaho Code, be, and the same is hereby
42 repealed.

43 SECTION 9. That Section [23-904](#), Idaho Code, be, and the same is hereby
44 repealed.

1 SECTION 10. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-904, Idaho Code, and to read as follows:

4 23-904. GRANDFATHER CLAUSE. (1) A person who on July 1, 2022, holds a
5 valid retail liquor license shall be accorded "grandfather rights" and shall
6 be deemed to have a state liquor license and be subject to applicable provi-
7 sions of this chapter and rules promulgated by the director. An establish-
8 ment with a state liquor license may transfer the license to another liquor
9 by the drink establishment located in the same city unless prohibited by law,
10 rule, or ordinance or under the terms of licensure. The cost for the trans-
11 fer of a license under this section shall not be more than the original cost
12 of the license. Specialty licenses that were issued prior to July 1, 2022,
13 shall also be deemed state liquor licenses subject to applicable provisions
14 of this chapter and rules promulgated by the director; however, these li-
15 censes shall not be transferred to any other location or person. On and after
16 July 1, 2027, a state liquor license shall not be sold or leased but may be
17 transferred with the sale of the business with the approval of the director.

18 (2) All licenses subject to the provisions of this section must remain
19 in maintained use. State liquor licenses and specialty licenses are consid-
20 ered in maintained use when the following requirements are satisfied:

21 (a) The license is prominently displayed in premises that are suitable
22 for carrying on the business of selling liquor by the drink; and

23 (b) A licensee that is an eating establishment, bar, or drinking es-
24 tablishment pours an average of at least twenty-five (25) bona fide and
25 lawful sales of liquor by the drink per week over the applicable state
26 licensing year. These sales shall be made to members of the public at
27 the licensee's usual and customary price.

28 SECTION 11. That Section [23-905](#), Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 12. That Chapter 9, Title 23, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 23-905, Idaho Code, and to read as follows:

33 23-905. COUNTIES AND CITIES MAY ISSUE LICENSES. (1) Each county is em-
34 powered and authorized to issue municipal licenses to qualified applicants
35 for eating establishments, bars or drinking establishments, and lodging
36 facilities outside the incorporated limits of any city within the county,
37 as provided in this chapter, and the holder of any such license shall be
38 authorized and permitted to sell liquor by the drink at retail, but only in
39 accordance with the provisions of this chapter and any rules promulgated
40 through ordinances adopted by the board of county commissioners of the li-
41 censing county.

42 (2) Each incorporated city is empowered and authorized to issue munic-
43 ipal licenses to qualified applicants for eating establishments, bars or
44 drinking establishments, and lodging facilities within the corporate limits
45 of the city, as provided in this chapter, and the holder of any such license
46 shall be authorized and permitted to sell liquor by the drink at retail, but

1 only in accordance with the provisions of this chapter and any rules promul-
2 gated through ordinances adopted by the city council of the licensing city.

3 (3) Each board of county commissioners and each city council of an in-
4 corporated city is authorized to create rules, requirements, and criteria
5 by ordinance for the equitable and fair administration of municipal licenses
6 consistent with state law; provided, however, that any such criteria shall
7 not be inconsistent with this chapter.

8 SECTION 13. That Section [23-906](#), Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 14. That Chapter 9, Title 23, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 23-906, Idaho Code, and to read as follows:

13 23-906. REFERENDUM. Municipal licenses may be issued after sixty (60)
14 days of the effective date of this act unless there is an existing resolution
15 or ordinance, or one is adopted by a city council or board of county commis-
16 sioners, or an election pursuant to this chapter and other Idaho law is held,
17 to prohibit municipal licenses for the retail sale of liquor by the drink in
18 that county or city. Within sixty (60) days after the effective date of this
19 act, a petition in writing proposed by a person and signed by not less than
20 twenty percent (20%) of the registered, qualified electors of the county or
21 city may be filed with the clerk of the county or city under the provisions of
22 this act. In the event such a petition is presented, the governing body of
23 the county or city shall, within five (5) days after the presentation of the
24 petition, meet and determine the sufficiency of the petition by ascertain-
25 ing whether the petition is signed by the required percentage of registered,
26 qualified electors in the county or city. In the event the governing body
27 of the county or city determines that the petition is sufficient, the gov-
28 erning body shall make an order calling for an election to be held within the
29 county or city, subject to the provisions of chapter 6, title 34, Idaho Code,
30 in the manner provided by law for holding elections for county or city offi-
31 cers. All laws of the state of Idaho relating to the holding of elections of
32 county or city officers for such county or city, whether special charter or
33 general law of the state, shall apply to the holding of the election provided
34 for in this section, except where specifically modified by this chapter. In
35 addition to other requirements of law, the notice of election shall notify
36 the electors of the issue to be voted on at the election.

37 SECTION 15. That Section [23-907](#), Idaho Code, be, and the same is hereby
38 repealed.

39 SECTION 16. That Chapter 9, Title 23, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 23-907, Idaho Code, and to read as follows:

42 23-907. FORM OF BALLOT. The county or city clerk must furnish the bal-
43 lots to be used in an election conducted pursuant to section 23-906, Idaho
44 Code, which ballots must contain the following words:

45 "Municipal licenses for the sale of liquor by the drink, Yes,"

1 "Municipal licenses for the sale of liquor by the drink, No,"
2 and the elector, in order to vote, must mark the "yes" or "no" option in a
3 space provided on the ballot.

4 SECTION 17. That Section [23-908](#), Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 18. That Chapter 9, Title 23, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 23-908, Idaho Code, and to read as follows:

9 23-908. EFFECT OF ELECTION -- LIQUOR STORE SALES NOT AFFECTED. Upon
10 the canvass of the votes cast in an election conducted pursuant to section
11 23-906, Idaho Code, the clerk of the county or city conducting the election
12 shall certify the election result to the governing body. If a majority of
13 the votes cast are "Municipal licenses for the sale of liquor by the drink,
14 Yes," then municipal licenses shall be issued in the county or city as pro-
15 vided in this chapter. If a majority of the votes cast are "Municipal li-
16 censes for the sale of liquor by the drink, No," then no municipal licenses
17 shall be issued in the county or city unless authorized by a subsequent elec-
18 tion in the county or city; provided, however, that an election, regardless
19 of the result, shall not prevent or prohibit the sale of liquor at or by a
20 state liquor store, state distributor, or holder of a state liquor license
21 issued for premises within the county or city.

22 SECTION 19. That Chapter 9, Title 23, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 23-909, Idaho Code, and to read as follows:

25 23-909. SUBSEQUENT ELECTIONS. An election may be subsequently called
26 and held on the issue of whether the sale of liquor by the drink shall be pro-
27 hibited or, if already prohibited, whether the sale of liquor by the drink
28 shall be permitted. Such subsequent election shall be held on the filing of
29 a petition as provided in section 23-906, Idaho Code, signed by the requisite
30 percentage of qualified electors. No such subsequent election shall be held
31 prior to November 1, 2022, or more often than two (2) years after the holding
32 of any such subsequent election.

33 SECTION 20. That Section [23-910](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 21. That Chapter 9, Title 23, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 23-910, Idaho Code, and to read as follows:

38 23-910. APPLICATION FOR MUNICIPAL LICENSES. (1) Prior to the issuance
39 of a municipal license, an applicant shall file with the county, or, if the
40 premises are located within an incorporated city, with the city, an applica-
41 tion in writing, signed by the applicant and containing such information and
42 statements relative to the applicant and the premises where the liquor is to
43 be sold as may be required by the county or city, along with a nonrefundable

1 application fee of four hundred dollars (\$400) to be submitted to the direc-
2 tor and disbursed according to the provisions of section 23-914 or 23-940,
3 Idaho Code. The application shall be verified by the affidavit of the person
4 making the same before a person authorized to administer oaths and shall be
5 accompanied by the required license fee.

6 (2) In addition to setting forth the qualifications required by other
7 provisions of this act, the applicant must show:

8 (a) A complete copy of the beer license application filed by the appli-
9 cant with the state pursuant to chapter 10, title 23, Idaho Code;

10 (b) A copy of a valid state beer license issued to the applicant; or

11 (c) A copy of a valid county beer license issued to the applicant.

