

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE SENATE

SENATE BILL NO. 1114

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WINE; AMENDING SECTION 23-105, IDAHO CODE, TO REMOVE A DEFINITION OF WINE AND TO REVISE DEFINITIONS; AMENDING SECTION 23-203, IDAHO CODE, TO PROVIDE THAT THE STATE LIQUOR DIVISION SHALL BE AUTHORIZED TO BUY, IMPORT, TRANSPORT, STORE, SELL AND DELIVER CERTAIN WINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1302, IDAHO CODE, TO PROVIDE THAT THE PURPOSE OF SPECIFIED LAW IS TO REGULATE THE IMPORTATION, DISTRIBUTION AND SALE OF WINES WHILE RESERVING CERTAIN RIGHTS TO THE COUNTIES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 23-1314, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RECORDS REGARDING THE IMPORT OF WINE INTO THE STATE OF IDAHO AND SALE OF WINE IN THE STATE OF IDAHO BY WINERIES, DISTRIBUTORS AND IMPORTERS, TO REVISE PROVISIONS RELATING TO THE RIGHT OF THE DIRECTOR OF THE STATE LIQUOR DIVISION TO EXAMINE CERTAIN BOOKS, RECORDS AND PREMISES AS MAY ASSIST HIM IN VERIFYING ACCURACY OF REPORTS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 23-105, Idaho Code, be, and the same is hereby amended to read as follows:

23-105. ALCOHOLIC LIQUOR DEFINED. "Alcoholic liquor," as the term is used in this act, includes:

(a) "Alcohol," meaning the product of distillation of any fermented liquor, rectified ~~either once or oftener~~ more than once, whatever may be the origin thereof, or synthetic ethyl alcohol.

(b) "Spirits," meaning any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, among other things, brandy, rum, whiskey, and gin.

~~(c) "Wine," meaning any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits (grapes, apples, etc.) or other agricultural products containing sugar (honey, milk, etc.).~~

~~(d)~~ Any liquid or solid, patented or not, containing alcohol, spirits, ~~or wine~~, and susceptible of being consumed by a human being, for beverage purposes, and containing more than ~~4 per cent~~ four percent (4%) of alcohol by weight.

SECTION 2. That Section 23-203, Idaho Code, be, and the same is hereby amended to read as follows:

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.

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

5 (c) Operation of Liquor Stores. To establish, maintain, and discon-
 6 tinue warehouses, state liquor stores and distribution stations, and in the
 7 operation thereof to buy, import, transport, store, sell and deliver such
 8 other nonalcohol merchandise as may be reasonably related to its sale of al-
 9 coholic liquor.

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

12 (e) Acquisition of Personal Property. To acquire, buy, and lease per-
 13 sonal property necessary and convenient for the conduct of its business.

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

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

19 The division shall so exercise its powers as to curtail the intemperate
 20 use of alcoholic beverages. It shall not attempt to stimulate the normal de-
 21 mands of temperate consumers thereof, irrespective of the effect on the rev-
 22 enue derived by the state from the resale of intoxicating liquor.

23 SECTION 3. That Section 23-1302, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 23-1302. PURPOSE AND CONSTRUCTION OF ACT. The purpose of this act is
 26 to regulate the importation, distribution, and sale, both at wholesale and
 27 retail, of wines ~~customarily used in home and family dining and cooking~~ while
 28 reserving to each county of this state the right to prohibit the distribution
 29 or sale of wine within ~~their~~ its borders. This act shall not be construed to
 30 affect laws regulating the retail sale of alcoholic beverages, nor shall it
 31 be construed to in any way enlarge the class of persons who may lawfully buy,
 32 possess, or consume any variety of wine whatever its alcoholic content.

33 SECTION 4. That Section 23-1314, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 23-1314. RECORDS AND INSPECTION OF WINERIES, IMPORTERS AND DISTRIBUTORS
 36 ~~--- CONTENTS --- REPORTS --- CONTENTS --- INSPECTION OF RECORDS, INVENTORY,~~
 37 ~~AND PROPERTY.~~ (1) Every winery, distributor and importer shall have, and
 38 notify the director, of, a place of business within the state of Idaho where
 39 such licensee will and shall keep a record of his or its imports into, and
 40 sales of wine within, the state, including the date, quantity, from whom
 41 purchased for import, the carrier or other person or means by whom or which
 42 transported for import, and the name and address of the purchaser, and shall
 43 so keep such record of each such sale or import for a period of four (4) years
 44 thereafter. Such licensee shall, on or before the fifteenth day of each
 45 month, make a return to the director of the amount of wine sold in, and im-
 46 ported by him into, the state of Idaho for the preceding month, which shall be
 47 upon forms furnished by the director.

1 (2) Each winery, distributor and importer shall keep at its place of
2 business a record of its imports into, and sales of wine within, the state of
3 Idaho. The import record shall include the date and quantity of import and
4 the identity of the import seller and the import carrier or transporter. The
5 sale record shall consist of a copy of the monthly report to the state tax
6 commission required pursuant to section 23-1322, Idaho Code. Each winery,
7 distributor and importer shall keep the record of each sale or import for a
8 period of four (4) years thereafter and shall, on or before the fifteenth day
9 of each month, file the report with the director. The director may require
10 such additional information to be included in such returns as shall assist
11 him in determining whether or not such licensee is complying with this act
12 and whether or not all taxes and fees provided for by this act are being fully
13 paid.

14 (3) The director shall have the right at any time to make an examination
15 of each winery's, distributor's and importer's books, records and premises,
16 and such other matters as may assist him in verifying the accuracy of such
17 returns, and retain in his office for not less than two (2) years, a report
18 thereof. An application for, and acceptance of a license by a winery, dis-
19 tributor, importer or retailer shall constitute consent to, and be author-
20 ity for, entry by the director or his authorized agents, upon any premises
21 related to the licensee's business, or wherein are, or should be, kept, any
22 of the licensee's books, records, supplies or other property related to said
23 business, and to make the inventory, check and investigations aforesaid with
24 relation to said licensee or any other licensee reports.