

IN THE SENATE

SENATE BILL NO. 1058

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SALE OF KEG BEER; AMENDING SECTION 23-1007, IDAHO CODE, TO REVISE
2 THE SIZE OF A KEG OF BEER THAT A DEALER OR WHOLESALER IS ALLOWED TO SELL
3 TO A CONSUMER AT HIS LICENSED PREMISES; AND AMENDING SECTION 23-1018,
4 IDAHO CODE, TO REVISE A DEFINITION.
5

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

7 SECTION 1. That Section 23-1007, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 23-1007. SALES BY DEALERS AND WHOLESALERS -- PROHIBITED UNLESS OB-
10 TAINED FROM LICENSEES -- CONSUMPTION ON PREMISES PROHIBITED -- MINIMUM SALE
11 ON LICENSED PREMISES OF UNBROKEN PACKAGES OR KEGS. Except as provided in
12 section 23-1007A, Idaho Code, it shall be unlawful for any dealer or whole-
13 saler to sell for use within the state of Idaho any unbroken packages or kegs
14 of beer produced, manufactured, imported or bought by such dealer except to
15 licensed dealers, wholesalers, retailers to whom a license has been issued
16 by the director, or to employees of the wholesaler or dealer; nor shall any
17 dealer or wholesaler allow for a consideration such beer to be consumed
18 upon the premises of such dealer or wholesaler; provided, however, that any
19 dealer or wholesaler shall be allowed to make sales of beer in kegs of not
20 less than ~~seven and three-quarters~~ five (7-3/45) gallons to a consumer at his
21 licensed premises. Licensed brewers may sell at retail only as provided in
22 section 23-1003(d) and (e), Idaho Code.

23 SECTION 2. That Section 23-1018, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 23-1018. SALE OF KEG BEER -- PENALTIES. (1) Retail and wholesale li-
26 censees selling keg beer for consumption off licensed premises shall place
27 an identification tag onto all kegs of beer at the time of sale and require
28 the signing of a receipt therefor by the purchaser in order to allow kegs to
29 be traced if the contents are used in violation of this act. The keg identi-
30 fication shall be in the form of a numbered label prescribed and supplied by
31 the director of the Idaho state police, which identifies the seller and which
32 is removable or obliterated when the keg is processed for refilling. The re-
33 ceipt shall be on a form prescribed and supplied by the director of the Idaho
34 state police and shall include the name and address of the purchaser and such
35 other information as may be required by the director of the Idaho state po-
36 lice.

37 (2) Any licensee selling keg beer for off-premises consumption who
38 fails to require the signing of a receipt at the time of sale and fails to
39 place a numbered identification label onto the keg shall be subject to having
40 his license suspended as set forth in section 23-1038, Idaho Code.

1 (3) Possession of a keg containing beer which is not identified as re-
2 quired by subsection (1) of this section is a misdemeanor.

3 (4) Any purchaser of keg beer who knowingly provides false information
4 on the receipt required by subsection (1) of this section shall be guilty of a
5 misdemeanor.

6 (5) As used in this section, "keg" means any brewery-sealed, individual
7 container of beer having a liquid capacity of ~~seven and three-fourths~~ five
8 (7-3/4) gallons or more.