12 (3) If during the period of any license issued under this chapter any
13 change takes place in any of the requirements of subsection (2) of this sec-
14 tion, the licensee shall make a written report of such change to the respec-
15 tive local authority.

16 SECTION 22. That Section [23-911](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 23. That Chapter 9, Title 23, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 23-911, Idaho Code, and to read as follows:

21 23-911. INVESTIGATION OF APPLICATIONS -- PENALTY FOR FALSE STATE-
22 MENTS. (1) Upon receipt of an application for a municipal license under
23 this chapter, accompanied by the necessary license fee, the county or city,
24 within thirty (30) days thereafter, may cause to be made a thorough investi-
25 gation of all matters pertaining to the application. If the county or city
26 determines that the contents of the application are true, that such appli-
27 cant is qualified to receive a license, and that the requirements of this act
28 and the rules promulgated by the county or city are met and complied with, the
29 county or city shall issue such license; otherwise, the application shall
30 be denied and the license fee, less the costs and expenses of investigation,
31 returned to the applicant.

32 (2) If any false statement is made in any part of the application, or
33 any subsequent report, the applicant shall be deemed guilty of a felony and
34 on conviction thereof shall be imprisoned in the state prison for not less
35 than one (1) year and not more than five (5) years or fined not less than one
36 thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000),
37 or both such fine and imprisonment.

38 SECTION 24. That Section [23-912](#), Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 25. That Chapter 9, Title 23, Idaho Code, be, and the same is
41 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
42 ignated as Section 23-912, Idaho Code, and to read as follows:

43 23-912. RULES. (1) The director may promulgate such rules as are nec-
44 essary for carrying out the provisions of this chapter.

1 (2) The licensing authority of any county or city may establish by ordi-
2 nance such rules as are necessary to administer municipal licenses issued or
3 issuable by such county or city under the provisions of this chapter.

4 (3) Licensees shall advise themselves of the rules applicable to their
5 license, and ignorance of the rules shall be no defense to a violation of such
6 rules.

7 SECTION 26. That Section [23-913](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 27. That Chapter 9, 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 23-913, Idaho Code, and to read as follows:

12 23-913. FEES. (1) Each city council and board of county commissioners
13 is authorized to impose and collect a onetime, nonrefundable application fee
14 from applicants for municipal licensure.

15 (2) Each city council and board of county commissioners is authorized
16 to impose and collect an annual license fee for the municipal licenses it is-
17 sues in an amount not less than three thousand dollars (\$3,000) in the first
18 license year and one thousand dollars (\$1,000) in each year thereafter. In
19 establishing the amount of such fee, a city or county may consider the im-
20 pacts of newly licensed establishments, including both direct and indirect
21 costs, upon municipal services, maintenance of public safety, and other
22 costs of managing municipal licenses. Provided, however, that from the ef-
23 fective date of this act until June 30, 2027, three thousand dollars (\$3,000)
24 from the initial license fee for each municipal license and ten percent
25 (10%) of the annual license fee for each municipal license after the initial
26 licensure year shall be submitted by each city council and board of county
27 commissioners to the state treasurer for deposit in the state license value
28 loss mitigation fund established by section 23-934, Idaho Code.

29 (3) The director is authorized to impose and collect an annual license
30 fee for state liquor licenses as follows. For a license issued:

31 (a) For premises in a city with a population of one thousand (1,000)
32 or fewer, or in a county with a population of ten thousand (10,000) or
33 fewer, three hundred seventy-five dollars (\$375);

34 (b) For premises in a city with a population greater than one thousand
35 (1,000) and up to three thousand (3,000), or in a county with a popula-
36 tion greater than ten thousand (10,000) and up to twenty-five thousand
37 (25,000), six hundred dollars (\$600);

38 (c) For premises in a city with a population greater than three thousand
39 (3,000), or in a county with a population greater than twenty-five thou-
40 sand (25,000), nine hundred dollars (\$900);

41 (d) For a railroad train, which license covers sales in buffet, club, or
42 dining cars, seventy-five dollars (\$75.00) for the scheduled run of the
43 train in Idaho. Such license shall be in full and in lieu of all other
44 licenses herein provided;

45 (e) For a common carrier boat line, which license covers sales in buffet
46 or club dining rooms, three hundred dollars (\$300). Such license shall
47 be in full and in lieu of all other licenses herein provided;

1 (f) For a common carrier airline, which license covers sales only in
2 common carrier aircraft, three hundred fifty dollars (\$350). Such li-
3 cense shall be in full and in lieu of all other licenses herein provided;
4 and

5 (g) To the owner or operator of a year-round resort, or to the owner
6 or operator of a beverage, lodging, or dining facility located within
7 a year-round resort, or to the lessee of a beverage, lodging, or dining
8 facility located within a year-round resort, three thousand five hun-
9 dred dollars (\$3,500).

10 (4) A state liquor licensee who operates for only a portion of the year
11 may have the license fee prorated from the date operation is commenced until
12 the end of the year, but in no event for less than six (6) months. In the event
13 a licensee who was previously issued a license on a prorated basis intends to
14 have such license renewed for the same period in the next year, the licensee
15 shall notify the director of such intention in an application for renewal of
16 the license, accompanied by the fee required for issuance of such license, on
17 or before December 31 of the year preceding.

18 (5) The license fees provided in this section are exclusive of and in
19 addition to other license fees chargeable in the state of Idaho.

20 (6) The population for a city or a county shall be determined by the most
21 recent census or special census conducted by the United States census bu-
22 reau, unless a direct enumeration of the inhabitants of the city or county
23 has been made by the state, in which case the state's enumeration shall ap-
24 ply.

25 (7) A city council may impose and collect an annual renewal fee not to
26 exceed seventy-five percent (75%) of the amount of the license fee collected
27 by the director as provided in this section for premises with state liquor
28 licenses that are located within the city's jurisdiction. A board of county
29 commissioners may impose and collect an annual renewal fee not to exceed sev-
30 enty-five percent (75%) of the amount of the license fee collected by the di-
31 rector as provided in this section for premises with state liquor licenses
32 that are located within the county's jurisdiction.

33 SECTION 28. That Section [23-914](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 29. That Chapter 9, Title 23, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 23-914, Idaho Code, and to read as follows:

38 23-914. DISPOSITION OF FUNDS. Notwithstanding the provisions of sec-
39 tion 23-940, Idaho Code, or any other provisions of law to the contrary, from
40 the effective date of this act through June 30, 2027, all moneys collected by
41 the director under this chapter shall be apportioned as follows:

42 (1) Ninety percent (90%) to the alcohol beverage control fund estab-
43 lished by section 23-940, Idaho Code; and

44 (2) Ten percent (10%) to the state license value loss mitigation fund
45 established by section 23-934, Idaho Code.

46 SECTION 30. That Section [23-915](#), Idaho Code, be, and the same is hereby
47 repealed.

1 SECTION 31. That Chapter 9, Title 23, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 23-915, Idaho Code, and to read as follows:

4 23-915. PERSONS NOT QUALIFIED TO BE LICENSED. (1) No municipal license
5 shall be issued to, nor shall a state liquor license be transferred to, the
6 following:

7 (a) A person, or a person's member, officer, or governing board, who
8 has, within three (3) years prior to the date of making application,
9 been convicted of any violation of the laws of the United States, the
10 state of Idaho, or any other state of the United States, or of the res-
11 olutions or ordinances of any county or city of this state, relating
12 to the importation, transportation, manufacture, or sale of alcoholic
13 liquor or beer; or who has been convicted of or paid any fine, been
14 placed on probation, received a deferred sentence, received a with-
15 held judgment, or completed any sentence of confinement for any felony
16 within five (5) years prior to the date of making application for any
17 license;

18 (b) A person who is engaged in the operation, or interested in the op-
19 eration, of any house or place for the purpose of prostitution or who
20 has been convicted of any crime or misdemeanor relating to decency and
21 morality;

