

## **IDAPA 11 – IDAHO STATE POLICE**

### **Alcohol Beverage Control**

#### **11.05.01 – Rules Governing Alcohol Beverage Control**

##### **Who does this rule apply to?**

*Licensees and general public members who visit a licensed premises.*

##### **What is the purpose of this rule?**

*This rule establishes requirements to become a licensed premises to sell alcohol, to acquire, maintain, and/or transfer licenses, establishes a priority list for the acquisition of licenses, defines conduct of licensed premises, and defines age restriction requirements.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Alcoholic Beverages -

Penal Provisions:

- [Section 23-616, Idaho Code](#) – Alcohol Without Liquid Device — Powdered Alcohol

Retail Sales of Liquor by the Drink:

- [Section 23-932, Idaho Code](#) – Director to Make Regulations — Furnish Forms and Records
- [Section 23-946\(b\), Idaho Code](#) – Statement Made by Licensees of Premises Operated as Restaurants — Endorsement Upon License

County Option Kitchen and Table Wine Act:

- [Section 23-1330, Idaho Code](#) – Rules and Regulations by Director

Hospitality Cabinets:

- [Section 23-1408, Idaho Code](#) – Director to Promulgate Rules

##### **Who do I contact for more information on this rule?**

Idaho State Police

Alcohol Beverage Control

Monday through Friday, 8:00 a.m. to 5:00 p.m. /

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## 11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

### 000. LEGAL AUTHORITY.

Sections 23-932, 23-946(b), 23-1330 and 23-1408, Idaho Code.

(7-1-25)

### 001. SCOPE.

The rules relate to the governance and operation of Alcohol Beverage Control (hereafter, ABC). Unless a specific reference herein limits application of a rule to a particular kind of alcoholic beverage, these rules apply to and implement Idaho Code Sections for liquor (Title 23, Chapter 9, Idaho Code), beer (Title 23, Chapter 10, Idaho Code), and wine (Title 23, Chapter 13, Idaho Code).

(7-1-25)

### 002. -- 009. (RESERVED)

### 010. DEFINITIONS.

In addition to the applicable definitions found in Sections 23-902, 23-942, 23-1001, and 23-1303, Idaho Code, the following apply:

(7-1-25)

**01. Actual Use.** The Actual Use of a liquor license by a licensee requires that the premises be open for business to the public and advertised to the public for regular scheduled availability of the sale, service, and dispensing of alcoholic beverages including liquor by the drink on a weekly basis. The licensee is required to notify ABC within fifteen (15) days of any reduction of the regular scheduled day(s) and time(s) due to construction or refurbishment.

(7-1-25)

**02. Business.** Business means any operation to carry out the normal day to day activities to exercise the privilege of holding a liquor license and operating a premises, for purposes of Section 23-903, Idaho Code.

(7-1-25)

**03. Multipurpose Arena Facility.** For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena Facility is a publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions.

(7-1-25)

**04. Owner.** An owner as stated in Section 23-903 subsections 16-18, Idaho Code, may hold the privilege to a license as between that person and the state of Idaho, and is subject to the qualifications and restrictions contained in Idaho Code Chapters 9, 10 and 13 of Title 23.

(7-1-25)

**05. Partition.** A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises.

(7-1-25)

**06. Stock Transfer.** For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer.

(3-23-22)

**07. Transfer.** Any change to a person as defined in Section 23-902(13), Idaho Code, who owns, operates, or leases an alcohol beverage license as a privilege granted by ABC except the transfer conditions set forth in Section 23-903(16), Idaho Code. For purposes of Sections 23-903(16)(d) and (e), Idaho Code, other than the "onetime-only transfer" where referenced, transfer means sale of the license.

(7-1-25)

### 011. GENERAL PROVISIONS.

**01. Delegation of Authority to License Alcoholic Beverages.** The Director hereby delegates his authority for alcohol beverage licensing as defined in Title 23, Chapters 9, 10, and 13, Idaho Code, to the Alcohol Beverage Control Bureau, Idaho State Police pursuant to Section 67-2901(4), Idaho Code.

(7-1-25)

**02. Restaurant Licensure Requirements.** In order to receive a license under these rules and Chapter 9, Title 23, a Restaurant must:

(7-1-25)

- a. Have a dining room, kitchen, and cooking facilities for the preparation of food; and (7-1-25)
- b. Demonstrate to the satisfaction of the Director: (7-1-25)
  - i. An established menu identifying individually priced meals; (7-1-25)
  - ii. Food service and preparation occurs on the premises; (7-1-25)

iii. Stoves, ovens, refrigeration equipment or such other equipment commonly found in restaurants are located on the premises; and (7-1-25)

iv. Through appropriate business records, that the establishment is advertised and held out to the public as primarily a food-eating establishment, or that at least forty percent (40%), or at least sixty percent (60%) for resort city restaurant liquor licenses as set forth in Section 23-903c., Idaho Code, of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. (7-1-25)

