

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 92

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO WINE; AMENDING SECTION 23-1303, IDAHO CODE, TO REVISE A DEFINI-
3 TION; AMENDING SECTION 23-1307, IDAHO CODE, TO REVISE CERTAIN WINE LI-
4 CENSE REQUIREMENTS ASSOCIATED WITH RETAIL BEER LICENSES; AND DECLARING
5 AN EMERGENCY.

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

7 SECTION 1. That Section 23-1303, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 23-1303. DEFINITIONS. (1) The following terms as used in this chapter
10 are hereby defined as follows:

11 (a) "Dessert wine" means only those ~~beverages~~ wines that ~~are desig-~~
12 ~~nated or labeled, pursuant to the federal alcohol administration act,~~
13 ~~as "sherry," "madeira" or "port,"~~ which contain more than sixteen per-
14 cent (16%) alcohol by volume, but do not exceed ~~twenty-one~~four percent
15 (~~21~~24%) alcohol by volume. Dessert wine as defined herein shall not be
16 deemed to be a spirit based beverage for the purposes of paragraph (g) of
17 this subsection.

18 (b) "Director" means the director of the Idaho state police.

19 (c) "Distributor" means a person to whom a wine distributor's license
20 has been issued.

21 (d) "Domestic produced product" means wine at least seventy-five per-
22 cent (75%) of which by volume is derived from fruit or agricultural
23 products grown in Idaho.

24 (e) "Importer" means a person to whom a wine importer's license has been
25 issued.

26 (f) "Live performance" means a performance occurring in a theater and
27 not otherwise in violation of any provision of Idaho law.

28 (g) "Low proof spirit beverages" means any alcoholic beverage contain-
29 ing not more than fourteen percent (14%) alcohol by volume obtained by
30 distillation mixed with drinkable water, fruit juices and/or other in-
31 gredients in solution. These products shall be considered and taxed as
32 wine. Spirit based beverages exceeding fourteen percent (14%) alcohol
33 by volume shall be considered as liquor and sold only through the divi-
34 sion system.

35 (h) "Person" includes an individual, firm, copartnership, associa-
36 tion, corporation, or any group or combination acting as a unit, and
37 includes the plural as well as the singular unless the intent to give a
38 more limited meaning is disclosed by the context in which it is used.

39 (i) "Retailer" means a person to whom a retail wine license has been is-
40 sued.

1 (j) "Retail wine license" means a license issued by the director, au-
 2 thORIZING a person to sell table wine and/or dessert wine at retail for
 3 consumption off the licensed premises.

4 (k) "Table wine" shall mean any alcoholic beverage containing not more
 5 than sixteen percent (16%) alcohol by volume obtained by the fermenta-
 6 tion of the natural sugar content of fruits or other agricultural prod-
 7 ucts containing sugar whether or not other ingredients are added.

8 (l) "Theater" means a room, place or outside structure for performances
 9 or readings of dramatic literature, plays or dramatic representations
 10 of an art form not in violation of any provision of Idaho law.

11 (m) "Vintner" means a person who manufactures, bottles, or sells ta-
 12 ble wine or dessert wine to importers for resale within this state other
 13 than a licensed "winery" as herein defined.

14 (n) "Wine" includes table wine and dessert wine, unless the context re-
 15 quires otherwise.

16 (o) "Wine by the drink license" means a license to sell table wine or
 17 dessert wine by the individual glass or opened bottle at retail, for
 18 consumption on the premises only.

19 (p) "Wine distributor's license" means a license issued by the director
 20 to a person authorizing such person to distribute table wine or dessert
 21 wine to retailers within the state of Idaho.

22 (q) "Wine importer's license" means a license issued by the director
 23 to a person authorizing such person to import table wine or dessert wine
 24 into the state of Idaho and to sell and distribute such wines to a dis-
 25 tributor.

26 (r) "Winery" means a place, premises or establishment within the state
 27 of Idaho for the manufacture or bottling of table wine or dessert wine
 28 for sale. Two (2) or more wineries may use the same premises and the same
 29 equipment to manufacture their respective wines, to the extent permit-
 30 ted by federal law.

31 (s) "Winery license" means a license issued by the director authorizing
 32 a person to maintain a winery.

33 (2) All other words and phrases used in this chapter, the definitions of
 34 which are not herein given, shall be given their ordinary and commonly under-
 35 stood and accepted meanings.

36 SECTION 2. That Section 23-1307, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 23-1307. QUALIFICATIONS FOR RETAIL WINE LICENSE, WINE BY THE DRINK LI-
 39 CENSE, AND DISTRIBUTOR'S LICENSE. (1) No retail wine license, wine by the
 40 drink license, or wine distributor's license shall be issued to an applicant
 41 who at the time of making the application:

42 (a) If a corporation, has not qualified as required by law to do busi-
 43 ness in the state of Idaho;

44 (b) Has had a wine distributor's license, retail wine license, wine by
 45 the drink license, or wine importer's license revoked by the director
 46 within three (3) years from the date of making such application;

47 (c) Has been convicted of a violation of the laws of this state or of the
 48 United States governing the sale of alcoholic beverages, wine, or beer,
 49 within three (3) years from the date of making such application;

1 (d) Has been convicted of a felony or been granted a withheld judgment
2 following an adjudication of guilt of a felony within five (5) years
3 from the date of making such application;

4 (e) If an individual or partnership, either the individual or at least
5 one (1) of the partners of a partnership is not nineteen (19) years of
6 age or older;.

7 ~~(f) If the application is for a retail wine license or wine by the drink
8 license, the director finds that the applicant does not possess a retail
9 beer license issued by the director, except that~~

10 (2) Licensed wineries shall not be required to possess a retail beer
11 license as a prerequisite to a separate retail wine license or wine by the
12 drink license for sales to sell wine on the winery's original licensed
13 premises or at locations other than the winery's original licensed premises.

14 (23) To determine qualification for a license, the director shall also
15 cause an investigation which shall include a fingerprint-based criminal
16 history check of the Idaho central criminal history database and the federal
17 bureau of investigation criminal history database. Each person listed as an
18 applicant on an initial application shall submit a full set of fingerprints
19 and the fee to cover the cost of the criminal history background check for
20 such person with the application.

21 SECTION 3. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after its
23 passage and approval.