22 (c) A person whose license issued under this act was revoked; an indi-
23 vidual who was a member of a partnership or association that was a li-
24 censee under this act and whose license was revoked; an individual who
25 was an officer, member of the governing board, or one (1) of the ten (10)
26 principal stockholders of a corporation that was a licensee under this
27 act and whose license has been revoked; a partnership or association,
28 one (1) of whose members was a licensee under this act and whose license
29 was revoked; a corporation, one (1) of whose officers, members of the
30 governing board, or ten (10) principal stockholders was a licensee un-
31 der the provisions of this act and whose license was revoked; an associ-
32 ation or partnership, one (1) of whose members was a member of a part-
33 nership or association licensed under the provisions of this act and whose
34 license was revoked; a partnership or association, one (1) of whose mem-
35 bers was an officer, a member of the governing board, or one (1) of ten
36 (10) principal stockholders of a corporation licensed under the provi-
37 sions of this act and whose license was revoked; a corporation, one (1)
38 of whose officers, members of the governing board, or ten (10) princi-
39 pal stockholders was a member of a partnership or association licensed
40 under the provisions of this act and whose license was revoked; or a cor-
41 poration, one (1) of whose officers, members of the governing board, or
42 ten (10) principal stockholders was an officer, member of the governing
43 board, or one (1) of ten (10) principal stockholders of a corporation
44 licensed under the provisions of this act and whose license was revoked;

45 (d) An officer, agent, or employee of a distillery, winery, brewery,
46 or any wholesaler, or jobber, of liquor or malt beverages except as pro-
47 vided in section 23-918, Idaho Code. This prohibition shall not apply
48 to officers, agents, or employees or any winery operating a golf course
49 on the same premises as the winery; or

1 (e) A person who does not hold a retail beer license issued by the state
2 of Idaho.

3 (2) Any license held by a licensee disqualified under the provisions of
4 this section shall be revoked.

5 SECTION 32. That Section [23-916](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 33. That Chapter 9, Title 23, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 23-916, Idaho Code, and to read as follows:

10 23-916. LICENSEE NOT ALLOWED NEAR CHURCHES OR SCHOOLS -- EXCEP-
11 TIONS. No municipal or state liquor license shall be issued or transferred to
12 any premises that is predominantly residential or within three hundred (300)
13 feet of any public school, church, or other place of worship, measured in a
14 straight line to the nearest entrance to the licensed premises, except with
15 the approval of the city council or board of county commissioners; provided,
16 however, that this limitation shall not apply to any duly licensed premises
17 that at the time of licensing did not come within the restricted area but
18 subsequent to licensing came within the restricted area.

19 SECTION 34. That Section [23-917](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 35. That Chapter 9, Title 23, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 23-917, Idaho Code, and to read as follows:

24 23-917. RESTRICTIONS ON MANUFACTURERS, TRANSPORTERS, OR DIS-
25 TILLERS. Except as provided in sections 23-915 and 23-918, Idaho Code, no
26 manufacturer, rectifier, wholesaler, stockholder, shareholder, partner,
27 or the owner of any other interest in any corporation, association, or part-
28 nership financially interested in the manufacture, transportation, or sale
29 of liquor shall furnish, give, rent, lend, or sell any equipment or fixtures
30 directly or indirectly or through a subsidiary or affiliate or by any offi-
31 cer, director, or firm member of the industry or otherwise furnish financial
32 aid to any person engaged in the sale of liquor hereunder, and no licensee
33 hereunder shall receive or be the beneficiary of any of the benefits hereby
34 prohibited.

35 SECTION 36. That Section [23-918](#), Idaho Code, be, and the same is hereby
36 repealed.

37 SECTION 37. That Chapter 9, Title 23, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 23-918, Idaho Code, and to read as follows:

40 23-918. RESTRICTIONS ON PERSONS INTERESTED IN PREMISES. (1) Except
41 as provided in subsection (2) of this section, no manufacturer, rectifier,
42 wholesaler, stockholder, shareholder, partner, or the owner of any other
43 interest in any corporation, association, or partnership financially in-

1 terested in the manufacture, transportation except public carriers, or sale
2 of liquor shall hold any interest in any premises licensed hereunder for the
3 sale of liquor or receive any rental or remuneration from any such premises.

4 (2) A manufacturer, rectifier, wholesaler, stockholder, shareholder,
5 partner, or the owner of any interest in any corporation, association, or
6 partnership financially interested in the manufacture, transportation,
7 or sale of liquor may hold interest in a licensed premises if the licensed
8 premises serves food cooked on the site of the licensed premises, and the
9 person or entity can show through recordkeeping that no more than fifty per-
10 cent (50%) of the gross revenue to the licensed premises is derived from the
11 sale of alcoholic beverages on site. The owner of the licensed premises,
12 pursuant to this subsection, shall comply with and be subject to all other
13 rules, regulations, or other provisions of law that apply to manufactur-
14 ers, rectifiers, wholesalers, stockholders, shareholders, partners, or
15 the owners of any interest in any corporation, association, or partner-
16 ship financially interested in the manufacture, transportation, or sale of
17 liquor, except as such rules, regulations, or laws may restrict such sales
18 at the licensed premises. The holder of a license pursuant to this section
19 shall not be disqualified from holding a beer license, a retail wine license,
20 or wine by the drink license for the sale of beer or wine at the licensed
21 premises on the grounds that the licensee is also a manufacturer, whole-
22 saler, stockholder, shareholder, partner, or the owner of any interest in
23 any corporation, association, or partnership financially interested in the
24 manufacture, transportation, or sale of liquor, beer, or wine. This subsec-
25 tion shall not be deemed to grant a license for the retail sale of liquor by
26 the drink, and the license must be obtained through normal lawful means.

27 SECTION 38. That Section [23-919](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 39. That Chapter 9, Title 23, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 23-919, Idaho Code, and to read as follows:

32 23-919. FORM OF LICENSE -- AUTHORITY -- EXPIRATION -- LIMITATIONS. (1)
33 Every municipal license issued under the provisions of this chapter shall
34 set forth the name of the person to whom it is issued, the location by street
35 and number or other definite designation of the premises, and such other in-
36 formation as the county or city, if the premises is within an incorporated
37 city, shall deem necessary. If issued to a partnership, the names of the per-
38 sons constituting such partnership shall be set forth in the application. If
39 issued to a corporation or association, the names of the principal officers
40 and members of the governing board shall be set forth in the application.
41 Such license shall be signed by the licensee and prominently displayed in the
42 place of business at all times.

43 (2) Such license shall be site-specific and not be transferred to any
44 other location or person.

45 (3) Every municipal and state liquor license is separate and distinct,
46 and no person except the licensee therein named, except as herein otherwise
47 provided, shall exercise any of the privileges granted thereunder. All
48 licenses shall expire at 1:00 a.m. on the first day of the renewal month,

1 which shall be determined by rule, and shall be subject to annual renewal
2 upon proper application. Renewal applications for liquor by the drink li-
3 censes accompanied by the fee must be filed on or before the first day of the
4 designated renewal month. Any licensee holding a valid license who fails
5 to file an application for renewal of the license on or before the first day
6 of the designated renewal month shall have a grace period of an additional
7 thirty-one (31) days in which to file an application for renewal of the li-
8 cense. The licensee shall not be permitted to sell and dispense liquor by the
9 drink at retail during the thirty-one (31) day extended time period unless
10 and until the license is renewed.

11 (4) An application to transfer any state liquor license shall be made to
12 the director. Upon receipt of such an application, the director shall make
13 the same investigation and determinations with respect to the transferee as
14 are required by sections 23-910 and 23-911, Idaho Code, and if the director
15 determines that all of the conditions required of a licensee under this chap-
16 ter have been met by the proposed transferee, then the license shall be en-
17 dored over to the proposed transferee by said licensee for the remainder of
18 the period for which such license has been issued, and the director shall is-
19 sue a license to the transferee.

20 (5) The director, in his discretion, may deny the transfer of a license
21 during the pendency of any proceedings for suspension or revocation that
22 were instituted pursuant to the terms of this chapter.

23 (6) The fee for transferring a state liquor license shall be ten percent
24 (10%) of the purchase price of the state liquor license or the cost of good-
25 will, whichever is greater; except no fee shall be collected in the following
26 events:

27 (a) The transfer of a license between spouses in the event of a property
28 division;

29 (b) The transfer of a license to a receiver, trustee in bankruptcy, or
30 similar person or officer;

31 (c) The transfer of a license to the heirs or personal representative of
32 the estate in the event of the death of the licensee;

33 (d) The transfer of a license arising out of the dissolution of a part-
34 nership where the license is transferred to one (1) or more of the part-
35 ners; or

36 (e) The transfer of a license within a family, whether an individual,
37 partnership, or corporation.