**03. Premises Loss, License Display, and Actual Use Requirement.** (7-1-25)

a. In the event of loss or move of the physical licensed premises, or reversion under Section 23-903(17), Idaho Code, a licensee has one hundred eighty (180) days to secure and occupy a new premises in which to display the license. An additional sixty (60) days may be granted by ABC, upon petition by the license holder. (7-1-25)

b. All licenses must be prominently displayed in suitable premises and remain in Actual Use. (7-1-25)

**04. Notification of Renewals and Administrative Actions.** For the purposes of Section 23-903(18)(e), Idaho Code, the owner and lessee must each include in the lease agreement a primary email contact to which the renewal notice, filings, and payment of administrative actions will be sent. It is the responsibility of the owner and lessee to notify ABC of any change in contact information. (7-1-25)

**05. Controlled Access to Minors.** Access through any premises will be controlled to prevent minors from entering the place: (7-1-25)

a. Except for a one (1) room restaurant without a barrier or partition, rooms must be separated by a permanently fixed partition no less than six (6) feet in height; (7-1-25)

b. Exterior portions of a premises must be constructed in a manner that prevents loitering or access by a minor and must be in compliance with local ordinances; (7-1-25)

c. Partitions must be constructed of such material designed to prevent alcohol beverages from being passed over, under, or through the partition; and (7-1-25)

d. Approved by the Director. (7-1-25)

**06. Multipurpose Arena Facility Licensure Requirements.** A Multipurpose Arena Facility must renew the endorsement annually on the alcohol beverage license. To receive a multipurpose arena endorsement under these rules, the facility must: (7-1-25)

a. Prepare cooked food for purchase during events; and (7-1-25)

b. Submit with the application an operating/security plan to ABC and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or ABC determines that a change is necessary due to demonstrated problems or conditions not previously considered or addressed in the original plan. The plan must contain the following elements: (7-1-25)

i. How the licensee will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; (7-1-25)

ii. The ratio of employees and security staff to the size of audiences at events where alcohol is being served or dispensed; (7-1-25)

iii. Training provided to staff who serve dispense, or supervise the service and consumption of alcohol; (7-1-25)

- iv. The licensee's policy on the number of alcohol beverages that will be served to an individual patron during one (1) transaction; (7-1-25)
  - v. A list of event types to be held in the facility; and (7-1-25)
  - vi. Diagrams and designation of alcohol service areas for each event, category type, with identified areas to restrict minors. (7-1-25)
  - c. ABC may restrict the type of events at the facility at which beer, wine, and liquor by the drink may be served. (7-1-25)
  - d. ABC will consider the seating accommodations, dining, operational plans, and other amenities available at the facility prior to endorsement. (7-1-25)
  - e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to ABC and local law enforcement showing the date and time of any events where alcohol service is planned. The licensee must notify ABC and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned but was not included in the monthly schedule. (7-1-25)
  - f. When the facility ceases to meet the qualifications of the endorsement, Sections 23-943 and 23-945 Idaho Code, apply. The licensee shall advise ABC that facility no longer constitutes a Multipurpose Arena. (7-1-25)
- 07. Product Replacement.** Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code. (7-1-25)

## **012. TRANSFER OF ALCOHOLIC BEVERAGE LICENSES.**

- 01. Events Not Implicating the One Transfer Law Restriction.** When any of the events occur pursuant to Sections 23-908(5)(a), (b), (d), and (e), 23-903(16-18), Idaho Code, a person must apply with ABC pursuant to Section 23-905, Idaho Code, within sixty (60) days. (7-1-25)
- a. The owner must give written notice to the agency within thirty (30) days of the termination of the license lease per Section 23-903(17), Idaho Code. (7-1-25)
  - b. Any licensee that elects to apply the provisions of Section 23-903(18), Idaho Code, must notify ABC of such declaration via the lease agreement submitted with the application for transfer to the lessee. (7-1-25)
- 02. Transfer Fees if Applicable.** Options to purchase an incorporated city liquor license shall submit the required transfer fee when the application to transfer occurs. A refund may be requested if the option to purchase is not exercised at the end of the term. (7-1-25)
- 03. Authorization to Transfer.** Any person applying to renew or transfer an alcohol beverage license who was not the licensee at the applicable premises for the preceding year, must submit with the application to renew or transfer, a written Affidavit of Release of License form signed by the current licensee. (7-1-25)
- 04. Temporary Permits.** When application for transfer of an alcoholic beverage license has been made, the Alcohol Beverage Control Bureau, in its discretion, may authorize issuance of a temporary permit during the review of the application, during which time the applicant for transfer may conduct business as a temporary permit holder. The permit holder must comply with pertinent statutes and rules. Any sanctions are the responsibility of the permit holder. Acceptance of the permit constitutes a waiver of any defenses by the permit holder. The permit holder is not a licensee, and is not entitled to administrative due process. The Alcohol Beverage Control Bureau may withdraw a temporary permit at any time without hearing or notice. (7-1-25)
- 05. Maintenance of Keg Receipts.** Licensees shall retain a copy of all completed keg receipts required by Section 23-1018, Idaho Code, for a period of six (6) months. (3-23-22)

