

Idaho State Police – Alcohol Beverage Control

Frequently Asked Questions

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General Alcohol Information

Question: Where can I get a copy of the Idaho alcohol laws?

Answer: The State of Idaho provides an electronic version of all Idaho alcohol laws at <http://legislature.idaho.gov/idstat/Title23/T23.htm> . An electronic version of the Idaho Administrative Procedures (IDAPA Rules) can be found at: <http://adminrules.idaho.gov/rules/current/11/0501.pdf> .

Question: What is the physical and mailing address of Alcohol Beverage Control?

Answer: Both the physical and mailing address of Alcohol Beverage Control is: 700 South Stratford Drive, Ste 115, Meridian, ID 83642.

Question: What are the lobby hours of Alcohol Beverage Control?

Answer: The lobby hours of Alcohol Beverage Control are Monday thru Friday, 8 am to 4:30 pm. The office will be closed all government observed holidays.

Question: Can debit and/or credit cards be used for payment of any fees to Alcohol Beverage Control?

Answer: At this time, debit and/or credit cards cannot be processed. Cash, check, cashier's check or money orders are the only acceptable forms of payment.

Question: Does Idaho require alcohol servers to have formal server training or certification?

Answer: No, Idaho does not require alcohol servers to have any formal server training or certification. Check with your local city or county for any local ordinances requiring such training.

Question: What are the days that liquor cannot be sold?

Answer: Liquor cannot be sold on Sunday, Memorial Day, Thanksgiving and Christmas. Counties or cities have the option to allow liquor sales on Sunday, Memorial Day and Thanksgiving only. Check with your local jurisdiction to see if they allow liquor sales on these days.

Question: Can liquor-by-the-drink, beer and/or wine be sold on election days?

Answer: During the 2009 the Idaho Legislature changed the law to allow the sale of liquor-by-the-drink, beer and/or wine to be sold on election days. *Note: You should also check with your county and city for local ordinances.*

Question: What are the hours of the day that I can sell liquor-by-the-drink?

Answer: Liquor-by-the-drink can be sold from 10 a.m. to 1 a.m. Your county or city may have a local ordinance that allows the sale of liquor-by-the-drink until 2 a.m.

Question: What are the hours of the day that I can sell beer and wine?

Answer: Beer and wine can be sold from 6 a.m. to 1 a.m. Your county or city may have a local ordinance that allows the sale of beer and wine until 2 a.m.

Question: What is the legal age to consume any alcoholic beverage in Idaho?

Answer: The legal age to consume or possess any alcoholic beverage in Idaho is 21 years of age.

Question: What is the legal age to sell, serve or dispense alcohol?

Answer: The legal age to sell, serve or dispense alcohol is 19 years of age.

Question: What are the acceptable forms of identification that a retailer can accept?

Answer: Any unaltered state or federally issued identification is acceptable. This includes, but is not limited to, driver's licenses, tribal identification cards, passports, military identification cards, foreign government issued identification cards. An acceptable form must have the persons' photo, name and date of birth on the card.

Question: Do all patrons of an alcohol licensed establishment must have a valid ID on them?

Answer: No, patrons are not required to have a valid ID on them to be in an alcohol licensed establishment. However, all patrons of an alcohol licensed establishment must be able to show any law enforcement officer a valid ID if requested for by the officer.

Question: Can bartenders or servers in a licensed establishment drink alcohol while working?

Answer: Idaho law does not prevent bartenders or servers from drinking alcohol while working. It is the responsibility of the employer to set guidelines concerning this issue.

Question: May a consumer bring their own alcohol into a licensed establishment?

Answer: No, consumers may not bring their own alcohol into a licensed establishment.

Question: Can minors under 21 years of age be in a bar/lounge?

Answer: No, minors are prohibited from entering and loitering in a bar/lounge area, as defined as a "place".

Question: What are some of the exceptions allowing minors to be in bars?

Answer: Servers or bartenders at least 19 years of age are allowed in bars during the course of their employment. Singers and musicians at least 18 years of age are allowed in bars only during the course of their employment.

Question: How do I obtain a catering permit?

Answer: Catering permits are issued by the county or city government agencies. Contact the county or city where the event you will be catering will be held.

Question: I am a beer manufacturer located outside Idaho. How can I distribute my beer in Idaho?

Answer: You must apply for a Certificate of Approval license. The fee for this license is \$100. All beer brought into Idaho for distribution must be unloaded, stored and maintained in an Idaho licensed location before it can be legally distributed in Idaho.

Question: I am a wine supplier located outside of Idaho. How can I distribute my wine in Idaho?