38 (7) The fee for transferring a state liquor license for other than a
39 sale shall be fifty percent (50%) of the annual license fee for state liquor
40 licenses set forth in section 23-913, Idaho Code; except no fee shall be col-
41 lected for transfers as outlined in subsection (6) of this section.

42 SECTION 40. That Section [23-920](#), Idaho Code, be, and the same is hereby
43 repealed.

44 SECTION 41. That Chapter 9, Title 23, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
46 ignated as Section 23-920, Idaho Code, and to read as follows:

47 23-920. RESTRICTION ON TRANSFER OF STATE LIQUOR LICENSES. (1) No state
48 liquor license shall be transferred, assigned, leased, or sold if:

1 (a) The state liquor license, when issued, was not transferable;

2 (b) The state tax commission has notified the director and the licensee
3 in writing that any tax imposed by chapters 30 and 36, title 63, Idaho
4 Code, interest, penalty, and additional amount, which has accrued as a
5 result of the operation of the licensed premises, has been assessed as
6 provided in section 63-3045A, Idaho Code, against the licensee or any
7 person operating the licensed premises with the permission of the li-
8 censee; or

9 (c) The department of labor has notified the director and the licensee
10 in writing that a lien has been filed against the licensee, or any person
11 operating the licensed premises with the permission of the licensee, as
12 a result of the operation of the licensed premises, securing amounts due
13 pursuant to chapter 13, title 72, Idaho Code.

14 (2) At such time as the state tax commission or the department of labor
15 has notified the director and licensee as herein provided, the license is-
16 sued for the premises, the operation of which has resulted in the accrual of
17 the tax for which the warrant or lien is outstanding, shall be subject to levy
18 and distraint pursuant to chapter 30, title 63, Idaho Code, or seizure pur-
19 suant to section 72-1360A, Idaho Code.

20 SECTION 42. That Section [23-921](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 43. That Chapter 9, Title 23, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 23-921, Idaho Code, and to read as follows:

25 23-921. SUSPENSION, REVOCATION, AND REFUSAL TO RENEW LICENSES. (1)
26 The director may suspend, revoke, or refuse to renew a state liquor license
27 for any violation of, or failure to comply with, the provisions of this chap-
28 ter or rules promulgated by the director pursuant to the terms and conditions
29 of this chapter. Procedures for the suspension, revocation, or refusal to
30 renew licenses issued under this chapter shall be in accordance with the
31 provisions of chapter 52, title 67, Idaho Code.

32 (2) When the director determines to suspend such license, the affected
33 licensee may petition the director prior to the effective date of the sus-
34 pension requesting that a monetary payment be allowed in lieu of the license
35 suspension. If the director determines payment to be consistent with the
36 purpose of the laws of the state of Idaho and is in the public interest, the
37 director shall establish a monetary payment in an amount not to exceed five
38 thousand dollars (\$5,000). The licensee may reject the payment amount de-
39 termined by the director and instead be subject to the suspension provisions
40 of subsection (1) of this section. Upon payment of the amount established,
41 the director shall cancel the suspension period. The director shall cause
42 any payment to be paid to the treasurer of the state of Idaho for disposition
43 consistent with section 23-914 or 23-940, Idaho Code.

44 (3) The director may adopt guidelines and rules, which shall be avail-
45 able to licensees and members of the public, stating the minimum and maxi-
46 mum periods of suspensions or minimum and maximum amounts of monetary pay-
47 ments the director will consider in lieu of the imposition of suspensions for
48 particular violations of the provisions of this title. Guidelines and rules

1 adopted by the director shall not prevent, or be construed to prohibit, the
2 director from imposing a greater or lesser period of suspension, or imposing
3 a greater or lesser monetary payment, within the limits established by this
4 section, based upon aggravated or extenuating circumstances found to exist
5 by the director.

6 (4) The suspension of a license for the sale of beer or wine shall auto-
7 matically result in the suspension of any state or municipal license for the
8 sale of liquor held by the same licensee and issued for the same premises.
9 Such additional suspension shall be equal in length to and run concurrently
10 with the period of the original suspension.

11 (5) When a proceeding to revoke or suspend a state liquor license has
12 been or is about to be instituted, during the time when renewal of such state
13 liquor license is pending before the director, the director shall renew the
14 state liquor license notwithstanding the pending proceedings, but such re-
15 newed state liquor license may be revoked or suspended without hearing if and
16 when the previous state liquor license is, for any reason, revoked or sus-
17 pended.

18 SECTION 44. That Chapter 9, Title 23, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 23-921A, Idaho Code, and to read as follows:

21 23-921A. LICENSES -- SUSPENSION OR REVOCATION FOR VIOLATION OF OB-
22 SCENITY LAWS. (1) No licensee shall conduct or permit any acts or activities
23 that violate chapter 41, title 18, Idaho Code, in or on premises licensed
24 pursuant to this title.

25 (2) If a first violation of chapter 41, title 18, Idaho Code, relating
26 to obscenity occurs on premises licensed pursuant to this title, the direc-
27 tor shall suspend the license for a period of six (6) months. A second such
28 violation shall result in revocation of the license.

29 SECTION 45. That Chapter 9, Title 23, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 23-922, Idaho Code, and to read as follows:

32 23-922. SELLING LIQUOR WITHOUT A LICENSE -- PENALTY. A person who
33 sells or keeps for sale any liquor without a license as provided for in this
34 act shall be guilty of a felony and upon conviction thereof shall be fined not
35 less than one thousand dollars (\$1,000) nor more than five thousand dollars
36 (\$5,000), or be imprisoned in the state prison for not less than one (1) year
37 nor more than five (5) years, or both such fine and imprisonment.

38 SECTION 46. That Chapter 9, Title 23, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 23-923, Idaho Code, and to read as follows:

41 23-923. LICENSEES MUST PURCHASE FROM STATE LIQUOR DIVISION --
42 PRICE. (1) All liquor, excluding wine and beer, sold by any licensee shall be
43 purchased from the state liquor division through its regular retail stores
44 and distributors at the posted price thereof. The state liquor division is
45 hereby authorized and directed to make such sales in accordance with section

1 23-309, Idaho Code, to be paid at the time of purchase upon a special permit
2 issued to such licensee in such form as shall be prescribed by the state
3 liquor division. As used in this section, "posted price" means the retail
4 price of such liquor as fixed and determined by the state liquor division.

5 (2) Alcohol purchased from the state liquor division at the discount
6 available to state liquor licensees may not be sold at a location authorized
7 by municipal license to sell liquor by the drink. A violation of this subsec-
8 tion is punishable by:

9 (a) Revocation of a state or municipal license by the director; or

10 (b) An administrative fine of five thousand dollars (\$5,000) payable to
11 the director.

12 SECTION 47. That Chapter 9, Title 23, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 23-924, Idaho Code, and to read as follows:

15 23-924. OFFICERS MAY EXAMINE PREMISES. (1) The director, the direc-
16 tor's duly authorized representative, the sheriff of any county, or another
17 police officer shall have the right at any time to make an examination of the
18 premises of any licensee to determine whether the laws of the state of Idaho,
19 the rules of the director, and the ordinances of any county or city are being
20 complied with and shall also have the right to inspect the cars of any rail-
21 road system licensed under this act.

22 (2) Persons under twenty-one (21) years of age may assist with random,
23 unannounced inspections; provided, however, that a person under eighteen
24 (18) years of age may assist in an inspection only with the written consent
25 of a parent or legal guardian. When assisting with these inspections, per-
26 sons under twenty-one (21) years of age shall not provide false identifica-
27 tion and shall not make any false statements regarding their age.

28 (3) The director or the director's designee shall inform the licensee
29 or the licensee's designee of a violation of the provisions of this chapter
30 in writing within twenty-four (24) hours of discovering such violation.

