

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 348, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE LIQUOR DISPENSARY AND HOURS OF SALE OF LIQUOR; AMENDING SECTION 23-307, IDAHO CODE, TO ELIMINATE THE PROHIBITION ON THE SALE OF ALCOHOLIC LIQUOR ON ELECTION DAYS AT STATE LIQUOR STORES AND DISTRIBUTING STATIONS; AND AMENDING SECTION 23-927, IDAHO CODE, TO ELIMINATE THE PROHIBITION ON THE SALE OF LIQUOR BY THE DRINK ON ELECTION DAYS WHEN THE POLLS ARE OPEN.

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

SECTION 1. That Section 23-307, Idaho Code, be, and the same is hereby amended to read as follows:

23-307. DAYS WHEN SALES ARE PROHIBITED. It shall be unlawful to transact the sale or delivery of any alcoholic liquor in, on, or from the premises of any state liquor store or distributing station:

(a) After the closing hours as established by the dispensary.

(b) On any Thanksgiving, Christmas or Memorial Day.

(c) On any Sunday, except as provided by county option pursuant to section 23-308, Idaho Code.

(d) ~~On any national or state election day.~~

~~(e) On any municipal election day held in the municipality in which a store or distributing station may be situated during the time the polls are open.~~

~~(f)~~ During such other periods or days as may be designated by the dispensary.

SECTION 2. That Section 23-927, Idaho Code, be, and the same is hereby amended to read as follows:

23-927. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet during the following hours:

a. Sunday, Memorial Day, Thanksgiving and Christmas from 1 o'clock A.M., to 10 o'clock A.M. the following day; provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of 2 o'clock P.M. and 11 o'clock P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility.

b. On any other day between 1 o'clock A.M. and 10 o'clock A.M.

c. ~~On any day of a general or primary election until after the time when~~

~~the polls are closed. There is no prohibition against the sale of liquor by the drink during city elections unless the city has enacted an ordinance prohibiting such sales.~~

~~4.~~ When any city or county has any ordinance further limiting the hours of sale of liquor, by the drink, then such hours shall be fixed by such ordinance.

(2) A county or city may, however, by ordinance, allow the sale of liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also extend until 2 o'clock A.M. the hours of the sale of liquor by the drink.

(3) Any patron present on the licensed premises after the sale of liquor has stopped as provided in subsection (1) and subsection (2) above shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.

(4) Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon licensed premises after the time provided for in subsection (3) shall be guilty of a misdemeanor.

(5) It shall be the duty of every person who is employed at or upon a licensed premises or who owns or manages a licensed premises and is present upon the licensed premises during the hours and at the time set forth in subsection (1) and subsection (2) of this section to lock up and keep locked up in a locked room or locked cabinet all unsealed containers of liquor during the hours and at the times set forth in subsection (1) and subsection (2) of this section, and any such person who fails to perform the duty provided herein shall be guilty of a misdemeanor.