

IDAPA 11 – IDAHO STATE POLICE

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 23-932](#), [23-946\(b\)](#), and [23-1330](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking provides greater clarity and lessens some of the regulatory requirements for Idaho businesses.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fees are being imposed or increased by this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2, 2025 Idaho Administrative Bulletin, [Volume 25-7](#), pages 45-46.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There are no materials incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Captain Rocky Gripton, (208) 884-7062, email rocky.gripton@isp.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to rocky.gripton@isp.idaho.gov and must be delivered on or before October 22, 2025.

DATED this 26th day of August, 2025.

Lt Col. Russ Wheatley, Chief of Staff
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-0501-2501
(Only Those Sections With Amendments Are Shown.)

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

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, at least three (3) days and twenty-four (24) hours per week. 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)

v. ~~All liquor sales shall cease at the time food sales and services cease; and~~ ()

vi. ~~No restaurant licensed pursuant to this section shall promote or operate the restaurant as a bar or lounge.~~ ()

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~~ Have adequate food available based on the anticipated crowd size for purchase during events ~~during the time alcohol is available for sale;~~ 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. Alcohol server ~~T~~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)

viii. A ~~list~~ description 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. For those premises only operating as a venue that leases or rents its facility for private events, such as weddings, receptions, or other events defined in Section 23-902 (12), Idaho Code, the monthly schedule of events and updates necessary under Paragraph 011.06.c. are not required to be submitted. ()

~~fg.~~ 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)