31 SECTION 48. That Chapter 9, Title 23, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 23-925, Idaho Code, and to read as follows:

34 23-925. ILLEGAL LIQUOR -- SEIZURE -- EXCEPTION FOR COMMON CARRI-
35 ERS. (1) It shall be unlawful for any licensee to sell, keep for sale, or have
36 on the premises for any purpose whatsoever any liquor except liquor produced
37 on the premises by a licensed distiller or purchased as herein authorized
38 and provided, and any licensee found in possession of, selling, or keeping
39 for sale any liquor not purchased as herein authorized shall be guilty of a
40 felony and upon conviction thereof may be punished by a fine of not less than
41 one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000),
42 or by imprisonment in the state prison for not more than five (5) years, or
43 by both such fine and imprisonment. Any license issued to such person shall
44 be immediately and permanently revoked. The amount of liquor to be sold to
45 licensees hereunder in any city or village shall be determined by the super-
46 intendent or other executive officer of the state liquor division, but such

1 sales shall be regulated to maintain adequate stocks of merchandise for sale
2 to persons other than said licensees.

3 (2) The director or any of the director's agents, any sheriff, or other
4 police officer who finds any liquor kept or held by any person in violation
5 of the provisions of this act may forthwith seize and remove the same and keep
6 the same as evidence and, upon conviction of the person for violation of the
7 provisions hereof, the said liquor, and all packages or receptacles contain-
8 ing the same, shall be forfeited to the state of Idaho and, in addition, the
9 person so violating this act shall be subject to the other penalties herein
10 prescribed.

11 (3) The provisions of this section notwithstanding, common carriers
12 shall have the right to have in their possession liquors other than those
13 purchased from the Idaho state liquor division.

14 SECTION 49. That Section [23-926](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 50. That Chapter 9, Title 23, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 23-926, Idaho Code, and to read as follows:

19 23-926. SIGNS FOR RESTRICTED ENTRY. Every licensee under this chapter
20 shall keep a sign conspicuously posted over or near each entrance to any
21 place from which persons under twenty-one (21) years of age are restricted,
22 giving public notice of such fact. The sign shall contain the following
23 words in lettering of at least one (1) inch in height: "Admittance of persons
24 under twenty-one (21) years of age prohibited by law."

25 SECTION 51. That Section [23-927](#), Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 52. That Chapter 9, Title 23, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 23-927, Idaho Code, and to read as follows:

30 23-927. SALE AWAY FROM LICENSED PREMISES PROHIBITED -- GAMING PROHIB-
31 ITED. (1) It shall be unlawful for any licensee to sell, give away, dispense,
32 vend, or deliver any liquor in any fashion or by any means or device, except
33 upon the licensed premises, unless permitted pursuant to section 23-928,
34 Idaho Code, or with written permission granted by the director for state
35 liquor licenses, or by the county or city for municipal licenses, in response
36 to damage or destruction that causes closure of the premises.

37 (2) It shall be unlawful for any licensee granted a license under the
38 authority of this title to permit, conduct, play, carry on, open, or cause to
39 be opened any gaming in or on the licensed premises or in or on any premises
40 directly connected by a door, hallway, or other means of access from the li-
41 censed premises. Any licensee authorized under this title and who is also
42 authorized by other law to conduct the activities of lottery, bingo, raf-
43 fles, and pari-mutuel betting on the licensed premises shall be exempt from
44 the provisions of this subsection as long as the activities are conducted in
45 conformity with statute and any rules promulgated under such statute.

1 SECTION 53. That Section [23-928](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 54. That Chapter 9, Title 23, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 23-928, Idaho Code, and to read as follows:

6 23-928. ALCOHOL BEVERAGE CATERING PERMIT -- APPLICATION. (1) For pur-
7 poses of this section, "alcohol beverage catering permit" means a permit
8 authorizing the permittee to serve and sell liquor by the drink, beer, and
9 wine, or beer or wine, at a festival or convention for a period of time not to
10 exceed five (5) consecutive days, with an option to request one (1) permit
11 extension on the same terms and conditions as the original permit, which
12 extension may be issued or denied at the sole and absolute discretion of the
13 original issuing entity, or at a party for a period of time not to exceed two
14 (2) days. An alcohol beverage catering permit shall be limited to authoriza-
15 tion to sell liquor or beer or wine, or any combination thereof, based on the
16 type of license that the applicant possesses.

17 (2) An application for an alcohol beverage catering permit shall be
18 made to the city in which the liquor, beer, or wine is to be served, or if
19 not in a city, then to the county, on such form as prescribed by the city or
20 county, which form shall contain, at a minimum, but not be limited to the
21 following information:

22 (a) The name and address of the applicant, and the number of the appli-
23 cant's liquor, beer, or wine license;

24 (b) The dates and hours during which the permit is to be effective, not
25 to exceed five (5) consecutive days;

26 (c) The names of the organizations, groups, or persons sponsoring the
27 event; and

28 (d) The address at which the liquor, beer, or wine is to be served, and,
29 if in a public building, the rooms in which the liquor, beer, or wine is
30 to be served.

31 (3) The application shall be verified by the applicant and filed with
32 the appropriate governing body or its designee. A filing fee in the amount
33 of thirty dollars (\$30.00) for each day the permit is to be effective shall
34 be paid to the treasury of the governing body and shall not be refunded in any
35 event. An alcohol beverage catering permit shall be valid only within the
36 issuing jurisdiction.

37 (4) No alcohol beverage catering permit issued pursuant to this sec-
38 tion shall be used for licensed premises. An alcohol beverage catering per-
39 mit issued pursuant to this section shall be exercised only by the licensee
40 on record.

41 SECTION 55. That Chapter 9, Title 23, Idaho Code, be, and the same is
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
43 ignated as Section 23-929, Idaho Code, and to read as follows:

44 23-929. FILING APPLICATION -- APPROVAL. Upon the filing of an appli-
45 cation for an alcohol beverage catering permit, the city council or its de-
46 signee or the board of county commissioners or its designee receiving the ap-
47 plication shall, upon the advice and recommendation of the chief of police

1 and the chief of fire or the sheriff, approve or disapprove the application
2 and indicate the determination on the face of the application by endorse-
3 ment signed by the clerk of the city or county. The chief of police and the
4 chief of fire are, or the sheriff is, authorized to endorse the application
5 for an alcohol beverage catering permit with sufficient conditions to ensure
6 public safety. Copies of the application with signed endorsements thereon
7 shall be mailed or delivered immediately to the chief of police or the sher-
8 iff, the director, and the applicant, and a signed copy shall be retained by
9 the clerk. An application approved in this manner shall constitute an alco-
10 hol beverage catering permit.

11 SECTION 56. That Section [23-930](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 57. That Chapter 9, Title 23, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 23-930, Idaho Code, and to read as follows:

16 23-930. REGULATORY AND PENALTY PROVISIONS APPLICABLE. The regulatory
17 and penal provisions of this title shall apply to the exercise of alcohol
18 beverage catering permits, including the penalties for violations, except
19 such provisions declared to be inapplicable to alcohol beverage catering
20 permits by rules prescribed by the director; provided, however, that neither
21 the director nor any county or city shall have the power to declare inappli-
22 cable the provisions of section 23-932, Idaho Code.

23 SECTION 58. That Section [23-931](#), Idaho Code, be, and the same is hereby
24 repealed.

25 SECTION 59. That Chapter 9, Title 23, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 23-931, Idaho Code, and to read as follows:

28 23-931. DESTRUCTION OF STAMPS -- SANITARY REQUIREMENTS. It shall be
29 the duty of any licensee under this chapter immediately upon emptying any
30 liquor container to deface, so that the same may not again be used, all gov-
31 ernment or state stamps or labels. Any licensed premises shall be maintained
32 in sanitary condition according to any applicable provision of law and any
33 city or county ordinance pertaining to the premises, and any such person who
34 fails to perform the duty provided in this section shall be guilty of a misde-
35 meanor.

36 SECTION 60. That Section [23-932](#), Idaho Code, be, and the same is hereby
37 repealed.

38 SECTION 61. That Chapter 9, Title 23, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 23-932, Idaho Code, and to read as follows:

41 23-932. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered
42 for sale, or given away on any licensed premises or under a permit, and all

1 liquor not in sealed bottles must be locked in a separate room or cabinet dur-
2 ing the following hours:

3 (a) Sunday, Memorial Day, Thanksgiving, and Christmas from 1:00 a.m.
4 to 10:00 a.m. the following day; provided, however, that on any Sunday
5 not otherwise being a prescribed holiday, it shall be lawful for a li-
6 censee having a banquet area or meeting room facilities, separate and
7 apart from the usual dispersing area (barroom) and separate and apart
8 from a normal public dining room unless such dining room is closed to the
9 public, to therein dispense liquor between the hours of 2:00 p.m. and
10 11:00 p.m. to bona fide participants of banquets, receptions or con-
11 ventions for consumption only within the confines of the banquet area or
12 meeting room facility; and

13 (b) On any other day between 1:00 a.m. and 10:00 a.m.

