LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature Second Regular Session - 2024

IN THE SENATE

SENATE BILL NO. 1381

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LIQUOR; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-903c, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING LICENSES ISSUED TO RESORT CITY RESTAURANTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-903c, Idaho Code, and to read as follows:

23-903c. LICENSES ISSUED TO RESORT CITY RESTAURANTS. (1) Resort city restaurant liquor license. Subject to approval of the mayor and city council and notwithstanding the population limitations set forth in section 23-903(1), Idaho Code, nothing in this chapter shall prohibit the issuance of a resort city restaurant liquor license to the owner, operator, or lessee for use at a qualifying restaurant within the incorporated limits of a resort city, subject to the provisions of this section. For purposes of this section, "resort city" shall have the same meaning as provided in section 50-1044, Idaho Code, and "restaurant" shall have the same meaning as provided in section 23-942, Idaho Code.

(2) Qualifying restaurant. To be eligible for issuance of a resort city restaurant liquor license, a restaurant shall demonstrate that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of liquor. Subsequent license renewals shall be conditioned upon a showing that no less than sixty percent (60%) of gross sales from the preceding twelve (12) month operation of a licensed restaurant be derived from food services.

(3)(a) Restaurant operations. A restaurant selling liquor pursuant to a resort city restaurant liquor license shall abide by the following:

(i) Liquor shall be dispensed and prepared for consumption by a restaurant licensed pursuant to this section only in areas approved by the local licensing authority; and

(ii) All liquor sales shall cease at the time food sales and services cease. The local licensing authority may impose additional date and time restrictions on liquor sales.

(b) No resort city restaurant licensed pursuant to this section shall promote or operate the restaurant as a bar and lounge.

(4)(a) Licenses per city. No more than three (3) resort city restaurant liquor licenses may be issued for use within the incorporated limits of a single resort city. In the event the mayor and city council do not approve the proposed license, a license shall not be issued. Priority shall be given on a first-come, first-served basis according to date of application and the following:
(i) First to those who applied for a license within the incorporated city prior to July 1, 2024, contingent on the ability for actual use as a resort city restaurant liquor license; and

(ii) Second to those who apply for a resort city restaurant liquor license on or after July 1, 2024.

(b) Resort city liquor licenses shall not count toward the limitation on the number of licenses issued according to population, as provided in section 23-903(1), Idaho Code.

(5) Sale, lease, and transfer prohibited. A resort city restaurant liquor license may not be sold or leased and shall not be transferable to any other location, facility, or premises.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.