

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 515

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BEER; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDI-  
2 TION OF A NEW SECTION 23-1019, IDAHO CODE, TO PROVIDE FOR BEER SAMPLE  
3 TASTING REQUIREMENTS AND LIMITATIONS FOR EVENTS ON RETAIL BEER LICENSED  
4 PREMISES.  
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 10, 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 23-1019, Idaho Code, and to read as follows:

10 23-1019. BEER SAMPLE TASTING REQUIREMENTS AND LIMITATIONS FOR EVENTS  
11 ON RETAIL BEER LICENSED PREMISES. (1) Breweries, wholesalers and distribu-  
12 tors may conduct or assist a retail beer licensee at a beer sample tasting on  
13 premises not licensed for the sale of beer by the individual glass or opened  
14 bottle for consumption on the premises or on the premises of the holder of a  
15 beer by the drink license for the purpose of promoting their beer products to  
16 the public. The holder of a retail beer license or a beer by the drink license  
17 may also conduct beer sample tasting events, with or without the assistance  
18 of a brewery, wholesaler or distributor in accordance with this section.

19 (2) A retail beer licensee shall not be required to hold a beer by the  
20 drink license for the purpose of conducting or permitting beer sample tast-  
21 ing events on the premises in accordance with this section unless a charge or  
22 other consideration is required of the customer by the retailer in exchange  
23 for such beer sample.

24 (3) Sample tasting events permitted pursuant to this section shall be  
25 conducted subject to all of the following requirements:

26 (a) Sample sizes. The size of each sample of beer shall not exceed one  
27 and one-half (1.5) ounces.

28 (b) Identified tasting area. The retail beer licensee who conducts  
29 tastings or who allows a brewer, wholesaler, distributor or retailer to  
30 conduct tastings on the retail beer premises shall identify a specific  
31 tasting area or areas. Such area or areas shall be of a size and design  
32 such that the retail beer licensee and the persons conducting the tast-  
33 ing can observe and control persons in the area to ensure that no minors  
34 or visibly intoxicated persons possess or consume alcohol. Customers  
35 must remain in the tasting area or areas until they have finished con-  
36 suming the sample. The retailer shall keep on file at the premises a  
37 floor plan identifying the tasting area or areas. If a retailer does  
38 not have an identified tasting area or areas, the director may require  
39 prior approval of an area or areas before the retailer conducts any more  
40 tastings or allows any more tastings to be conducted by the brewer, dis-  
41 tributor or retailer on the premises.

1 (c) Number of in-store tastings. Although there is no limit on the  
2 number of tastings a retailer may conduct without the assistance of  
3 a brewer, wholesaler or distributor, the retailer shall not permit a  
4 brewer or distributor to conduct, or assist in conducting, tastings on  
5 the premises of the same licensee more than eight (8) times per calendar  
6 year.

7 (d) Brewer, wholesaler or distributor conducted tastings. A brewer,  
8 wholesaler or distributor may hold tastings on consecutive days on one  
9 (1) retail premises, provided the tastings shall not exceed two (2)  
10 consecutive days. Tastings shall be conducted at least four (4) weeks  
11 apart. If a brewer, wholesaler or distributor holds tastings on two (2)  
12 consecutive days, they shall not hold another tasting on those retail  
13 premises for at least four (4) weeks.

14 (e) Server requirements. Persons serving or pouring beer at beer tast-  
15 ings on premises for which a beer by the drink license has not been is-  
16 sued must be at least twenty-one (21) years of age.

17 (4) Brewer, wholesaler or distributor conducted sample tastings. A  
18 brewer, wholesaler or distributor may conduct beer sample tastings on  
19 premises licensed for the sale of beer for products produced or sold by the  
20 brewer, wholesaler or distributor. The brewer or distributor conducting the  
21 beer sample tasting shall, in addition to compliance with other requirements  
22 of this section, comply with all of the following requirements:

23 (a) Provide the product to be tasted and remove any remaining product at  
24 the end of the tasting.

25 (b) Provide or pay for a person to serve the beer. The server must be  
26 an employee or agent of the brewer or distributor and shall not be an em-  
27 ployee or agent of a retailer. The brewer or distributor shall not com-  
28 pensate any employee or agent of the retail licensee to participate in  
29 the tasting.

30 (c) The brewer or distributor shall keep a record of each tasting it  
31 conducts, including the date and location of each event and the products  
32 served.

33 (5) Retailer conducted beer sample tastings. Retail beer licensees and  
34 beer by the drink licensees may conduct beer sample tastings on their li-  
35 censed premises and may:

36 (a) Accept assistance from a brewer, wholesaler or distributor if:

37 (i) The only assistance provided is an employee to provide infor-  
38 mation or education relating to the product being sampled;

39 (ii) The retailer pays for the beer; and

40 (iii) The retailer is responsible for any advertising.

41 (b) Conduct an unlimited number of beer sample tastings on the premises  
42 if there is no brewer or distributor providing assistance for the event.  
43 The retailer may advertise such events.

44 (6) Notwithstanding any other provision of law, participation by a  
45 brewer, wholesaler or distributor in a beer sample tasting event, if ex-  
46 pressly authorized by this section, shall not constitute prohibited conduct  
47 or unlawful aid to a retailer.