

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 71

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOLIC BEVERAGES; AMENDING CHAPTER 5, TITLE 23, IDAHO CODE,  
2 BY THE ADDITION OF A NEW SECTION 23-509B, IDAHO CODE, TO PROVIDE FOR  
3 THE DONATION OF LIQUOR FOR BENEVOLENT, CHARITABLE, OR PUBLIC PURPOSES  
4 IN CERTAIN INSTANCES, TO PROVIDE FOR A PERMIT FOR DONATING LIQUOR, TO  
5 PROVIDE REQUIREMENTS FOR AN APPLICATION, TO PROVIDE FOR A PERMIT FEE,  
6 TO PROVIDE FOR SUSPENSION OF A PERMIT IN CERTAIN INSTANCES, TO PROVIDE  
7 THAT A LIQUOR BY THE DRINK LICENSEE MAY RECEIVE, STORE, AND DISPENSE  
8 LIQUOR USED BY A PERMITTEE, TO PROHIBIT THE OPENING OR CONSUMPTION OF  
9 A BOTTLE OF LIQUOR IN CERTAIN INSTANCES, AND TO PROVIDE PENALTIES FOR  
10 VIOLATIONS.  
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12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Chapter 5, Title 23, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 23-509B, Idaho Code, and to read as follows:

16 23-509B. DONATIONS FOR BENEVOLENT, CHARITABLE, OR PUBLIC PURPOSES  
17 -- PERMIT REQUIRED. (1) Notwithstanding the provisions of section 23-509,  
18 Idaho Code, nothing shall prevent any liquor manufacturer, liquor supplier,  
19 liquor supplier representative, or person from donating packaged, unopened,  
20 and sealed liquor to a person or nonprofit entity that has not been issued  
21 any license for the sale of alcoholic beverages in this state for benevolent,  
22 charitable, or public purposes if a permit has been issued to the person or  
23 nonprofit entity as provided in subsection (2) of this section.

24 (2) Upon application to the director of the Idaho state police, the di-  
25 rector may issue a permit authorizing the sale or dispensing of liquor by a  
26 person if the director is satisfied that the proceeds, after deducting rea-  
27 sonable expenses incurred, will be donated for a benevolent, charitable, or  
28 public purpose. The director shall prescribe the form of the application  
29 that may require:

30 (a) Disclosure of names of sponsors;

31 (b) Quantities and types of packaged, unopened, and sealed liquor prod-  
32 ucts to be used at the event;

33 (c) Evidence that all donated liquor products have been acquired from  
34 the state liquor division;

35 (d) Names of the liquor manufacturer, liquor supplier, liquor supplier  
36 representative, or person from whom the liquor is to be received;

37 (e) The liquor by the drink licensee, as defined in chapter 9, title 23,  
38 Idaho Code, if any, that shall be designated by such person or nonprofit  
39 entity to receive, store, or dispense liquor on behalf of the permittee;

40 (f) Dates and hours during which the permit is to be effective, not to  
41 exceed three (3) consecutive days;

1 (g) That the applicant submit a report to the director of the Idaho  
2 state police subsequent to the benevolent, charitable, or public pur-  
3 pose event showing the disposition of funds from the event; and

4 (h) Such other information directly related to the event and the appli-  
5 cant that the director of the Idaho state police may require.

6 (3) The director shall collect a fee of fifty dollars (\$50.00) for each  
7 permit issued pursuant to this section.

8 (4) Should the director of the Idaho state police determine that an ap-  
9 plicant, permittee, or its representative is violating or has in the past vi-  
10 olated any law pertaining to the dispensing or sale of liquor by a liquor by  
11 the drink licensee as defined in chapter 9, title 23, Idaho Code, relating to  
12 hours of sale or restrictions concerning age as provided in section 23-603  
13 or 23-615, Idaho Code, or has failed in the past to submit such information  
14 as may have been requested by the director of the Idaho state police, such  
15 permit may be summarily suspended by the director of the Idaho state police  
16 prior to a hearing or may be denied or canceled pending a hearing.

17 (5) A liquor by the drink licensee as defined in chapter 9, title 23,  
18 Idaho Code, may, on behalf of the permittee, receive and store liquor to be  
19 used at the event and may dispense such liquor to attendees of the benevo-  
20 lent, charitable, or public purpose event for which the permit was issued on  
21 behalf of the permittee in accordance with chapter 9, title 23, Idaho Code,  
22 and any other applicable provisions of the Idaho liquor act.

23 (6) Should an event attendee acquire a bottle of liquor, it shall be un-  
24 lawful to open or consume such liquor at the licensed premises or permitted  
25 event location.

26 (7) The Idaho state police alcohol beverage control bureau, after no-  
27 tice to the permittee and the liquor by the drink licensee as defined in chap-  
28 ter 9, title 23, Idaho Code, and reasonable opportunity to be heard, may im-  
29 pose a fine or modify, suspend, revoke, or cancel the permit and the license  
30 upon satisfactory proof that the permittee or licensee violated or permitted  
31 a violation of a condition of the permit or license or of any law or regula-  
32 tion of this state. The decision of the Idaho state police alcohol beverage  
33 control bureau shall be final and conclusive.