Answer: If you would like to be the distributor of your supplied wine, you must apply for an importer and a distributor license. All wine brought into Idaho for distribution must be unloaded, stored and maintained in an Idaho licensed location before it can be legally distributed in Idaho. If you do not want to be the distributor of your wine, you must send ABC an appointment letter stating the Idaho distributor you are appointing to distribute your wine.

Question: I am a winery or a wine supplier located outside of Idaho. Can I ship my wine to Idaho consumer directly?

Answer: If you are a licensed out-of-state *winery* and want to ship your manufactured wine to Idaho consumers, you must first have a Direct Shipper Permit from ABC. Forms and applications are available from the Idaho Tax Commission at <http://www.tax.idaho.gov/search-formspublications.cfm?ch=beer&ch2=wine&t=tt> . If you are not a winery but a wine supplier only, you must ship your wine to a licensed Idaho distributor for distribution in Idaho.

Question: I have a beer and wine by the bottle license for my business. Do I need a special permit to have wine tastings?

Answer: If you have a wine license (by the bottle or by the glass) you do not need a special permit to have wine tastings at your licensed premises.

Question: I have a non-profit organization that wants to have a fundraiser and sell and/or serve beer and wine. What type of permit do I need?

Answer: You will need to apply for a non-profit permit from ABC. The application is found on ABC's website: <http://www.isp.idaho.gov/abc/inc/documents/BeerWinePermitApplication.pdf> .

Qualifications for Alcohol Licenses

Question: Must I have beer on my license when I want to sell wine only?

Answer: Yes, in order to qualify for any wine license, you must first meet all the qualifications for and be issued a beer license. Meeting the qualifications for and being issued a beer license done simultaneously as for a wine license.

Question: What type of criminal offenses would prevent me from receiving and/or keeping an alcohol license?

Answer: A person is not qualified to have an alcohol license if within 3 years prior to making application they have been convicted of any law of Idaho, any other state or the United States regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquors or forfeited any bond for failure to appear for any such charges. A person is also not qualified to have an alcohol license if within 5 years prior to making application they have completed any term of sentence, received a withheld judgment or paid any fine for any felony

conviction. These same convictions would also prevent a person from keeping an alcohol license after the license has been issued to them.

Question: I have been arrested for a misdemeanor DUI, can I still apply for an alcohol license?

Answer: Yes, being convicted of a misdemeanor DUI will not prevent you from applying for an alcohol license. *Note: The Court may impose additional penalties if you currently hold an alcohol license.*

Question: Must someone be a resident of Idaho to hold a liquor-by-the-drink, beer or wine license?

Answer: No, residency is not required to hold an alcohol license.

Question: My business is located outside the incorporated city limits. Can I apply for a liquor-by-the-drink license?

Answer: Incorporated city liquor licenses can only be issued to premises located within the incorporated city limits of the city. To have a liquor license outside the incorporated city limits, you must qualify for a specialty liquor license.

Question: What are the requirements for a Direct Shipper Permit?

Answer: Only a licensed winery located outside of Idaho can apply for a Direct Shipper Permit. Forms and applications are available from the Idaho Tax Commission at http://tax.idaho.gov/forms_permits.htm.

Question: Must a building inspection need to be completed before I can be issued a license? How do I schedule the inspection?

Answer: Yes, a building inspection must be completed before ABC can issue a license. Every attempt is made to have the inspection completed as close to the opening date as indicated on the application as possible.

Alcohol Licensing Information

Question: What is the cost of a beer and wine license?

Answer: A beer license costs \$50 per year. A wine by the bottle (wine to go) license costs \$100 per year. A wine by the drink (wine for on-premises consumption) license costs \$100. A keg-to-go license costs \$20 per year. There is no fee for on-premises consumption or restaurant endorsements. For the transfer of a beer and wine license, the fee is \$20 per license type currently issued. New license types are charged at the full annual fee.

NOTE: The first licensed year may not be a full year. Refer to IDAPA 11.05.02.011.03 for information on license by county expiration dates.

Question: What is the cost of a liquor-by-the-drink license?

Answer: The fees for new liquor-by-the-drink licenses are determined by the population of the city they are issued for. For a transfer of a license through a lease agreement, the fee is ½ the annual renewal fees of the liquor-by-the-drink license, plus \$20 each for the beer and keg-to-go license. For a transfer of a license through a purchase of the license, the fee is 10% of the purchase price or fair market value of the license (goodwill), plus \$20 each for the beer and keg-to-go license.

Question: What is the cost of a wholesaler/distributor/importer license?

Answer: The fee for a wholesaler/distributor/importer license is \$300 each, per license year.

NOTE: The first licensed year may not be a full year. Refer to IDAPA 11.05.02.011.03 for information on license by county expiration dates.

Question: How long does it take to process an application after it has been received by ABC?

