



Colonel Kedrick R. Wills
Director

Idaho State Police

Service Since 1939

November 8, 2017



C.L. "Butch" Otter
Governor

Re: Winery Catering Permits - IDAHO CODE § 23-1337 et al.

Dear Licensee:

IDAHO CODE §23-1337 provides:

Any person who is the holder of an Idaho winery license shall be eligible to obtain an alcohol beverage catering permit. Two (2) or more wineries may use a winery's licensed premises to host an event under an alcohol beverage catering permit to serve and sell their respective wines at that event.

Alcohol beverage catering permits, in turn, are governed by IDAHO CODE § 23-934A, which states in relevant part:

An alcohol beverage catering permit is a permit issued pursuant to this section that authorizes the permittee to serve and sell liquor by the drink, beer and wine, or beer, or wine, at a festival or convention, for a time period not to exceed five (5) consecutive days, with an option to request one (1) permit extension on the same terms and conditions as the original permit, which extension may be issued or denied at the sole and absolute discretion of the original issuing entity, or at a party for a time period not to exceed two (2) consecutive days. **An alcohol beverage catering permit shall be limited to authorization to sell liquor or beer or wine, or any combination thereof, based upon the type of license the applicant possesses.** Applications for such permit shall be made to the city within which the liquor, beer or wine is to be served, or if not within a city then to the county, on such form as prescribed by the city or county..(Emphasis added)

IDAHO CODE § 23-1306, in relevant part, provides more detail on the nature of a winery license:

A winery licensed under this chapter shall also be considered as holding, **for the purposes of selling a product processed and bottled by or for that winery, a current retail wine license** and wine by the drink license for the licensed premises and for use at functions and events identified in section 23-1338, Idaho Code, and a current wine distributor's and importer's license, without further application or fee. (Emphasis added)

Previously, ABC has viewed that the later language in IDAHO CODE § 23-1306, "for the licensed premises and for use at functions and events identified in section 23-1338, Idaho Code" effectively prohibits a licensed winery from obtaining a catering permit under IDAHO CODE § 23-934A based upon the "type of license the applicant possesses" and requires a winery to obtain a separate wine retail license for catering permit purposes. On a side note, the current winery license, also known as a "Z License" with a winery endorsement, carries with it all of the attendant privileges, restrictions, and obligations of a licensed "winery" for purposes of IDAHO CODE § 23-1306.

700 South Stratford Drive, Suite 115 • Meridian, Idaho 83642-6202 (208)884-7060

EQUAL OPPORTUNITY EMPLOYER

November 8, 2017

Page 2

Upon further research and analysis, ABC now views that IDAHO CODE § 23-1337 grants a licensed winery the ability to apply for a catering permit, but that IDAHO CODE § 23-1306 limits the type of product served and sold under the catering permit to wine “product processed and bottled by or for that winery”. If a winery licensee wishes to sell and serve other types of alcoholic beverages or wines that have not been “processed and bottled by or for that winery”, the licensee would then need to obtain the appropriate retail license separately before applying for a catering permit.

Please be advised that ABC does not preside over the application and issuance of alcohol beverage catering permits. IDAHO CODE § 23-934A expressly names cities and, where applicable, counties as the governmental entities that perform those functions. As such, this letter, while providing ABC’s view on the issue, does not constitute any binding opinion on cities or counties charged with receiving, reviewing, and issuing these permits. Licensees are further advised to consult with the applicable city or county for any specific requirements relating to catering permits within its jurisdiction.

Sincerely,



Capt. Bradley Doty
Idaho State Police
Alcohol Beverage Control Bureau