

IN THE SENATE

SENATE BILL NO. 1078

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO BEER; AMENDING SECTION 23-1001, IDAHO CODE, TO DEFINE TERMS AND
3 TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 10, TITLE 23, IDAHO
4 CODE, BY THE ADDITION OF A NEW SECTION 23-1057, IDAHO CODE, TO AUTHORIZE
5 CONTRACT BREWING IN CERTAIN INSTANCES, TO PROVIDE CERTAIN REQUIREMENTS
6 FOR A CONTRACTEE BREWER AND A CONTRACTOR BREWER, AND TO PROVIDE FOR HOW
7 CERTAIN BEER IS COUNTED.

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

9 SECTION 1. That Section 23-1001, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 23-1001. DEFINITIONS. As used in this chapter:

12 (a) ~~The word "b~~Beer" means any beverage obtained by the alcoholic fer-
13 mentation of an infusion or decoction of barley, malt and/or other ingredi-
14 ents in drinkable water.

15 (b) ~~The word "b~~Brewer" means a person licensed to manufacture beer.

16 (c) "Certificate of approval" means a license issued to a person whose
17 business is located outside of the state of Idaho, who sells beer to whole-
18 salers located within the state of Idaho.

19 (d) "Contractee brewer" means a brewer producing fewer than thirty
20 thousand (30,000) barrels of beer in aggregate annually, including any beer
21 manufactured outside the state of Idaho, that enters into a contractual re-
22 lationship with another brewer to produce beer on the contractee's behalf.

23 (e) "Contractor brewer" means a brewer producing fewer than thirty
24 thousand (30,000) barrels of beer in aggregate annually, including any beer
25 manufactured outside the state of Idaho, that enters into a contractual
26 relationship with a contractee brewer to produce beer for the contractee
27 brewer on the contractor brewer's licensed premises.

28 (f) ~~The term "d~~Dealer" means a person licensed to import beer into this
29 state for sale to a wholesaler.

30 (eg) ~~The word "d~~Director" means the director of the Idaho state police.

31 (fh) ~~The words "l~~Live performance" means a performance occurring in a
32 theater and not otherwise in violation of any provision of Idaho law.

33 (gi) ~~The word "p~~Person" includes any individual, firm, copartnership,
34 association, corporation or any group or combination acting as a unit, and
35 the plural as well as the singular number unless the intent to give a more
36 limited meaning is disclosed by the context.

37 (hj) ~~The word "p~~Premises" means the building and contiguous property
38 owned, or leased or used under government permit, by a licensee as part of
39 the business establishment in the business of sale of beer at retail, which
40 property is improved to include decks, docks, boardwalks, lawns, gardens,
41 golf courses, ski resorts, courtyards, patios, poolside areas or similar im-

1 proved appurtenances in which the sale of beer at retail is authorized under
2 the provisions of law.

3 (~~i~~k) ~~The word "r~~Retailer" means a person licensed to sell beer to con-
4 sumers at premises described in the license.

5 (~~j~~l) ~~The word "t~~Theater" means a room, place or outside structure for
6 performances or readings of dramatic literature, plays or dramatic repre-
7 sentations of an art form not in violation of any provision of Idaho law.

8 (~~k~~m) ~~The word "w~~Wholesaler" means any person licensed to sell beer to
9 retailers, wholesalers, permittees or consumers and to distribute beer from
10 warehouse premises described in the license.

11 (~~l~~n) All other words and phrases used in this chapter, the definitions
12 of which are not herein given, shall be given their ordinary and commonly un-
13 derstood and acceptable meanings.

14 SECTION 2. That Chapter 10, Title 23, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 23-1057, Idaho Code, and to read as follows:

17 23-1057. CONTRACT BREWING. (1) A contractee brewer may enter into a
18 contractual relationship with a contractor brewer to contractually produce
19 beer for the contractee brewer to the extent allowed by federal law.

20 (2) Both the contractee brewer and the contractor brewer shall be sep-
21 arately licensed and separately owned. Beer brewed for a contractee brewer
22 shall count toward the contractee brewer's annual barrels produced, and such
23 beer shall not count toward the contractor brewer's annual barrels produced.
24 Each brewer shall be separately and distinctly responsible for compliance
25 with the provisions of this chapter.