Answer: Idaho law allows for up to ninety (90) days for ABC to process and investigate any application and applicant. The actual time varies by licensee, application type submitted and current workload of ABC. Applications are processed on a first-come-first-served basis.

Question: What type of documentation and information must I submit with my application?

Answer: Refer to the appropriate license application (liquor, beer and wine, wholesale, etc.) and the attached instruction sheet for information on all that must be submitted with your application.

Question: The license application calls for an Idaho Seller's Permit Number. What is this?

Answer: A Seller's Permit number is a number issued by the Idaho Tax Commission. This is a separate number from a tax identification number or employer identification number. This number is used to report Idaho sales taxes to the Idaho Tax Commission.

Question: When are temporary permits issued?

Answer: Temporary permits are issued for transfers only and will be issued upon the determination of Alcohol Beverage Control *after* a transfer application has been submitted and reviewed.

Question: I have submitted my application, is there anything that I can do to expedite the processing of my application?

Answer: No. All applications are processed on a first-come-first-serve basis. Priority will not be given to any application. If you would like a faster return on the mailing of your license, you may enclose a prepaid, self-addressed express envelope with your application.

Question: How far must I be from a church or school if I have on-premises consumption on my license?

Answer: There must be at least 300 feet from the property line of the church or school to the nearest entrance of the establishment. The city or county could issue a waiver waiving this restriction.

Question: Can I fax my application into ABC for issuance of a license?

Answer: Faxed applications will not be received and processed. ABC must receive the original application with original signature(s) and notarization before the application will be accepted and processed.

Question: My license expires at the end of the month and I have not received my renewal application yet. How can I renew the license?

Answer: Renewal applications are mailed out eight weeks prior to the expiration date of the license to the last mailing address on file as indicated on the last renewal/application. If you have not received the application within the eight week time frame, contact ABC for a new application to be sent to you.

Question: My current license has expired, how long do I have to renew the license before it is lost?

Answer: After a license has expired, the licensee has a 31-day grace period to complete the renewal process. If the license has not been renewed before the 31-day grace period expires, the license will be lost and not renewable.

Note: During the 31-day grace period, alcohol cannot legally be sold on the premises.

Question: Can I pick my license up instead of being mailed?

Answer: Yes, licenses can be picked up in the lobby of Alcohol Beverage Control after 9 am the following business day after a license is issued. Prior arrangements will need to be made with Alcohol Beverage Control so the license will be held for pick-up instead of being mailed.

Question: Can a license be faxed to me?

Answer: No, licenses will not be faxed.

Question: Can I use a copy or a fax copy of my license in lieu of an original license to operate with?

Answer: No, copies are not to be used to sell alcohol. The original state license must be conspicuously displayed at all times. Contact Alcohol Beverage Control on how to obtain a duplicate license.

Question: I currently hold an alcohol license to sell liquor-by-the-drink, beer and wine, can I go to a local retailer and purchase my alcohol to sell or serve in my establishment?

Answer: No, all Idaho retailers must purchase their alcohol from the Idaho State Liquor Division, an Idaho licensed wholesaler (for beer) or an Idaho licensed distributor (for wine). *Note: Costco Wholesale is **not** an alcohol wholesaler.*

Question: Can someone use or operate with an alcohol license issued to someone else?

Answer: No, only the person or entity listed on the printed license may exercise any of the privileges of the license. Management Agreements are not acceptable to allow a person or entity to sell alcoholic beverages using a license issued to another.

Question: What does “wine by the glass” mean? What does “wine by the bottle” mean?

Answer: Wine by the glass is a license type that allows wine to be sold on the premises and consumed on the premises. Wine by the bottle is a license type that allows wine to be sold on the premises but consumed off premises.

Question: How are liquor-by-the-drink licenses issued by the State of Idaho?

Answer: Incorporated City Liquor-by-the-drink licenses are issue based on the population of the incorporated city. Specialty liquor licenses are issued to qualified premises.

Question: When must I submit new fingerprints for the processing of my application?

Answer: New fingerprints may be requested for various reasons. Generally, if a person has submitted fingerprints within the last three years and are applying for the same type of license new fingerprints may not be required. If you currently have a beer/wine license and are applying for a liquor license, new fingerprints must be submitted regardless of when you submitted fingerprints for the beer/wine license.

Note: The Federal Bureau of Investigation is currently reviewing their policies of when to require new fingerprints. Once a policy has been issued, ABC will make all attempts to comply with these policies and this information will be updated, if necessary.

Question: I have already been fingerprinted for a concealed weapons permit, teaching license, real estate license, etc. Must I be re-fingerprinted for an alcohol license?

Answer: Yes, due to privacy laws governing the dissemination of criminal histories, even though you have already been fingerprinted for another agency, licensing purpose or other requirement, you must still be fingerprinted for an alcohol license.