**06. Continuous Operation Facilities Licenses.** An existing license issued under Section 23-903(8), Idaho Code, before July 1, 2028, may be renewed annually and may be transferable through sale or lease. (7-1-25)

**013. PRIORITY LISTS.**

**01. Priority Lists for Incorporated City Liquor Licenses.** The Alcohol Beverage Control Bureau maintains a priority list of applicants for cities in which no incorporated city liquor license is available. A person shall file a completed application and submit one-half (1/2) of the annual license fee. The premises information is not required at the time of application. Completed applications, including required fees, are placed in the order received. (7-1-25)

**02. Written Notification.** When an incorporated city or a resort city restaurant liquor license becomes available Alcohol Beverage Control offers it in writing to the applicant whose name appears first on the priority list. The applicant shall have ten (10) days from the date of the receipt of the Notice of License Availability to declare their intention to accept the license. If the applicant fails to comply with this requirement, the license is offered to the next applicant in priority. (7-1-25)

**a.** An applicant accepting the incorporated city license shall have a period of one hundred eighty (180) days from the date of receipt of Notice of License Availability in which to complete all requirements necessary for the issuance of the license. Provided, however, that upon a showing of good cause the Director of the Idaho State Police may extend the time period in which to complete the necessary requirements for a period not to exceed ninety (90) days. (7-1-25)

**b.** An applicant accepting the resort city restaurant license shall have a period of ninety (90) days from the date of receipt of Notice of License Availability in which to complete all requirements necessary for the issuance of the license. No extensions will be allowed for this license type. (7-1-25)

**03. Refusal to Accept Offer of License or Failure to Complete Application for License.** (7-1-25)

**a.** Where a resort city restaurant liquor license is available, an applicant must choose one (1) of the following: (7-1-25)

i. To remain on the priority list for an incorporated city license; (7-1-25)

ii. Proceed with the application for the resort city restaurant liquor license; or (7-1-25)

iii. Request a refund of the priority list fee. (7-1-25)

**b.** An applicant who declines a license offered under these rules or an applicant who is unable to meet the statutory requirements for licensing, or to complete the application may have their name placed at the end of the priority list upon request. (7-1-25)

**c.** An applicant holding first place on the priority list who fails to accept either license type or to complete the application within the time specified will be removed from the priority list, the fee shall be refunded, and the license offered to the applicant appearing next on the list. (7-1-25)

**04. Limitations on Liquor License Priority List.** An applicant shall hold only one position at a time on each priority list. An applicant for a place on a priority list may not execute an inter vivos transfer or assignment of his place on the priority list. For the purposes of this rule, "inter vivos transfer or assignment" means the substitution of any Person for the original applicant on the waiting list. An attempt to assign inter vivos a place on a priority list shall result in the removal of the name of the applicant from the list. An applicant, however, may assign his or her place on a priority list by devise or bequest in a valid will. A place on an incorporated city liquor license priority list becomes part of an applicant's estate upon his or her death. (7-1-25)

**014. -- 020. (RESERVED)**

**021. AGE RESTRICTION REQUIREMENTS.**

**01. Posting of Age Restriction Signs.** Sections 23-945 and 23-1026, Idaho Code, require every alcohol beverage licensee to post an age restriction sign. Such sign must contain the following words in lettering of at least one (1) inch in height: "Admittance of persons under twenty-one (21) years of age prohibited by law." Such sign must be placed conspicuously over or on the door of each entrance to the licensed premises and be clearly visible from the exterior approached to such premises. (7-1-25)

**02. Counterfeit or Altered Age Documents.** If licensees or their employees receive identification documents which have been lost or voluntarily surrendered, they shall deliver the documents to an agent or investigator of the Alcohol Beverage Control Bureau or to other law enforcement officials within fifteen (15) days from the date they were received, found or voluntarily surrendered. When identification documents are presented to a licensee or its employees and appear to be mutilated, altered or fraudulent are presented to a licensee, their employees or agents, they must contact law enforcement and/or refuse service. (7-1-25)

**022. AGE RESTRICTION REQUIREMENTS FOR LICENSED MOVIE THEATERS - WHEN MINORS PERMITTED.**

**01. Minors Permitted.** Any person under twenty-one (21) years of age is permitted in a movie theater licensed to sell alcoholic beverages and no age restriction posting is required at any time when all alcohol is secured, locked up and not available for sale or consumption. Age restriction signs must be posted as outlined in Subsection 021.01 at all times in any place where alcoholic beverages are sold, served, or consumed in the movie theatre. (7-1-25)

**023. -- 999. (RESERVED)**