LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fifth Legislature  
First Regular Session - 2019

IN THE SENATE

SENATE BILL NO. 1078

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO BEER; AMENDING SECTION 23-1001, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1057, IDAHO CODE, TO AUTHORIZE CONTRACT BREWING IN CERTAIN Instances, TO PROVIDE CERTAIN REQUIREMENTS FOR A CONTRACTEE BREWER AND A CONTRACTOR BREWER, AND TO PROVIDE FOR HOW CERTAIN BEER IS COUNTED.

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

SECTION 1. That Section 23-1001, Idaho Code, be, and the same is hereby amended to read as follows:

23-1001. DEFINITIONS. As used in this chapter:
(a) The word "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.
(b) The word "brewer" means a person licensed to manufacture beer.
(c) "Certificate of approval" means a license issued to a person whose business is located outside of the state of Idaho, who sells beer to wholesalers located within the state of Idaho.
(d) "Contractee brewer" means a brewer producing fewer than thirty thousand (30,000) barrels of beer in aggregate annually, including any beer manufactured outside the state of Idaho, that enters into a contractual relationship with another brewer to produce beer on the contractee's behalf.
(e) "Contractor brewer" means a brewer producing fewer than thirty thousand (30,000) barrels of beer in aggregate annually, including any beer manufactured outside the state of Idaho, that enters into a contractual relationship with a contractee brewer to produce beer for the contractee brewer on the contractor brewer's licensed premises.
(f) The term "dealer" means a person licensed to import beer into this state for sale to a wholesaler.
(g) The word "director" means the director of the Idaho state police.
(h) The word "live performance" means a performance occurring in a theater and not otherwise in violation of any provision of Idaho law.
(i) The word "person" includes any individual, firm, copartnership, association, corporation or any group or combination acting as a unit, and the plural as well as the singular number unless the intent to give a more limited meaning is disclosed by the context.
(j) The word "premises" means the building and contiguous property owned, or leased or used under government permit, by a licensee as part of the business establishment in the business of sale of beer at retail, which property is improved to include decks, docks, boardwalks, lawns, gardens, golf courses, ski resorts, courtyards, patios, poolside areas or similar im-
proved appurtenances in which the sale of beer at retail is authorized under
the provisions of law.

(4k) The word "Retailer" means a person licensed to sell beer to con-
sumers at premises described in the license.

(4l) The word "Theater" means a room, place or outside structure for
performances or readings of dramatic literature, plays or dramatic repre-
sentations of an art form not in violation of any provision of Idaho law.

(km) The word "Wholesaler" means any person licensed to sell beer to
retailers, wholesalers, permittees or consumers and to distribute beer from
warehouse premises described in the license.

(kn) All other words and phrases used in this chapter, the definitions
of which are not herein given, shall be given their ordinary and commonly un-
derstood and acceptable meanings.

SECTION 2. That Chapter 10, Title 23, Idaho Code, be, and the same is
hereby amended by the addition thereto of a NEW SECTION, to be known and des-
ignated as Section 23-1057, Idaho Code, and to read as follows:

23-1057. CONTRACT BREWING. (1) A contractee brewer may enter into a
contractual relationship with a contractor brewer to contractually produce
beer for the contractee brewer to the extent allowed by federal law.

(2) Both the contractee brewer and the contractor brewer shall be sep-
arately licensed and separately owned. Beer brewed for a contractee brewer
shall count toward the contractee brewer's annual barrels produced, and such
beer shall not count toward the contractor brewer's annual barrels produced.
Each brewer shall be separately and distinctly responsible for compliance
with the provisions of this chapter.