

TITLE 23  
ALCOHOLIC BEVERAGES

CHAPTER 2  
STATE LIQUOR DIVISION

23-201. DIRECTOR -- APPOINTMENT AND TERM. There shall be a state liquor division (in this act referred to as the "division"), in the office of the governor. The division shall be a division of the office of the governor for the purposes of chapter 8, title 67, Idaho Code, and the administrator of the division shall be known as the director of the state liquor division. The director shall be appointed by the governor for a term of three (3) years, but may be removed by the governor at will.

[23-201, added 1939, ch. 222, sec. 201, p. 465; am. 1941, ch. 10, sec. 1, p. 20; am. 1974, ch. 22, sec. 8, p. 592; am. 2009, ch. 23, sec. 3, p. 54; am. 2012, ch. 113, sec. 2, p. 312.]

23-202. PRINCIPAL PLACE OF BUSINESS. The principal place of business of the division shall be in Ada county.

[23-202, added 1939, ch. 222, sec. 202, p. 465; am. 2001, ch. 183, sec. 6, p. 617; am. 2009, ch. 23, sec. 4, p. 54.]

23-203. POWERS AND DUTIES. The division shall have the following general powers and duties:

(a) Regulation of Liquor Traffic. To permit, license, inspect and regulate the manufacture, importation, transportation, storage, sale and delivery of alcoholic liquor for purposes permitted by this act.

(b) Traffic in Liquor. To buy, import, transport, store, sell and deliver alcoholic liquor, wine containing more than sixteen percent (16%) alcohol by volume, table wine, as defined in section 23-1303, Idaho Code, that is manufactured in Idaho, and sparkling wine.

(c) Operation of Liquor Stores. To establish, maintain and discontinue warehouses, state liquor stores and distribution stations, and in the operation thereof to buy, import, transport, store, sell and deliver such other nonalcohol merchandise as may be reasonably related to its sale of alcoholic liquor.

(d) Acquisition of Real Estate. To acquire, buy and lease real estate and to improve and equip the same for the conduct of its business.

(e) Acquisition of Personal Property. To acquire, buy and lease personal property necessary and convenient for the conduct of its business.

(f) Making Reports. To report to the governor annually, and at such other times as he may require, concerning the condition, management and financial transactions of the division.

(g) General Powers. To do all things necessary and incidental to its powers and duties under this act.

The division shall so exercise its powers as to curtail the intemperate use of alcoholic beverages. It shall not attempt to stimulate the normal demands of temperate consumers thereof, irrespective of the effect on the revenue derived by the state from the resale of intoxicating liquor.

[23-203, added 1939, ch. 222, sec. 203, p. 465; am. 2006, ch. 18, sec. 1, p. 68; am. 2009, ch. 23, sec. 5, p. 54; am. 2011, ch. 130, sec. 2, p. 364.]

23-206. POWERS AND DUTIES OF DIRECTOR AS SUCCESSOR TO IDAHO LIQUOR BOARD. The director of the division shall have the following general powers and duties. (a) Supervision: To exercise general supervision of the conduct and business of the division. (b) Rules and Regulations: To promulgate rules and regulations in the exercise of the governmental and proprietary powers and duties of the division.

[23-206, added 1939, ch. 222, sec. 307, p. 465; am. 1941, ch. 10, sec. 3, p. 20; am. 2009, ch. 23, sec. 8, p. 55.]

23-207. SPECIFIC RULES AND REGULATIONS. Without attempting or intending to limit the general powers of the director of the division contained in section 23-206, Idaho Code, such powers shall extend to and include the following:

(a) Subject to the provisions of chapter 53, title 67, Idaho Code, to prescribe the qualifications of and to select personnel to conduct its business and perform its functions; to require that those holding positions of trust be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code; to fix the compensation of all appointees and employees, assign their duties, and to discharge them.

(b) To regulate the management, operation, bookkeeping, reporting, equipment, records, and merchandise of state liquor stores and distribution stations and warehouses.

(c) To regulate the importation, purchase, transportation, and storage of alcoholic liquor and the furnishing of alcoholic liquor to state liquor stores, distribution stations, and warehouses established under this act.

(d) To determine the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses and for sale at state liquor stores and distribution stations.

(e) To determine the nature, form, and capacity of packages containing liquor kept or sold.

(f) To prescribe the kinds and character of official seals or labels to be attached to packages of liquor sold to a licensee as defined in chapter 9, title 23, Idaho Code. No official seals or labels shall be required to be attached to packages of liquor sold to the general public, at a liquor store or a distributing station.

(g) From time to time to fix the sale prices, which shall be uniform throughout the state, of the different classes, varieties, or brands of alcoholic liquor, and to issue and distribute price lists thereof.

(h) To prescribe, prepare, and furnish printed forms and information blanks necessary or convenient for administering this act, and printed copies of the regulations made thereunder. To contract for the printing thereof and of all necessary records and reports.

(i) To regulate the issuance, suspension and revocation of permits and licenses to purchase, manufacture and handle or traffic in alcoholic liquor.

(j) To prescribe the conditions and qualifications necessary for obtaining permits and licenses, and the conditions of use of privileges under them; and to provide for the inspection of the records and the conduct of use of permittees and licensees.

(k) To prescribe the kind, quality, and character of alcoholic liquors which may be purchased or sold under any and all licenses and permits, including the quantity which may be purchased or sold at any one (1) time or within any specified period of time.

[23-207, added 1939, ch. 222, sec. 308, p. 465; am. 1941, ch. 10, sec. 4, p. 20; am. 1971, ch. 136, sec. 10, p. 522; am. 1974, ch. 22, sec. 9, p. 592; am. 2009, ch. 23, sec. 9, p. 55; am. 2009, ch. 282, sec. 1, p. 849; am. 2010, ch. 19, sec. 1, p. 32; am. 2010, ch. 79, sec. 5, p. 136; am. 2012, ch. 113, sec. 5, p. 312.]

