

IN THE SENATE

SENATE BILL NO. 1381

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIQUOR; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION  
2 OF A NEW SECTION 23-903c, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING  
3 LICENSES ISSUED TO RESORT CITY RESTAURANTS; AND DECLARING AN EMERGENCY  
4 AND PROVIDING AN EFFECTIVE DATE.  
5

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

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

10 23-903c. LICENSES ISSUED TO RESORT CITY RESTAURANTS. (1) Resort city  
11 restaurant liquor license. Subject to approval of the mayor and city coun-  
12 cil and notwithstanding the population limitations set forth in section  
13 23-903(1), Idaho Code, nothing in this chapter shall prohibit the issuance  
14 of a resort city restaurant liquor license to the owner, operator, or lessee  
15 for use at a qualifying restaurant within the incorporated limits of a re-  
16 sort city, subject to the provisions of this section. For purposes of this  
17 section, "resort city" shall have the same meaning as provided in section  
18 50-1044, Idaho Code, and "restaurant" shall have the same meaning as pro-  
19 vided in section 23-942, Idaho Code.

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

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

29 (i) Liquor shall be dispensed and prepared for consumption by  
30 a restaurant licensed pursuant to this section only in areas ap-  
31 proved by the local licensing authority; and

32 (ii) All liquor sales shall cease at the time food sales and ser-  
33 vices cease. The local licensing authority may impose additional  
34 date and time restrictions on liquor sales.

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

37 (4) (a) Licenses per city. No more than three (3) resort city restau-  
38 rant liquor licenses may be issued for use within the incorporated lim-  
39 its of a single resort city. In the event the mayor and city council do  
40 not approve the proposed license, a license shall not be issued. Prior-  
41 ity shall be given on a first-come, first-served basis according to date  
42 of application and the following:

- 1 (i) First to those who applied for a license within the incorpo-
- 2 rated city prior to July 1, 2024, contingent on the ability for ac-
- 3 tual use as a resort city restaurant liquor license; and
- 4 (ii) Second to those who apply for a resort city restaurant liquor
- 5 license on or after July 1, 2024.
- 6 (b) Resort city liquor licenses shall not count toward the limitation
- 7 on the number of licenses issued according to population, as provided in
- 8 section 23-903(1), Idaho Code.
- 9 (5) Sale, lease, and transfer prohibited. A resort city restaurant
- 10 liquor license may not be sold or leased and shall not be transferable to any
- 11 other location, facility, or premises.

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