

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 330

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-944, IDAHO CODE, TO REVISE A PROVISION REGARDING THEATERS AND MOVIE THEATERS; AMENDING SECTION 23-1010, IDAHO CODE, TO REVISE A PROVISION REGARDING MOVIE THEATERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 23-944, Idaho Code, be, and the same is hereby amended to read as follows:

23-944. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. It shall not be unlawful for, nor shall section 23-943, Idaho Code, be construed to restrict, any person under the age of twenty-one (21) years from entering or being:

(1) Upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein;

(2) In any building, a part or portion of which is used as a place, as herein defined, provided such place is separated or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under the ages specified with respect thereto in section 23-943, Idaho Code, from entering therein;

(3) In any baseball park, sports arena, convention center, multipurpose arena, plaza, theater that is presenting live performances, or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of liquor by the drink, wine or beer for consumption on the premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of twenty-one (21) years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment. It is lawful for persons under the age of twenty-one (21) years to enter and remain in a baseball park, sports arena, convention center, multipurpose arena, plaza, theater that is presenting live performances, or fairgrounds as long as the activity, show, exhibition, performance or event is lawful and the person does not violate section 23-949, Idaho Code;

(4) Upon the premises of any licensed brewery or winery notwithstanding that such premises or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that beer or wine is dispensed and served and consumed therein;

1 (5) Upon the licensed premises of a wine retailer, wholly owned and op-
 2 erated by a licensed winery that retails exclusively the products of that
 3 winery;

4 (6) At a location, other than a liquor, beer, or wine licensed premises,
 5 authorized to serve alcoholic beverages under a valid alcohol beverage
 6 catering permit; or

7 (7) In any movie theater that is allowed to sell beer or wine for con-
 8 sumption on the premises pursuant to a valid license and which movie theater
 9 had a license that was valid and not suspended or revoked on ~~January 1, 2006,~~
 10 ~~or July 1, 2025,~~ and in any other theater or movie theater ~~built prior to Jan-~~
 11 ~~uary 1, 1950,~~ and that is located in a building listed on the national regis-
 12 ter of historic places. No films, still pictures, electronic reproductions
 13 or other visual reproductions that are in violation of chapter 41, title 18,
 14 Idaho Code (indecent and obscenity), or are in violation of federal law re-
 15 garding pornography, indecent or obscenity shall be shown or displayed on
 16 the premises. As used in this subsection, "movie theater" means a motion
 17 picture theater that is being utilized solely for exhibition of a motion pic-
 18 ture.

19 SECTION 2. That Section 23-1010, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 23-1010. LICENSE TO SELL BEER AT RETAIL -- APPLICATION PROCEDURE AND
 22 FORM -- SHOWING OF ELIGIBILITY FOR LICENSE AND DISQUALIFICATIONS. (1) Every
 23 person who shall apply for a state license to sell beer at retail shall ten-
 24 der the license fee to, and file written application for license with, the
 25 director. The application shall be on a form prescribed by the director that
 26 shall require such information concerning the applicant, the premises for
 27 which license is sought and the business to be conducted thereon by the ap-
 28 plicant as the director may deem necessary or advisable, and which shall en-
 29 able the director to determine that the applicant is eligible and has none of
 30 the disqualifications for license, as provided for in this section. If the
 31 applicant is applying for a license solely for a theater that is presenting
 32 live performances as those terms are defined in section 23-1001, Idaho Code,
 33 or a movie theater, as defined in section 23-944, Idaho Code, ~~built prior to~~
 34 ~~January 1, 1950,~~ and that is located in a building listed on the national reg-
 35 ister of historic places, the application shall so state. Such information
 36 shall include the following:

37 (a) The name and place of residence of the applicant and length of his
 38 residence within the state of Idaho and, if the applicant is a partner-
 39 ship, the names, places of residence and lengths of residence within the
 40 state of Idaho of each partner and, if the applicant is a corporation or
 41 association, the date and place of incorporation or organization, the
 42 location of its principal place of business in Idaho and the names and
 43 places of residence of its officers, directors or members of its govern-
 44 ing board and of the person who manages or will manage the business of
 45 selling beer at retail;

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

- 1 (2) The application shall affirmatively show:
2 (a) That the applicant is the bona fide owner of the business that will
3 be engaged in the sale of beer at retail and with respect to which li-
4 cense is sought;
5 (b) That the condition of the place or building wherein it is proposed
6 to sell beer at retail conforms to all laws and rules of the state of
7 Idaho and to the ordinances of the county and municipality applicable
8 thereto relating to public health and safety and to the zoning ordi-
9 nances of the municipality applicable thereto;
10 (c) That there is no stamp or permit outstanding and in force that
11 has been issued to any person by the United States government for the
12 premises for which license to sell beer at retail is sought, which
13 stamp or permit denotes payment of any special tax imposed by the United
14 States government on a retail dealer in liquor or wines, unless said
15 premises are premises for which a retail license for sale of liquor by
16 the drink, issued under the provisions of chapter 9, title 23, Idaho
17 Code, is in force and effect;
18 (d) That the individual applicant, or each partner of a partnership
19 applicant, or a corporation applicant or an association applicant is
20 qualified to do business within the state of Idaho;
21 (e) That the applicant, if an individual, is not less than nineteen (19)
22 years of age;
23 (f) That, within three (3) years immediately preceding the date of
24 filing the application, the applicant has not been convicted of the vio-
25 lation of any law of the state of Idaho, any other state, or of the United
26 States regulating, governing or prohibiting the sale, manufacture,
27 transportation or possession of alcoholic beverages or intoxicating
28 liquors, or, within said time, suffered the forfeiture of a bond for
29 failure to appear in answer to charges of any such violation;
30 (g) That, within five (5) years immediately preceding the date of fil-
31 ing the application, the applicant has not been convicted of any felony
32 or paid any fine or completed any sentence of confinement therefor
33 within said time;
34 (h) That, within three (3) years next preceding the date of filing
35 said application, the applicant has not had any license provided for
36 herein, or any license or permit issued to the applicant pursuant to the
37 law of this state, or any other state, or of the United States to sell,
38 manufacture, transport or possess alcoholic beverages or intoxicating
39 liquors, revoked.
40 (3) To determine qualification for a license, the director shall also
41 cause an investigation that shall include a fingerprint-based criminal his-
42 tory check of the Idaho central criminal history database and the federal bu-
43 reau of investigation criminal history database. Each person listed as an
44 applicant on an initial application shall submit a full set of fingerprints
45 and the fee to cover the cost of the criminal history background check for
46 such person with the application.
47 (4) The affirmative showing required with respect to an applicant under
48 paragraphs (e), (f), (g) and (h) of subsection (2) of this section shall also
49 be required to be made with respect to each partner of a partnership appli-

1 cant and to each incumbent officer, director or member of the governing board
2 of a corporation or association applicant.

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

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

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

36 SECTION 3. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after
38 July 1, 2025.