

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 63

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WINE; AMENDING SECTION 23-1303, IDAHO CODE, TO REVISE THE DEFINITION OF "DESSERT WINE" AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 23-1303, Idaho Code, be, and the same is hereby amended to read as follows:

23-1303. DEFINITIONS. (1) The following terms as used in this chapter are hereby defined as follows:

(a) "Dessert wine" means only those wines that contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-four percent (24%) alcohol by volume, are grape-based, and are fortified through the addition of wine-based spirits or brandy made from grapes. Dessert wine as defined herein shall not be deemed to be a spirit-based beverage for the purposes of paragraph (g) of this subsection. Dessert wine as defined in this section shall not include aromatized wines such as vermouth, quinquina, and americano.

(b) "Director" means the director of the Idaho state police.

(c) "Distributor" means a person to whom a wine distributor's license has been issued.

(d) "Domestic produced product" means wine at least seventy-five percent (75%) of which by volume is derived from fruit or agricultural products grown in Idaho.

(e) "Importer" means a person to whom a wine importer's license has been issued.

(f) "Live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.

(g) "Low proof spirit beverages" means any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by distillation mixed with drinkable water, fruit juices and/or other ingredients in solution. These products shall be considered and taxed as wine. Spirit-based beverages exceeding fourteen percent (14%) alcohol by volume shall be considered as liquor and sold only through the division system.

(h) "Person" includes an individual, firm, copartnership, association, corporation, or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

(i) "Retailer" means a person to whom a retail wine license has been issued.

(j) "Retail wine license" means a license issued by the director, authorizing a person to sell table wine and/or dessert wine at retail for consumption off the licensed premises.

1 (k) "Table wine" shall mean any alcoholic beverage containing not more
2 than sixteen percent (16%) alcohol by volume obtained by the fermenta-
3 tion of the natural sugar content of fruits or other agricultural prod-
4 ucts containing sugar whether or not other ingredients are added.

5 (l) "Theater" means a room, place or outside structure for performances
6 or readings of dramatic literature, plays or dramatic representations
7 of an art form not in violation of any provision of Idaho law.

8 (m) "Vintner" means a person who manufactures, bottles, or sells ta-
9 ble wine or dessert wine to importers for resale within this state other
10 than a licensed "winery" as herein defined.

11 (n) "Wine" includes table wine and dessert wine, unless the context re-
12 quires otherwise.

13 (o) "Wine by the drink license" means a license to sell table wine or
14 dessert wine by the individual glass or opened bottle at retail, for
15 consumption on the premises only.

16 (p) "Wine distributor's license" means a license issued by the director
17 to a person authorizing such person to distribute table wine or dessert
18 wine to retailers within the state of Idaho.

19 (q) "Wine importer's license" means a license issued by the director
20 to a person authorizing such person to import table wine or dessert wine
21 into the state of Idaho and to sell and distribute such wines to a dis-
22 tributor.

23 (r) "Winery" means a place, premises or establishment within the state
24 of Idaho for the manufacture or bottling of table wine or dessert wine
25 for sale. Two (2) or more wineries may use the same premises and the same
26 equipment to manufacture their respective wines, to the extent permit-
27 ted by federal law.

28 (s) "Winery license" means a license issued by the director authorizing
29 a person to maintain a winery.

30 (2) All other words and phrases used in this chapter, the definitions of
31 which are not herein given, shall be given their ordinary and commonly under-
32 stood and accepted meanings.