

IN THE SENATE

SENATE BILL NO. 1379

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION
2 23-1307, IDAHO CODE, TO PROVIDE THAT LICENSED WINERIES SHALL NOT
3 BE REQUIRED TO POSSESS A RETAIL BEER LICENSE AS A PREREQUISITE TO A
4 SEPARATE RETAIL WINE LICENSE OR WINE BY THE DRINK LICENSE FOR SALES AT
5 LOCATIONS OTHER THAN THE WINERY'S ORIGINAL LICENSED PREMISES AND TO
6 MAKE A TECHNICAL CORRECTION.
7

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

9 SECTION 1. That Section 23-1307, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 23-1307. QUALIFICATIONS FOR RETAIL WINE LICENSE, WINE BY THE DRINK
12 LICENSE, AND DISTRIBUTOR'S LICENSE. (1) No retail wine license, wine by the
13 drink license, or wine distributor's license shall be issued to an applicant
14 who at the time of making the application:

15 (a) If a corporation, has not qualified as required by law to do
16 business in the state of Idaho;

17 (b) Has had a wine distributor's license, retail wine license, wine by
18 the drink license, or wine importer's license, ~~revoked~~ revoked by the director
19 within three (3) years from the date of making such application;

20 (c) Has been convicted of a violation of the laws of this state or of the
21 United States governing the sale of alcoholic beverages, wine, or beer,
22 within three (3) years from the date of making such application;

23 (d) Has been convicted of a felony or been granted a withheld judgment
24 following an adjudication of guilt of a felony within five (5) years
25 from the date of making such application;

26 (e) If an individual or partnership, either the individual or at least
27 one (1) of the partners of a partnership is not nineteen (19) years of
28 age or older;

29 (f) If the application is for a retail wine license or wine by the drink
30 license, the director finds that the applicant does not possess a retail
31 beer license issued by the director, except that licensed wineries
32 ~~which do not sell wine by the drink~~ shall not be required to possess a
33 retail beer license as a prerequisite to a separate retail wine license
34 or wine by the drink license for sales at locations other than the
35 winery's original licensed premises.

36 (2) To determine qualification for a license, the director shall also
37 cause an investigation which shall include a fingerprint-based criminal
38 history check of the Idaho central criminal history database and the federal
39 bureau of investigation criminal history database. Each person listed as an
40 applicant on an initial application shall submit a full set of fingerprints
41 and the fee to cover the cost of the criminal history background check for
42 such person with the application.