

IN THE SENATE

SENATE BILL NO. 1179

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 23-944, IDAHO CODE, TO REVISE PROVISIONS REGARDING EXCEPTIONS TO CERTAIN AGE RESTRICTIONS.

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

SECTION 1. That Section 23-944, Idaho Code, be, and the same is hereby amended to read as follows:

23-944. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. It shall not be unlawful for, nor shall section 23-943, Idaho Code, be construed to restrict, any person under the age of twenty-one (21) years from entering or being:

(1) Upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that ~~alcohol~~ alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein;

(2) In any building, a part or portion of which is used as a place, as herein defined, provided such place is separated or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under the ages specified with respect thereto in section 23-943, Idaho Code, from entering therein;

(3) In any baseball park, sports arena, convention center, multipurpose arena, theater that is presenting live performances or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of liquor by the drink, wine or beer for consumption on the premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of twenty-one (21) years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment. It is lawful for persons under the age of twenty-one (21) years to enter and remain in a baseball park, sports arena, convention center, multipurpose arena, theater that is presenting live performances or fairgrounds ~~se~~ as long as the activity, show, exhibition, performance or event is lawful and the person does not violate section 23-949, Idaho Code;

(4) Upon the premises of any licensed brewery or winery notwithstanding that such premises or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that beer or wine is dispensed and served and consumed therein;

(5) Upon the licensed premises of a wine retailer, wholly owned and operated by a licensed winery ~~which~~ that retails exclusively the products of that winery;

1 (6) At a location, other than a liquor, beer, or wine licensed premises,
2 authorized to serve ~~alcohol~~ alcoholic beverages under a valid alcohol beverage
3 catering permit; or

4 (7) (a) In any movie theater that is allowed to sell beer or wine for
5 consumption on the premises pursuant to a valid license and which movie
6 theater either:

7 (i) ~~H~~had a license that was valid and not suspended or revoked on
8 January 1, 2006; or

9 (ii) Is located in a resort city as described in section 50-1044,
10 Idaho Code.

11 (b) No films, still pictures, electronic reproductions or other visual
12 reproductions ~~which~~ that are in violation of chapter 41, title 18, Idaho
13 Code (indecency and obscenity), or are in violation of federal law re-
14 garding pornography, indecency or obscenity shall be shown or displayed
15 on the premises.

16 (c) As used in this subsection, "movie theater" means a motion picture
17 theater that is being utilized solely for exhibition of a motion pic-
18 ture.