14 (2) When a city or county has an ordinance further limiting the hours of
15 sale of liquor by the drink, then such hours shall be fixed by such ordinance.

16 (3) A county or city may, by ordinance, allow the sale of liquor by the
17 drink on a Sunday, Memorial Day, Thanksgiving, or Christmas and may also ex-
18 tend until 2:00 a.m. the hours of the sale of liquor by the drink.

19 (4) Any patron present on the licensed premises after the sale of liquor
20 has stopped as provided in subsections (1), (2), and (3) of this section
21 shall have a reasonable time, not to exceed thirty (30) minutes, to consume
22 any beverages already served.

23 (5) Any person who consumes or intentionally permits the consumption
24 of any alcohol beverage on licensed premises after the time provided for in
25 subsection (4) of this section shall be guilty of a misdemeanor.

26 (6) It shall be the duty of every person who is employed at or on a li-
27 censed premises or who owns or manages a licensed premises, and is present
28 on the licensed premises during the hours and at the time set forth in sub-
29 subsections (1), (2), and (3) of this section, to lock up and keep locked up in
30 a locked room or locked cabinet all unsealed containers of liquor during the
31 hours and at the times set forth in subsections (1), (2), and (3) of this sec-
32 tion. Any such person who fails to perform the duty provided herein shall be
33 guilty of a misdemeanor.

34 SECTION 62. That Section [23-933](#), Idaho Code, be, and the same is hereby
35 repealed.

36 SECTION 63. That Chapter 9, Title 23, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 23-933, Idaho Code, and to read as follows:

39 23-933. DUTY OF PUBLIC OFFICERS. It is hereby made the duty of the di-
40 rector, prosecuting attorneys, sheriffs, and peace officers of the counties
41 and incorporated cities of this state knowing of any violation of this act to
42 make complaint before the proper tribunal and perform the duties of their of-
43 fice with respect to the prosecution and conviction of such offenders. Any
44 such person knowingly refusing to inform against or prosecute any offender
45 under the provisions of this act shall be subject to action against such per-
46 son as provided in chapter 41, title 19, Idaho Code.

1 SECTION 64. That Section [23-933A](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 65. That Section [23-933B](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 66. That Section [23-934](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 67. That Chapter 9, Title 23, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 23-934, Idaho Code, and to read as follows:

10 23-934. MITIGATION FOR LOST VALUE OF LICENSE. (1) There is hereby es-
11 tablished in the state treasury a fund to be known as the state license value
12 loss mitigation fund. Moneys in the fund shall consist of moneys deposited
13 pursuant to sections 23-617, 23-913, and 23-914, Idaho Code, and legislative
14 appropriation and shall be used for the purposes of this section. The state
15 treasurer shall disburse moneys from the fund in accordance with instruc-
16 tions from the director and the provisions of this section.

17 (2) Subsections (3) through (6) of this section shall apply if:

18 (a) A state liquor license was issued more than two (2) years prior to
19 July 1, 2022;

20 (b) The holder of the license purchased the license from a private party
21 prior to July 1, 2022;

22 (c) The holder of the license sells the license during a period of not
23 less than two (2) years and not more than five (5) years after July 1,
24 2022; and

25 (d) The holder of the license sells such license for less than fifty
26 percent (50%) of its value as of July 1, 2022. The value shall be deter-
27 mined by the price the holder paid for the license prior to July 1, 2022.

28 (3) If the holder of a state liquor license sells the license accord-
29 ing to the provisions of this section, the state shall reimburse such holder
30 from the fund established by this section. The amount of reimbursement shall
31 be the difference between fifty percent (50%) of the value of the license,
32 which value shall be determined as provided in subsection (2) (d) of this sec-
33 tion, and the price at which the holder sells the license. Provided, how-
34 ever, that the amount of reimbursement shall not exceed fifty thousand dol-
35 lars (\$50,000).

36 (4) Reimbursement for a state liquor license may be paid only once.
37 This section shall not apply to subsequent sales.

38 (5) The holder of a state liquor license who intends to sell the license
39 and avail himself of the provisions of this section, and the intended buyer
40 of such license, shall sign an affidavit and submit it to the director prior
41 to the sale, which affidavit shall attest that:

42 (a) The holder of the license and the intended buyer share no common fi-
43 nancial interests; and

44 (b) The holder of the license will not receive any direct or indirect
45 pecuniary benefit from the sale of the license, other than the consider-
46 ation paid for the license.

1 (6) A person who sells a state liquor license subject to the provisions
2 of this section shall be deemed ineligible for the purchase of another state
3 liquor license indefinitely.

4 (7) After all persons eligible for reimbursement under this section
5 have been paid such reimbursement, the fund shall be dissolved, and any
6 remaining moneys in the fund shall be distributed as provided in section
7 23-914(2), Idaho Code.

8 SECTION 68. That Section [23-934A](#), Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 69. That Section [23-934B](#), Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 70. That Section [23-934C](#), Idaho Code, be, and the same is hereby
13 repealed.

14 SECTION 71. That Section [23-935](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 72. That Section [23-936](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 73. That Section [23-937](#), Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 74. That Section [23-938](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 75. That Section [23-939](#), Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 76. That Section 23-940, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 23-940. ALCOHOL BEVERAGE CONTROL FUND. (1) There is hereby created
27 in the state treasury the alcohol beverage control fund. All moneys from
28 license and transfer fees that are collected by the director pursuant to
29 the provisions of this chapter shall be paid over to the state treasurer for
30 deposit in the alcohol beverage control fund except as provided in section
31 23-914, Idaho Code, or another applicable provision of law. Expenditures
32 of moneys in the fund shall be subject to legislative appropriation for the
33 use of the Idaho state police alcohol beverage control bureau in carrying
34 out the provisions of title 23, Idaho Code, and the rules promulgated by the
35 director thereunder. At the beginning of each fiscal year, those moneys in
36 the alcohol beverage control fund that exceed two hundred percent (200%) of
37 that fiscal year appropriation, as certified by the state treasurer, shall
38 be transferred to the general fund.

39 (2) All other moneys collected by the director pursuant to the provi-
40 sions of this chapter shall be paid over to the state treasurer for deposit in
41 the general fund except as provided in section 23-914, Idaho Code, or another
42 applicable provision of law.

1 SECTION 77. That Section [23-941](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 78. That Section [23-942](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 79. That Section 23-943, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 23-943. PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR
8 LOITER AT CERTAIN LICENSED PLACES. No person under the age of twenty-one (21)
9 years shall enter, remain in or loiter in or about any place, ~~as herein de-~~
10 ~~defined,~~ licensed for the sale of liquor by the drink at retail, or sale of beer
11 for consumption on the premises unless accompanied by an adult twenty-one
12 (21) years of age or older; nor shall any licensee of either such place,
13 or any person in charge thereof, or on duty while employed by the licensee
14 therein, permit or allow any person under the age specified with respect
15 thereto to remain in or loiter in or about such place.

16 Provided, however, it is lawful for persons who are musicians and
17 singers eighteen (18) years of age or older, ~~to enter and to remain in any~~
18 ~~such place as defined in section 23-942, Idaho Code,~~ but only during and in
19 the course of their employment as musicians and singers. Provided further,
20 that it is lawful for persons who are nineteen (19) years of age or older to
21 sell, serve, possess or dispense liquor, beer or wine in the course of their
22 employment in any place ~~as defined in section 23-942, Idaho Code, or in any~~
23 ~~other place~~ where liquor, beer or wine are lawfully present, ~~so~~ as long as
24 such place is the place of employment for such person under twenty-one (21)
25 years of age. However the foregoing shall not permit the sale or distribu-
26 tion of any alcoholic beverages to any person under the ages specified for
27 sale of alcoholic beverages.

