

TITLE 23
ALCOHOLIC BEVERAGES

CHAPTER 14
HOSPITALITY CABINETS

23-1401. DEFINITIONS. As used in this chapter:

(1) "Alcoholic beverages" means such beverages as defined in section 23-105, Idaho Code, as alcoholic liquor, including alcohol, spirits, wine or any combination thereof, and beverages defined in section 23-1001, Idaho Code, as beer.

(2) "Legal drinking age" means the age when a person is legally allowed to purchase or consume any alcoholic beverage, as provided in section 23-615, Idaho Code.

(3) "Hospitality cabinet" means a closed container, either refrigerated in whole or in part or nonrefrigerated, where access to the interior portion containing alcoholic beverages are contained is restricted by means of a locking device which requires the use of a key, magnetic card, or similar device.

(4) "Qualified facility" means a hotel, inn or motel which is licensed to sell alcoholic beverages for on-premises consumption and which contains guest room accommodations. It shall also include condominiums owned or managed by an otherwise qualified facility.

(5) "Qualified registered guest" means each person of legal drinking age who signs the guest register of a qualified facility or takes some other equivalent action for the purpose of registering as a guest of such qualified facility.

[23-1401, added 1989, ch. 208, sec. 1, p. 511; am. 1999, ch. 59, sec. 12, p. 155.]

23-1402. HOSPITALITY CABINET SALES. Notwithstanding any other statute, any qualified facility, which is licensed to sell any alcoholic beverage on its premises, may also sell such beverages in sealed containers in individual portions to its qualified registered guests by means of a hospitality cabinet located in the rooms of these qualified registered guests, provided all conditions of this chapter are met.

[23-1402, added 1989, ch. 208, sec. 1, p. 511.]

23-1403. HOSPITALITY CABINET CONTENTS. (1) The type of alcoholic beverages contained in any hospitality cabinet of any qualified facility shall be limited to those beverages licensed for sale on such premises.

(2) Alcoholic beverage container sizes shall conform as follows:

(a) Distilled spirits, "miniature" bottles of fifty (50) milliliters or less,

(b) Wine, one-half (1/2) bottles, splits or less, and

(c) Beer, twelve (12) ounces or less.

(3) The hospitality cabinet shall contain no more than thirty (30) individual portions of alcoholic beverages at any one time.

[23-1403, added 1989, ch. 208, sec. 1, p. 511.]

23-1404. HOSPITALITY CABINET. A hospitality cabinet may be part of another furniture unit or device, whether refrigerated in whole or in part or nonrefrigerated, from which nonalcoholic beverages or food may be purchased

by the guests in qualified facility guest rooms. However, in that event, the portion of the hospitality cabinet or similar device in which alcoholic beverages are stored shall be a hospitality cabinet as defined in section 23-1401, Idaho Code.

[23-1404, added 1989, ch. 208, sec. 1, p. 511.]

23-1405. ACCESS RESTRICTIONS. (1) Those portions of a hospitality cabinet containing alcoholic beverages must remain locked at all times when a guest room is unrented, except for taking inventory or restocking and replenishing the hospitality cabinet.

(2) Access to a hospitality cabinet in a particular guest room shall be provided, whether by furnishing a key, magnetic card or similar device, only to a qualified registered guest of legal drinking age, if any, registered to stay in the guest room.

(3) Before providing a key, magnetic card or similar device required to obtain access to the hospitality cabinet in a particular guest room to the qualified registered guest, the licensee shall verify that such qualified registered guest is of legal drinking age.

(4) A key, magnetic card or similar device required to obtain access to the hospitality cabinet in a particular guest room shall only be given to the qualified registered guest if requested by that registered guest and if such guest is not visibly or obviously intoxicated.

[23-1405, added 1989, ch. 208, sec. 1, p. 512.]

23-1406. STORAGE AND RESTOCKING. (1) All alcoholic beverages, which are used to restock and replenish a facility's hospitality cabinets, shall be kept locked in a separate, secure room or cabinet, except when the hospitality cabinets are being restocked and replenished.

(2) The hospitality cabinets can be restocked and replenished with alcoholic beverages only during those hours when liquor can be sold as provided in section 23-927, Idaho Code.

[23-1406, added 1989, ch. 208, sec. 1, p. 512.]

23-1407. COUNTY OPTION -- RESOLUTION OF COUNTY COMMISSIONERS. There is hereby granted to the board of county commissioners of each of the several counties of the state the right and authority to disallow the use of hospitality cabinets, as defined in this chapter, within the borders of their respective counties. This right and authority may be exercised by the board of county commissioners by resolution, regularly adopted, which provides that hospitality cabinets, as defined in this chapter, shall be disallowed within the county. The resolution shall take effect three (3) months after receipt of certification thereof by the director of the Idaho state police and notification of qualified facilities within the county. Hospitality cabinets shall remain disallowed within the county so long as the resolution remains in effect.

[23-1407, added 1989, ch. 208, sec. 1, p. 512; am. 2000, ch. 469, sec. 73, p. 1522.]

23-1408. DIRECTOR TO PROMULGATE RULES. For the purpose of the administration of this chapter, the director of the Idaho state police shall promulgate and publish such rules as the director may deem necessary for carrying out the provisions of this chapter.

[23-1408, added 1989, ch. 208, sec. 1, p. 512; am. 2000, ch. 469, sec. 74, p. 1522.]

23-1409. SHORT TITLE. This act shall be known as the "Hospitality Cabinet Act of 1989."

[23-1409, added 1989, ch. 208, sec. 1, p. 512.]