Idaho Constitution

PROMOTION OF TEMPERANCE AND MORALITY—Article III, Section 24

The first concern of all good government is the virtue and sobriety of the people, and the purity of the home. The legislature should further all wise and well directed efforts for the promotion of temperance and morality.
POWER AND AUTHORITY OVER INTOXICATING LIQUORS - Article III, Section 26

From and after the thirty-first day of December in the year 1934, the legislature of the state of Idaho shall have full power and authority to permit, control and regulate or prohibit the manufacture, sale, keeping for sale, and transportation for sale, of intoxicating liquors for beverage purposes.
Prohibition Ends At Last!
To facilitate local decisions about alcohol taxes.

To promote consumption in the community.

To balance and regulate the market.
ISP Strategic Plan

- MISSION-Providing public safety across the State of Idaho through Law Enforcement Excellence.

- ALCOHOL BEVERAGE CONTROL (ABC)- Regulate and control the statewide sale, manufacture and distribution of alcoholic beverages and liquor.
Idaho Code 23-934A – Application

- Authorizes serving and selling of alcoholic beverages.
  - Limited based on type of application licensee possesses.

- At a “Festival” or “Convention” –
  - “Festival” means a period or program of festive activities, cultural events or entertainment lasting 3 or more consecutive days.
  - “Convention” means a formal meeting of members, representatives, or delegates, as of a political party, fraternal society, profession or industry.

- Not to exceed 5 consecutive days.
- May request request one (1) permit extension on the same terms and conditions as the original permit.
- Application must be made to the city or county where alcoholic beverages will be served.
Idaho Code 23-934A – Application

- Not to be issued to an already licensed premise.
- The applicant must be the licensee. (The licensee is responsible for the purchase and dispensing of all alcohol products).

Application must contain:
- Name, address, ABC license number of applicant.
- Dates and hours permit is effective
- Name of sponsor for event
- Address where alcoholic beverages are to be served
- A filing fee in the amount of twenty dollars ($20.00) for each day the permit is to be effective.
- Valid only within the issuing jurisdiction.
Catering Permits

- Idaho Code 23-934B – Approval
  - City Council or County Commission approval or disapproval
    - Based on advice and recommendation of chief or sheriff
  - Endorsed by clerk of city or county
  - Copies to Chief, Sheriff, and Clerk
Idaho Code 23-934C – Penalty provisions

- All regulatory and penal provisions of Title 23 apply
- Cities and Counties may provide further regulations to control businesses, license use, sales and serving of alcoholic beverages.
• Problems and common questions
  ◦ One licensee catering to several regular locations throughout the state
  ◦ Municipalities are issuing catering permits for locations already licensed
  ◦ Catering to a regular location and minors consuming alcohol is a recurring problem. The location advertises dances and all ages come to the dances.
  ◦ When is a catering permit needed?
IDAPA 11.05.01.021. Over/Under Clubs

Over/Under Clubs. Minors shall not enter, remain or loiter in any licensed establishment that sells alcoholic beverages by the drink where drinking alcohol is the predominate activity or where an environment is created in which drinking alcohol appears to be the predominate activity. This includes an establishment that provides entertainment and whose primary source of revenue comes from the sale of alcoholic beverages for consumption on the premises, or cover charges, or both.
Catering Permits

- Catering permit application:
  - Have a detailed application which clearly indicates the type of event such as a convention, festival, party or special event.
  - Application should be accompanied by a detailed diagram.
  - Event name? (catering event name, meeting or holiday party)
  - Address of event.
  - The event organizer and contact information.
  - Onsite contact person (person responsible for serving alcohol) and contact information.
  - What is the maximum number of guests in attendance?
  - Is the event all ages or limited to persons under age 21?
  - Will security be on site for public safety?
  - Is their adequate amenities being provided? (restrooms/water)
• Additional things to consider
  
  - Application should be reviewed by chief or sheriff to ensure public safety and that the city or county has adequate resources to deal with large crowds, public intoxication, medical issues, riots, fights, traffic control, etc.
  
  - What measures are being taken by event organizer to prevent underage service and the over service of alcohol.
IC 23-934-Unlicensed Rooms Unlawful-Exception.

- It shall be unlawful for any person to keep or maintain any rooms or premises in which liquor is received or kept, whether owned by such person or by another, or to which liquor is brought, for consumption on the premises by members of the public or of any club, incorporated or unincorporated, or a corporation or associated, unless such person and the premises are licensed under this act, except as provided under a liquor catering permit.
• Non-Profit Permits

  ◦ IC 23-1007A (beer) & 23-1336 (wine)
  ◦ Any licensed Distributor, Winery or Retailer may sell or donate beer/wine to a person which has not been issued any license for the sale of alcoholic beverages in this state, for benevolent, charitable or public purposes if a permit has been issued to the person or nonprofit entity.
  ◦ Upon application to the Idaho State Police the director may issue a permit. The application fee is ($20.00)
  ◦ A licensed retailer may, on behalf of the permittee, receive or store beer to be used the event and may dispense such beer to attendees of the benevolent, charitable or public purpose event for which the permit was issued.
• Beer and Wine Tastings

◦ IC 23-1019 (beer) & 23-1325C (wine)
◦ Breweries, Wineries, Wholesalers, and Distributors may assist a retail beer/wine licensee at a sample tasting on premises without a permit.
◦ Samples are limited to 1.5 ounces of beer and/or wine.
◦ The retailer shall identify a tasting area.
◦ Customers remain in the tasting area until sample is consumed.
• Winery Licensee

  ◦ IC 23-1306 - A winery licensed under this chapter shall also be considered as holding, for the purposes of selling a product processed and bottled by or for that winery, a current retail wine license and wine by the drink license for the licensed premises and for use at functions and events identified in section IC 23-1338

  ◦ IC 23-1337 - Any person who is the holder of an Idaho winery license shall be eligible to obtain an alcohol beverage catering permit. Two or more wineries may use a winery’s licensed premises to host an event under an alcohol beverage catering permit to serve and sell their respective wines at that event.
• **Wine Sponsored Events**
  
  ◦ **IC 23-1338** – Any person who the holder of Idaho winery license is authorized to serve or sell any Wine product of that winery at events of seven (7) days duration or less sponsored by any group, organization, person or political subdivision.
  
  ◦ The winery shall notify ABC, the chief (incorporated) or sheriff (county) at least seven (7) days prior to the date on which the sponsored event is to commence, via electronic mail.
  
  ◦ ABC will respond within three (3) business days approving or disapproving.
  
  ◦ Neither a city nor a county license or permit is required for the activities authorized pursuant to the provisions of this section.
• **Wine Commission**
  - IC 54-3606A – Promotion of Idaho Grape Products
  - The commission and the property owner, lessee and operator shall not be required to hold or obtain any license, permit or registration or to provide any notification to a public official to enable the commission, commission members, volunteers authorized by the commission and commission employees to engage in the activities authorized by this section.
  - The activities include, but are not limited to, dispensing or serving samples of wine on premises not licensed for the sale of wine by glass or opened bottle.