

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 393

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO DISTILLED SPIRITS SAMPLE TASTING; AMENDING CHAPTER 5, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-509A, IDAHO CODE, TO PROVIDE THAT MANUFACTURERS OF DISTILLED SPIRITS MAY CONDUCT SAMPLE TASTINGS, TO SET FORTH REQUIREMENTS APPLICABLE TO SAMPLE TASTING EVENTS AND TO SET FORTH ADDITIONAL REQUIREMENTS FOR MANUFACTURERS OF DISTILLED SPIRITS WHEN CONDUCTING A SAMPLE TASTING.

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

SECTION 1. That Chapter 5, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-509A, Idaho Code, and to read as follows:

23-509A. DISTILLED SPIRITS SAMPLE TASTING REQUIREMENTS. (1) Manufacturers of distilled spirits may conduct distilled spirits sample tastings on the premises of such manufacturer or on the premises of a holder of a retail liquor license issued under chapter 9, title 23, Idaho Code, for the purpose of promoting their distilled spirits products to the public.

(2) Sample tasting events permitted pursuant to this section shall be conducted subject to all of the following requirements:

(a) Sample sizes. The size of each sample of distilled spirits shall not exceed one (1) ounce.

(b) Number of tastings on licensed premises. The retail liquor licensee shall not permit a manufacturer of distilled spirits to conduct tastings on the premises of the same licensee more than eight (8) times per calendar year. A manufacturer of distilled spirits may hold tastings on consecutive days on one (1) licensed premises, provided the tastings shall not exceed two (2) consecutive days. If a manufacturer of distilled spirits holds tastings on two (2) consecutive days, it shall not hold another tasting on those premises for at least four (4) weeks.

(c) Server requirements. Persons serving or pouring distilled spirits at tastings on premises for which a retail liquor license has not been issued must be at least twenty-one (21) years of age.

(3) A manufacturer of distilled spirits may conduct sample tastings on premises licensed to retail liquor for products produced by the manufacturer. The manufacturer of distilled spirits, in addition to compliance with all other requirements of this section, shall comply with all of the following requirements:

(a) Provide the product to be tasted and remove any remaining product at the end of the tasting;

(b) Provide or pay for a person to serve the distilled spirits. The server must be an employee or agent of the manufacturer and shall not be an employee or agent of a retail liquor licensee. The manufacturer

1 shall not compensate any employee or agent of the retail liquor licensee  
2 to participate in the tasting; and

3 (c) The manufacturer of distilled spirits shall keep a record of each  
4 tasting it conducts, including the date and location of each event and  
5 the products served.

6 (4) Manufacturers of distilled spirits may conduct sample tastings,  
7 and retail liquor licensees may allow such tastings to be conducted on  
8 licensed premises, in accordance with the provisions of this section  
9 notwithstanding the provisions of title 23, Idaho Code, vesting the state  
10 liquor division with exclusive authority to import, purchase and store  
11 alcoholic liquor, and notwithstanding the provisions of section 23-610,  
12 Idaho Code, provided that all other conduct and transactions of such  
13 manufacturers and licensees in this state shall be subject to all of the  
14 relevant provisions of title 23, Idaho Code.