

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 575

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIQUOR STORES; AMENDING SECTION 23-313, IDAHO CODE, TO REVISE
2 A PROVISION REGARDING LIQUOR CONSUMED ON CERTAIN PREMISES; AND AMEND-
3 ING CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
4 23-314, IDAHO CODE, TO DEFINE TERMS, TO AUTHORIZE SAMPLE TASTINGS OF
5 LIQUOR IN CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS FOR SAMPLE
6 TASTINGS, TO PROHIBIT CERTAIN ADVERTISING AND PROMOTION, AND TO PROVIDE
7 THAT A RETAIL STORE SHALL NOT INCUR LIABILITY.
8

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

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

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

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

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

18 (12) The division may not advertise or otherwise promote to the public a
19 tasting event permitted pursuant to the provisions of this section.

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