

TITLE 23
ALCOHOLIC BEVERAGES

CHAPTER 5
PERMITS AND LICENSES

23-501. NATIVE WINE OR BEER FOR PERSONAL USE. Any person shall have the privilege of manufacturing wine or brewing beer from native grown products for the personal use of himself, family, and guests.

[23-501, added 1939, ch. 222, sec. 801, p. 465; am. 1999, ch. 45, sec. 1, p. 107.]

23-502. SACRAMENTAL WINE. A minister, priest, rabbi, or religious organization shall have the privilege of purchasing wine for sacramental purposes from the division or from any other source within or without the state.

[23-502, added 1939, ch. 222, sec. 802, p. 465; am. 2009, ch. 23, sec. 36, p. 63.]

23-503. DENATURED ALCOHOL. Any person, firm, or corporation may manufacture or sell denatured or wood alcohol.

[23-503, added 1939, ch. 222, sec. 803, p. 465.]

23-504. ALCOHOLIC NONBEVERAGES. Any person may manufacture or sell patent and proprietary medicines, tinctures, food products, extracts, toilet articles and perfumes, and other like commodities, which are not generally classified or used as beverages, although they contain as one of their ingredients alcoholic liquor.

[23-504, added 1939, ch. 222, sec. 804, p. 465.]

23-505. TRANSPORTATION OF ALCOHOLIC BEVERAGES. (1) Alcoholic liquor lawfully purchased may be transported, but no person shall break open, or allow to be broken or opened any container of alcoholic liquor, or drink, or use, or allow to be drunk, or used any alcoholic liquor therein while the same is being transported. Provided however, that an unsealed alcoholic beverage container may be transported in an enclosed trunk compartment or behind the last upright seat of a vehicle which has no trunk compartment.

(2) No person in a motor vehicle, while the vehicle is on a public highway or the right-of-way of a public highway may drink or possess any open beverage containing alcoholic liquor, as defined in section 23-105, Idaho Code, beer as defined in section 23-1001, Idaho Code, or wine as defined in section 23-1303, Idaho Code, unless such person is a passenger in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or in the living quarters of a recreational vehicle as that term is defined in section 49-119, Idaho Code. Violation of this section is a misdemeanor for the individual in actual physical control of the vehicle, as defined in section 18-8004, Idaho Code, and an infraction for other individuals violating this section.

[23-505, added 1939, ch. 222, sec. 805, p. 465; am. 1996, ch. 254, sec. 1, p. 836; am. 2000, ch. 248, sec. 1, p. 701.]

23-506. PERMISSIVE USES SUBJECT TO REGULATION. Any person shall have the privilege of the permissive uses hereinbefore referred to in this article without payment of fee, subject to such reasonable general regulations

as the division may promulgate for the purpose of preventing any abuses of the privileges thereby permitted.

[23-506, added 1939, ch. 222, sec. 806, p. 465; am. 2009, ch. 23, sec. 37, p. 63.]

23-507. MANUFACTURERS' LICENSES. The division may grant a license to a manufacturer of alcoholic liquor for sale to the division and to customers outside of the state, subject to such regulations as the division may adopt. The fee for such permit shall be one hundred dollars (\$100).

[23-507, added 1939, ch. 222, sec. 807, p. 465; am. 2009, ch. 23, sec. 38, p. 64.]

23-508. MANUFACTURER'S BOND. As a condition precedent to the issuance of a manufacturer's license, the applicant shall post a bond, written by a surety company authorized to do business in Idaho, in the penal sum of one thousand dollars (\$1,000), conditioned for the faithful observation of the provisions of this act and the rules of the division promulgated thereunder. For a violation of the conditions thereof, said bond shall be forfeited to the state of Idaho, and any recovery thereon shall be covered into the liquor fund.

[23-508, added 1939, ch. 222, sec. 808, p. 465; am. 2009, ch. 23, sec. 39, p. 64.]

23-509. MANUFACTURERS AND WHOLESALERS NOT TO GIVE LIQUOR AWAY. No manufacturer, wholesaler, or distributor shall give away any alcoholic liquor of any kind at any time in connection with his business, except for testing or sampling purposes only.

[23-509, added 1939, ch. 222, sec. 809, p. 465.]

23-509A. SAMPLE TASTING FOR MANUFACTURERS OF DISTILLED SPIRITS. (1) For purposes of this section, "manufacturer of distilled spirits" means a distillery that holds a permit issued by the alcohol and tobacco tax and trade bureau (TTB) and is licensed by the state of Idaho as an Idaho state manufacturer of distilled spirits.

(2) A manufacturer of distilled spirits may offer sample tastings on the premises of such distillery.

(3) A manufacturer of distilled spirits shall not charge for sample tastings.

(4) Sample sizes for tasting events permitted pursuant to the provisions of this section shall not exceed one-quarter of one ounce (0.25 oz).

(5) The maximum number of samples allowed shall not exceed three (3) samples per person in any twenty-four (24) hour period.

(6) Samples at distilleries may be served only by persons twenty-one (21) years of age or older.

(7) In accordance with state law, distilled spirits shall be served only to persons that are twenty-one (21) years of age or older.