28 SECTION 80. That Section [23-943A](#), Idaho Code, be, and the same is hereby
29 repealed.

30 SECTION 81. That Section [23-944](#), Idaho Code, be, and the same is hereby
31 repealed.

32 SECTION 82. That Section [23-945](#), Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 83. That Section [23-946](#), Idaho Code, be, and the same is hereby
35 repealed.

36 SECTION 84. That Section [23-947](#), Idaho Code, be, and the same is hereby
37 repealed.

38 SECTION 85. That Section [23-948](#), Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 86. That Section 23-949, Idaho Code, be, and the same is hereby
41 amended to read as follows:

1 23-949. PERSONS NOT ALLOWED TO SELL, SERVE OR DISPENSE BEER, WINE OR
 2 OTHER ALCOHOLIC LIQUOR. (1) It is unlawful for any person under the age of
 3 twenty-one (21) years to sell, serve or dispense beer, wine or other alco-
 4 holic liquor; provided, however, that any person who is nineteen (19) years
 5 of age or older may sell, serve and dispense liquor, beer or wine in the
 6 course of his employment in any place ~~as defined in section 23-942, Idaho~~
 7 ~~Code, or other place~~ where liquor, beer or wine is lawfully present ~~so~~ as long
 8 as such place is the place of employment for ~~such~~ the person under twenty-one
 9 (21) years of age.

10 (2) For purposes of this section, a person who sells, serves or dis-
 11 penses liquor, beer or wine in compliance with the provisions of this sec-
 12 tion shall not be deemed to "possess" alcohol in violation of section 23-604,
 13 Idaho Code.

14 (3) Any person violating the provisions of this section shall be guilty
 15 and punished in accordance with section 18-1502, Idaho Code.

16 SECTION 87. That Section [23-950](#), Idaho Code, be, and the same is hereby
 17 repealed.

18 SECTION 88. That Section [23-951](#), Idaho Code, be, and the same is hereby
 19 repealed.

20 SECTION 89. That Section [23-952](#), Idaho Code, be, and the same is hereby
 21 repealed.

22 SECTION 90. That Section [23-953](#), Idaho Code, be, and the same is hereby
 23 repealed.

24 SECTION 91. That Section [23-954](#), Idaho Code, be, and the same is hereby
 25 repealed.

26 SECTION 92. That Section [23-955](#), Idaho Code, be, and the same is hereby
 27 repealed.

28 SECTION 93. That Section [23-956](#), Idaho Code, be, and the same is hereby
 29 repealed.

30 SECTION 94. That Section [23-957](#), Idaho Code, be, and the same is hereby
 31 repealed.

32 SECTION 95. That Section 18-7803, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 18-7803. DEFINITIONS. As used in this chapter,

35 (a) "Racketeering" means any act which is chargeable or indictable un-
 36 der the following sections of the Idaho Code or which are equivalent acts
 37 chargeable or indictable as equivalent crimes under the laws of any other ju-
 38 risdiction:

39 (1) Homicide (section 18-4001, Idaho Code);

40 (2) Robbery, burglary, theft, forgery, counterfeiting, and related
 41 crimes (sections 18-1401, 18-1405, 18-2403, 18-2407, 18-3123, 18-3124,
 42 18-3125, 18-3601, 18-3602, 18-3603, 18-3605, 18-3606, 18-3607,

1 18-3609, 18-3610, 18-3614, 18-3615, 18-4630, 18-6501 and 49-518, Idaho
2 Code);

3 (3) Kidnapping (section 18-4501, Idaho Code);

4 (4) Prostitution (sections 18-5601, 18-5602, 18-5603, 18-5604,
5 18-5605, 18-5606, 18-5608 and 18-5609, Idaho Code);

6 (5) Arson (sections 18-801, 18-802, 18-803, 18-804 and 18-805, Idaho
7 Code);

8 (6) Assault (sections 18-908 and 18-4015, Idaho Code);

9 (7) Lotteries and gambling (sections 18-3801, 18-3802, 18-3809,
10 18-4902, 18-4903, 18-4904, 18-4905, 18-4906 and 18-4908, Idaho Code);

11 (8) Indecency and obscenity (sections 18-1515, 18-1518, 18-4103,
12 18-4103A, 18-4104, 18-4105, 18-4105A and 18-4107, Idaho Code);

13 (9) Poisoning (sections 18-4014 and 18-5501, Idaho Code);

14 (10) Fraudulent practices, false pretenses, insurance fraud, finan-
15 cial transaction card crimes and fraud generally (sections 18-2403,
16 18-2706, 18-3002, 18-3101, 18-3124, 18-3125, 18-3126, 18-6713, 41-293,
17 41-294 and 41-1306, Idaho Code);

18 (11) Alcoholic beverages (sections 23-602, 23-606, 23-610, 23-703,
19 23-905~~11~~, 23-914~~22~~, 23-928, 23-934 and 23-938~~27~~, Idaho Code);

20 (12) Cigarette taxes (sections 63-2505 and 63-2512(b), Idaho Code);

21 (13) Securities (sections 30-14-401, 30-14-402, 30-14-403, 30-14-404,
22 30-14-501, 30-14-502, 30-14-505 and 30-14-506, Idaho Code);

23 (14) Horseracing (section 54-2512, Idaho Code);

24 (15) Interest and usurious practices (sections 28-45-401 and 28-45-
25 402, Idaho Code);

26 (16) Corporations (sections 18-1901, 18-1902, 18-1903, 18-1904,
27 18-1905, 18-1906 and 30-1510, Idaho Code);

28 (17) Perjury (sections 18-5401 and 18-5410, Idaho Code);

29 (18) Bribery and corrupt influence (sections 18-1352 and 18-1353, Idaho
30 Code);

31 (19) Controlled substances (sections 37-2732(a), (b), (c), (e) and (f),
32 37-2732B, 37-2734 and 37-2734B, Idaho Code);

33 (20) Motor vehicles (sections 49-228, 49-231, 49-232 and 49-518, Idaho
34 Code);

35 (21) Terrorism (section 18-8103, Idaho Code).

36 (b) "Person" means any individual or entity capable of holding a legal
37 or beneficial interest in property;

38 (c) "Enterprise" means any sole proprietorship, partnership, corpora-
39 tion, business, labor union, association or other legal entity or any group
40 of individuals associated in fact although not a legal entity, and includes
41 illicit as well as licit entities; and

42 (d) "Pattern of racketeering activity" means engaging in at least two
43 (2) incidents of racketeering conduct that have the same or similar in-
44 tents, results, accomplices, victims or methods of commission, or otherwise
45 are interrelated by distinguishing characteristics and are not isolated
46 incidents, provided at least one (1) of such incidents occurred after the ef-
47 fective date of this act and that the last of such incidents occurred within
48 five (5) years after a prior incident of racketeering conduct.

49 SECTION 96. That Section 23-217, Idaho Code, be, and the same is hereby
50 amended to read as follows:

1 23-217. SURCHARGE ADDED TO PRICE OF ALCOHOLIC LIQUOR AND ALL OTHER
2 MERCHANDISE SOLD -- COLLECTION AND REMISSION BY DIRECTOR. (1) The director
3 of the division is hereby authorized and directed to include in the price
4 of alcoholic liquor and all other merchandise sold in the division, and its
5 branches, a surcharge equal to two percent (2%) of the current price per unit
6 computed to the nearest multiple of five cents (5¢).

7 (2) After the price of the surcharge has been included, the director of
8 the division is hereby authorized and directed to allow a discount of five
9 percent (5%) from the price of each order of alcoholic liquor and all other
10 merchandise sold to any licensee person holding a state liquor license, as
11 defined in section 23-902(8), Idaho Code.

12 (3) The surcharge imposed pursuant to this section shall be collected
13 and credited monthly to the drug court, mental health court and family court
14 services fund, as set forth in section 1-1625, Idaho Code.

15 SECTION 97. That Section 23-309, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 23-309. SALES. No state liquor store or special distributor shall
18 sell any alcoholic liquor or any other merchandise on behalf of the division
19 except for cash, check, money order, credit card, electronic funds transfer
20 or debit card. In addition, the division shall, under such rules as may
21 be adopted by it, authorize state liquor stores or special distributors to
22 accept a check, credit cards, electronic funds transfer or debit card from
23 persons licensed for the retail sale of liquor by the drink pursuant to
24 chapter 9, title 23, Idaho Code, as payment for purchases from the division.
25 Dishonor of any credit device given by such person shall constitute grounds
26 for suspension or revocation of such person's license pursuant to section
27 23-93321, Idaho Code, in addition to any other remedy provided by law.

