

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 414

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIQUOR STORES; AMENDING SECTION 23-313, IDAHO CODE, TO REVISE A  
2 PROVISION REGARDING LIQUOR CONSUMED ON CERTAIN PREMISES; AND AMENDING  
3 CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-314,  
4 IDAHO CODE, TO DEFINE TERMS, TO AUTHORIZE SAMPLE TASTINGS OF LIQUOR IN  
5 CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS FOR SAMPLE TAST-  
6 INGS, AND TO PROVIDE THAT A RETAIL STORE SHALL NOT INCUR LIABILITY.  
7

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

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

11 23-313. LIQUOR NOT TO BE CONSUMED ON PREMISES. No vendor, officer,  
12 clerk, servant, agent, or employee of the division employed in any state  
13 liquor store, state-owned warehouse, or distributing station, shall allow  
14 any alcoholic liquor to be consumed on the premises of such state ware-  
15 house, store, or distributing station, except for sampling purposes only,  
16 as described in section 23-314, Idaho Code. ~~Neither shall any person~~ vendor,  
17 officer, clerk, servant, agent, or employee of the division consume any such  
18 liquor on such premises.

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

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

1 (8) Samples shall be served in a specifically identified sample area  
2 or areas within the retail store. Such area or areas shall be of a size and  
3 design such that the person conducting the tasting can observe and control  
4 persons in the area to ensure that no persons under twenty-one (21) years of  
5 age or visibly intoxicated persons possess or consume alcohol. Customers  
6 must remain in the tasting area or areas until they have finished consuming  
7 the sample. The retail store shall keep on file at the premises a floor plan  
8 identifying the tasting area or areas.

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

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

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

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