(8) The distilled spirits for sample tastings shall be purchased from the Idaho state liquor division, and all taxes for such distilled spirits shall be paid by the manufacturer of distilled spirits.

[23-509A, added 2014, ch. 274, sec. 1, p. 683.]

23-510. INSPECTION OF MANUFACTORY. The division shall have the power at all times to inspect any manufactory for which a license is granted hereunder.

[23-510, added 1939, ch. 222, sec. 810, p. 465; am. 2009, ch. 23, sec. 40, p. 64.]

23-512. SALES FOR MEDICAL OR SCIENTIFIC PURPOSES. Under such rules and regulations as the division may adopt, it has authority to make sales of alcoholic liquor and ethyl alcohol from the division only:

(a) To a registered pharmacist operating a drug store, for scientific and mechanical purposes and for compounding and preparing medicines.

(b) To a licensed physician, dentist, or veterinarian or other licensed practitioner entitled to prescribe for healing purposes, for administering medicinally and in compounding prescriptions.

(c) To a person in charge of a regularly conducted hospital or sanatorium for administering to the sick and aged.

(d) To a person in charge of a laboratory for use in scientific pursuits and experiments.

(e) For other purposes, similar to those mentioned in this section and not specifically covered by this act.

[23-512, added 1939, ch. 222, sec. 812, p. 465; am. 1963, ch. 296, sec. 3, p. 785; am. 2009, ch. 23, sec. 41, p. 64.]

23-513. TERM OF PERMITS OR LICENSES. Every permit or license issued by the division shall expire on December 31st of the year in which issued.

[23-513, added 1939, ch. 222, sec. 813, p. 465; am. 2009, ch. 23, sec. 42, p. 64.]

23-514. NATURE OF PERMIT. A permit shall be a personal privilege, subject to be denied, revoked, or canceled for its abuse. It shall not constitute property; nor shall it be subject to attachment and execution; nor shall it be alienable or assignable. Every permit shall be issued in the name of the applicant and no person holding a permit shall allow any other person to use the same. The division, if not satisfied of the integrity and good faith of an applicant for a permit, may refuse to issue the same, or may refuse to issue a renewal thereof.

[23-514, added 1939, ch. 222, sec. 814, p. 465; am. 2009, ch. 23, sec. 43, p. 64.]

23-515. INSPECTION AND EXAMINATION OF RECORDS OF PERMITS AND SALES. The records of the division with respect to permits and sales thereunder shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

[23-515, added 1939, ch. 222, sec. 815, p. 465; am. 1990, ch. 213, sec. 19, p. 501; am. 2009, ch. 23, sec. 44, p. 65; am. 2015, ch. 141, sec. 37, p. 412.]

23-516. AUTOMATIC VOIDING OF PERMITS. Whenever a permittee has been convicted by any court of any violation of the provisions of this act or of any crime in which the handling or use of intoxicating liquor was a contributing factor, such conviction ipso facto shall operate to void the permit of such person so convicted and any and all privileges thereunder.

[23-516, added 1939, ch. 222, sec. 816, p. 465.]

23-517. SUSPENSION AND REVOCATION OF PERMITS. The division may suspend or revoke a permit, for the abuse of its privileges, after reasonable notice and fair hearing in accordance with reasonable rules of procedure prescribed by it.

In lieu of other remedies in this section authorized, the division may, as a condition precedent to a continuance of his permit, in any case where the permittee has not theretofore given bond, exact from him a bond, written by a surety company authorized to do business in Idaho, in the penal sum of one thousand dollars (\$1,000), conditioned for the faithful observance of the provisions of this act and the regulations of the division promulgated thereunder. For a violation of the conditions thereof, said bond shall be forfeited to the state of Idaho, and any recovery thereon shall be covered into the liquor fund.

[23-517, added 1939, ch. 222, sec. 817, p. 465; am. 2009, ch. 23, sec. 45, p. 65.]

23-518. SURRENDER OF PERMITS. Whenever a permit shall have been voided, canceled or suspended, the holder thereof shall forthwith deliver the same to the division. The division shall notify all vendors and special distributors of voidances, cancellations and suspensions. No permit shall be issued to a person whose permit has been voided or canceled within a period of one (1) year from the date of voidance or cancellation of his former permit.

[23-518, added 1939, ch. 222, sec. 818, p. 465; am. 2009, ch. 23, sec. 46, p. 65.]

23-519. SPECIFIC GROUNDS OF SUSPENSION AND REVOCATION OF PERMITS. Without limiting the powers of the division in the matter of revocation of permits for other cause of abuse of the privilege, the division is hereby empowered to revoke or suspend a permit of any permittee upon satisfactory proof of any of the following grounds or causes:

(a) Drunkenness or apparent drunkenness, within or without the state of Idaho.

(b) Desertion or nonsupport of family or dependents.

(c) Dependence upon public assistance or relief in any case where it appears that the purchase or consumption of intoxicating liquor by the permittee tends to deprive his family and dependents of needed subsistence.

[23-519, added 1939, ch. 222, sec. 819, p. 465; am. 2009, ch. 23, sec. 47, p. 65.]