28 SECTION 98. That Section 23-1010, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 23-1010. LICENSE TO SELL BEER AT RETAIL -- APPLICATION PROCEDURE AND
31 FORM -- SHOWING OF ELIGIBILITY FOR LICENSE AND DISQUALIFICATIONS. (1) Every
32 person who shall apply for a state license to sell beer at retail shall ten-
33 der the license fee to, and file written application for license with, the
34 director. The application shall be on a form prescribed by the director that
35 shall require such information concerning the applicant, the premises for
36 which license is sought and the business to be conducted thereon by the ap-
37 plicant as the director may deem necessary or advisable, and which shall en-
38 able the director to determine that the applicant is eligible and has none of
39 the disqualifications for license, as provided for in this section. If the
40 applicant is applying for a license solely for a theater that is presenting
41 live performances as those terms are defined in section 23-1001, Idaho Code,
42 or a movie theater, ~~as defined in section 23-944, Idaho Code,~~ built prior to
43 January 1, 1950, and listed on the national register of historic places, the
44 application shall so state. Such information shall include the following:

45 (a) The name and place of residence of the applicant and length of his
46 residence within the state of Idaho and, if the applicant is a partner-
47 ship, the names, places of residence and lengths of residence within the

1 state of Idaho of each partner and, if the applicant is a corporation or
2 association, the date and place of incorporation or organization, the
3 location of its principal place of business in Idaho and the names and
4 places of residence of its officers, directors or members of its govern-
5 ing board and of the person who manages or will manage the business of
6 selling beer at retail;

7 (b) The particular place for which the license is desired, designating
8 the same by a street and number, if practicable, or by such other apt de-
9 scription as definitely locates such place, and the name of the owner of
10 the premises for which license is sought;

11 (2) The application shall affirmatively show:

12 (a) That the applicant is the bona fide owner of the business that will
13 be engaged in the sale of beer at retail and with respect to which li-
14 cense is sought;

15 (b) That the condition of the place or building wherein it is proposed
16 to sell beer at retail conforms to all laws and rules of the state of
17 Idaho and to the ordinances of the county and municipality applicable
18 thereto relating to public health and safety and to the zoning ordi-
19 nances of the municipality applicable thereto;

20 (c) That there is no stamp or permit outstanding and in force that
21 has been issued to any person by the United States government for the
22 premises for which license to sell beer at retail is sought, which
23 stamp or permit denotes payment of any special tax imposed by the United
24 States government on a retail dealer in liquor or wines, unless said
25 premises are premises for which a retail license for sale of liquor by
26 the drink, issued under the provisions of chapter 9, title 23, Idaho
27 Code, is in force and effect;

28 (d) That the individual applicant, or each partner of a partnership
29 applicant, or a corporation applicant or an association applicant is
30 qualified to do business within the state of Idaho;

31 (e) That the applicant, if an individual, is not less than nineteen (19)
32 years of age;

33 (f) That, within three (3) years immediately preceding the date of
34 filing the application, the applicant has not been convicted of the vio-
35 lation of any law of the state of Idaho, any other state, or of the United
36 States regulating, governing or prohibiting the sale, manufacture,
37 transportation or possession of alcoholic beverages or intoxicating
38 liquors, or, within said time, suffered the forfeiture of a bond for
39 failure to appear in answer to charges of any such violation;

40 (g) That, within five (5) years immediately preceding the date of fil-
41 ing the application, the applicant has not been convicted of any felony
42 or paid any fine or completed any sentence of confinement therefor
43 within said time;

44 (h) That, within three (3) years next preceding the date of filing
45 said application, the applicant has not had any license provided for
46 herein, or any license or permit issued to the applicant pursuant to the
47 law of this state, or any other state, or of the United States to sell,
48 manufacture, transport or possess alcoholic beverages or intoxicating
49 liquors, revoked.

1 (3) To determine qualification for a license, the director shall also
2 cause an investigation that shall include a fingerprint-based criminal his-
3 tory check of the Idaho central criminal history database and the federal bu-
4 reau of investigation criminal history database. Each person listed as an
5 applicant on an initial application shall submit a full set of fingerprints
6 and the fee to cover the cost of the criminal history background check for
7 such person with the application.

8 (4) The affirmative showing required with respect to an applicant under
9 paragraphs (e), (f), (g) and (h) of subsection (2) of this section shall also
10 be required to be made with respect to each partner of a partnership appli-
11 cant and to each incumbent officer, director or member of the governing board
12 of a corporation or association applicant.

13 (5) The application must be subscribed and sworn to by the individual
14 applicant, or by a partner of a partnership applicant, or by an officer or
15 manager of a corporation or association applicant, before a notary public or
16 other person authorized by law to administer oaths.

17 (6) If an applicant shall be unable to make any affirmative showing re-
18 quired in this section or if an application shall contain a false material
19 statement, knowingly made, the same shall constitute a disqualification for
20 license and license shall be refused. If license is received on any appli-
21 cation containing a false material statement, knowingly made, such license
22 shall be revoked. If at any time during the period for which license is is-
23 sued, a licensee becomes unable to make the affirmative showings required by
24 this section, license shall be revoked, or, if disqualification can be re-
25 moved, the license shall be suspended until the same shall be removed. The
26 procedure to be followed upon refusal, revocation or suspension of license
27 as herein provided for shall be in accordance with the procedure set forth in
28 this act.

29 (7) All licenses shall expire at 1:00 a.m. on the first day of the re-
30 newal month, which shall be determined by the director by administrative
31 rule and shall be subject to annual renewal upon proper application. The
32 director will determine the renewal month by county based on the number of
33 current licenses within each county, distributing renewals throughout the
34 licensing year. The director may adjust the renewal month to accommodate
35 population increases. Each licensee will be issued a temporary license to
36 operate until the renewal month has been determined. Thereafter, renewals
37 will occur annually on their renewal month. Renewal applications for li-
38 censes accompanied by the required fee must be filed with the director on or
39 before the first day of the designated renewal month. Any licensee holding
40 a valid license who fails to file an application for renewal of the current
41 license on or before the first day of the designated renewal month shall
42 have a grace period of an additional thirty-one (31) days in which to file an
43 application for renewal of the license. The licensee shall not be permitted
44 to sell beer at retail during the thirty-one (31) day extended time period
45 unless and until the license is renewed.

46 SECTION 99. That Section 23-1312, Idaho Code, be, and the same is hereby
47 amended to read as follows:

48 23-1312. BY THE DRINK LIQUOR RETAILERS MAY PURCHASE FROM DISTRIBU-
49 TORS. Any law to the contrary notwithstanding, including but not limited to

1 section 23-91423, Idaho Code, the holder of a license for the retail sale of
2 liquor by the drink as defined in chapter 9, title 23, Idaho Code, is hereby
3 authorized to purchase wine from persons holding valid wine distributor's
4 licenses.

5 SECTION 100. That Section 23-1406, Idaho Code, be, and the same is
6 hereby amended to read as follows:

7 23-1406. STORAGE AND RESTOCKING. (1) All alcoholic beverages, which
8 are used to restock and replenish a facility's hospitality cabinets, shall
9 be kept locked in a separate, secure room or cabinet, except when the hospi-
10 tality cabinets are being restocked and replenished.

11 (2) The hospitality cabinets can be restocked and replenished with al-
12 coholic beverages only during those hours when liquor can be sold as provided
13 in section 23-92732, Idaho Code.

14 SECTION 101. That Section 67-7446, Idaho Code, be, and the same is
15 hereby amended to read as follows:

16 67-7446. RESTRICTIONS. Notwithstanding the provisions of section
17 23-9287, Idaho Code, nothing in that section shall be construed to authorize
18 any form of games of chance or private lotteries, except as may be authorized
19 expressly by this chapter in accordance with the Idaho Constitution.

20 SECTION 102. SEVERABILITY. The provisions of this act are hereby de-
21 clared to be severable, and if any provision of this act or the application
22 of such provision to any person or circumstance is declared invalid for any
23 reason, such declaration shall not affect the validity of the remaining por-
24 tions of this act.

25 SECTION 103. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after
27 July 1, 2022.