23-208. DIRECTOR -- POWERS AND DUTIES. The director as the executive officer of the division, shall exercise all the powers and duties vested in the division.

[23-208, added 1939, ch. 222, sec. 401, p. 465; am. 1941, ch. 10, sec. 5, p. 20; am. 2009, ch. 23, sec. 10, p. 56.]

23-209. OFFICIAL BOND OF DIRECTOR. The director shall be bonded to the state of Idaho in the time, form and manner as prescribed by chapter 8, title 59, Idaho Code.

[23-209, added 1939, ch. 222, sec. 402, p. 465; am. 1941, ch. 10, sec. 6, p. 20; am. 1971, ch. 136, sec. 11, p. 522; am. 2009, ch. 23, sec. 11, p. 56.]

23-211. PERSONNEL NOT TO BE INTERESTED IN PRIVATE LIQUOR TRAFFIC. Neither the director nor any other officer or employee of the division shall, directly or indirectly, individually, or as a member of a partnership or as a shareholder in a corporation, have any private interest whatsoever in the business of manufacturing, transporting, distributing, or selling of alcoholic liquor; nor shall he receive any kind of profit whatsoever, or have any interest whatsoever in the purchases or sale by the persons herein authorized to purchase and sell alcoholic liquor, except that such provisions shall not prevent any such person from purchasing and keeping in his possession for the personal use of himself, his family, or his guests, of any liquor which may be lawfully purchased.

[23-211, added 1939, ch. 222, sec. 501, p. 465; am. 1941, ch. 10, sec. 8, p. 20; am. 2009, ch. 23, sec. 12, p. 56; am. 2012, ch. 113, sec. 6, p. 313.]

23-212. PERSONNEL DISQUALIFIED FROM OTHER OFFICE OR BUSINESS. No officer or employee of the division shall, while holding such office or position, hold any other office or position or engage in any occupation or business inconsistent or interfering with the duties of such employment.

[23-212, added 1939, ch. 222, sec. 502, p. 465; am. 2009, ch. 23, sec. 13, p. 56.]

23-214. OFFICERS AND EMPLOYEES NOT PERSONALLY LIABLE. Neither the director nor any of the officers or employees of the division shall be liable for damages sustained by any person because of any act done in the performance of their respective duties under this act.

[23-214, added 1939, ch. 222, sec. 504, p. 465; am. 1941, ch. 10, sec. 9, p. 20; am. 2009, ch. 23, sec. 14, p. 56; am. 2012, ch. 113, sec. 7, p. 313.]

23-215. PRICE LISTS TO BE FURNISHED BY SELLERS. All sellers of liquors or wines to the division shall furnish to the director or other executive officer of said division, upon demand of such officer, a sworn statement showing the prices at which the same kind and grade of liquors or wines are

currently sold to the official buying agencies of all states whose border touches the border of the state of Idaho; and it shall be the duty of the director or other executive officer of said division, to keep such listed prices on file in his office and to permit the examination of the same at all times during regular office hours by any person desiring to inspect the same.

[23-215, added 1943, ch. 47, sec. 1, p. 93; am. 2009, ch. 23, sec. 15, p. 57.]

23-216. ATTORNEY OR AGENT OF SELLER -- NAME AND ADDRESS TO BE FURNISHED. Any firm or person interested in the sale of liquors or wines to the division shall file with said division the name and address of any attorney or agent employed by such firm or person in the state of Idaho, and designating the services to be performed by such attorney or agent, which information shall be filed in the office of the division and shall be available at all times during regular office hours to any person desiring to inspect the same.

[23-216, added 1943, ch. 47, sec. 2, p. 93; am. 2009, ch. 23, sec. 16, p. 57.]

23-217. SURCHARGE ADDED TO PRICE OF ALCOHOLIC LIQUOR AND ALL OTHER MERCHANDISE SOLD -- COLLECTION AND REMISSION BY DIRECTOR. (1) The director of the division is hereby authorized and directed to include in the price of alcoholic liquor and all other merchandise sold in the division, and its branches, a surcharge equal to two percent (2%) of the current price per unit computed to the nearest multiple of five cents (5¢).

(2) After the price of the surcharge has been included, the director of the division is hereby authorized and directed to allow a discount of five percent (5%) from the price of each order of alcoholic liquor and all other merchandise sold to any licensee, as defined in section 23-902(8), Idaho Code.

(3) The surcharge imposed pursuant to this section shall be collected and credited monthly to the drug court, mental health court and family court services fund, as set forth in section 1-1625, Idaho Code.

[23-217, added 1959, ch. 166, sec. 1, p. 386; am. 1961, ch. 248, sec. 1, p. 411; am. 1963, ch. 428, sec. 1, p. 1107; am. 1971, ch. 3 (E.S.), sec. 1, p. 9; am. 1972, ch. 311, sec. 1, p. 772; am. 1973, ch. 290, sec. 1, p. 613; am. 1974, ch. 22, sec. 10, p. 592; am. 1974, ch. 213, sec. 1, p. 1558; am. 1976, ch. 317, sec. 1, p. 1086; am. 1982, ch. 255, sec. 1, p. 654; am. 1994, ch. 180, sec. 36, p. 450; am. 2003, ch. 291, sec. 1, p. 792; am. 2004, ch. 318, sec. 2, p. 893; am. 2005, ch. 360, sec. 3, p. 1146; am. 2006, ch. 18, sec. 2, p. 69; am. 2009, ch. 23, sec. 17, p. 57; am. 2016, ch. 268, sec. 4, p. 723.]