

# 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 are the physical and mailing addresses 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 through 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: Yes. Debit and/or credit cards can be processed. A 3% sales fee will be charged, plus \$1.00. Cash, check, cashier’s check or money orders are also 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. Some municipalities require server training such as TIPS training. Check with your local city or county for any local ordinances requiring such training. FREE Idaho State Police Alcohol Beverage Control training can be found on the ABC website <https://isp.idaho.gov/abc/alcoholAwarenessTraining.html>. Idaho State Police Alcohol Beverage Control training does not substitute for TIPS 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. There is no exception for Christmas day. Check with your local jurisdiction to see if they allow liquor sales on these days. (IC 23-927)

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

Answer: During 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.* (IC 23-927)

### **Question: What are the hours of the day that liquor-by-the-drink can be sold?**

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. (IC 23-927)

**Question: What are the hours of the day that beer and wine can be sold?**

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. (IC 23-1012)

**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. (IC 23-615)

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

Answer: The legal age to sell, serve or dispense liquor, beer or wine is 19 years of age through the course of their employment. If serving at a beer and wine tasting/sampling event the server must be 21 years of age. During the course of employment means while an employee is being paid. Employees under 21 years of age should leave the licensed premises during unpaid lunch hours in licensed establishments that are not restaurants, breweries or wineries. (IC 23-949, IC 23-1013, IC 23-1325C)

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

Answer: Any validly issued and 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, and foreign government issued identification cards. An acceptable form must have the person's photo, name and date of birth on the card. (IC 23-615) <https://www.driverslicenseguide.com/>

**Question: Do all patrons of an alcohol licensed establishment have to 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 or anyone consuming alcohol must be able to show any law enforcement officer a valid ID regardless of age. (IC 23-943A)

**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 policy and procedure concerning this issue. It is recommended a licensee contact their legal advisor and insurance provider before allowing employees to consume alcohol while working.

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

Answer: Consumers may not bring their own liquor or beer into a licensed establishment. Consumers may bring their own wine not already carried or supplied by the licensed retailer, and the retailer may charge the consumer a corking fee and provide a glass.

**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". Minors 19 years of age or older may serve, sell and dispense liquor, beer and wine in the course of their employment. During the course of employment means while an employee is being paid. Employees under 21 years of age should leave the licensed premises during unpaid lunch hours in licensed establishments that are not restaurants, breweries or wineries. (IC 23-949, 23-943)

**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. Minors can lawfully be upon the premises of a restaurant, brewery, winery, railroad observation or club car or any airplane of a commercial airline. Minors may be in any baseball park, sports arena, convention center, multi-purpose arena, or theater that is presenting live performances or fairgrounds that are licensed for the sale of liquor by the drink or beer and wine for consumption on the premises. (IC 23-943, IC 23-944)

**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 being catered will be held. (IC 23-934)

**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 at an Idaho licensed wholesale location before it can be distributed in Idaho. An out of state brewery, dealer or wholesaler not licensed in the state of Idaho may not direct ship beer to a resident of Idaho. (IC 23-1027)

**Question: I am a beer manufacturer located outside Idaho. Can I direct ship beer to a consumer directly?**

Answer: No. Any brewer manufacturing beer outside the state of Idaho must sell beer for resale or consumption to wholesalers licensed in this state. (IC 23-1055)

**Question: I am licensed as alcohol retailer outside Idaho. Can I direct ship beer to a consumer directly?**

Answer: No. Only a beer manufacture outside the state of Idaho may ship beer into this state after obtaining a certificate of approval. A beer manufacture with a certificate of approval must sell beer for resale or consumption to wholesalers licensed in this state. (IC 23-1055)

**Question: I am licensed as a wine retailer in Idaho. Can I direct ship WINE to a consumer outside of Idaho?**

Answer: Yes. An Idaho licensed retailer who holds a license for the retail sale of wine for consumption off the licensed premises may ship not more than two (2) cases of wine, containing not more than nine (9) liters per case, per shipment, for personal use and not for resale, directly to a resident of another state, if the state to which the wine is sent allows residents of this state to receive wine without payment of additional state tax, fees or charges. Verification of age is required upon sale and delivery of the person that placed the order. Alcohol can't be sold, delivered, or given away, or allowed to be consumed, any alcohol beverage, to any person actually, apparently or obviously intoxicated. Other laws apply in regards to the shipping and handling of alcoholic beverages. (IC 23-1309A)

**Question: I am licensed as a brewery in Idaho, but also licensed outside Idaho. Can I ship my beer to my brewery in Idaho from out of state?**

Answer: If you are licensed as a brewery in Idaho, but also have a brewery outside of Idaho, the brewery outside of Idaho must have a certificate of approval and ship to an Idaho licensed wholesaler in Idaho. (IC 23-1027)

**Question: Can instate or out-of-state producers/manufactures of distilled spirits ship directly to consumers?**

Answer: No. The public interest requires that alcoholic liquor be regulated and controlled by the state, through the medium of a state liquor division vested with exclusive authority to import and sell liquor. (IC 23-102 & 23-203)

**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. (IC 23-1309)

**Question: I am a winery or a wine supplier located outside of Idaho. Can I ship my wine to a 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> . The fee is \$50.00 for a new application and \$25.00 a year to renew. 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. (IC 23-1309)

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

Answer: If you have a retail wine license (by the bottle or by the glass) or a retail beer license you do not need a special permit to have wine or beer tastings at your licensed premises. Additionally, you may be assisted with a beer or wine tasting by a licensed brewery, winery, wholesaler or distributor. Other laws apply for conducting a beer tasting, review Idaho Code 23-1019 <https://legislature.idaho.gov/statutesrules/idstat/Title23/T23CH10/SECT23-1019/> or for wine tastings review Idaho Code 23-1325C <https://legislature.idaho.gov/statutesrules/idstat/Title23/T23CH13/SECT23-1325C/>. Servers or bartenders providing samples at a beer or wine tasting event have to be at least 21 years of age. Sample sizes on beer or wine cannot exceed 1.5 ounces. If being assisted by a manufacturer with a tasting event, the manufacturer is limited to eight times annually per licensed location. (IC 23-1325, IC 23-1019)

**Question: If I have a retail wine license, what is the maximum Alcohol by Volume (ABV) of wine, cider, or sake I can legally sell in Idaho?**

Answer: "Table Wine" means shall contain no more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar. "Dessert Wine" means only those wines that contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-four percent (24%) alcohol by volume, are grape-based, and are fortified through the addition of wine-based spirits or brandy made from grapes.

**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> . You must apply a minimum of two weeks prior to your scheduled event to allow time for processing. The cost for beer is \$20.00 and the cost for wine is \$20.00. You may be assisted by a licensed alcohol retailer with the storage and serving of donated product or product purchased by your organization at your event. (IC 23-1336, IC 23-1007A)

**Question: What is the legal age to deliver beer or wine in the course of employment?**

Answer: The prohibition upon possession of beer by any person under twenty-one years does not apply to possession by a person under the age of twenty-one years making a delivery of beer or wine in pursuance of the order of his parent or in the pursuance of employment. (IC 23-1023, IC 23-1334)

**Question: Can I infuse distilled spirits with fruits, herbs or other ingredients?**

Answer: We are aware of the increasing trend of bars and restaurants infusing distilled spirits with fruits, herbs, and other nonalcoholic ingredients in order to make "infusions," which are served on premises in cocktails. ABC's position is the infusion of liquor is not allowed. Infused liquor is not authorized under Title 23 or TTB rules and regulation. Liquor must be sold by the drink from the original container when it's ordered by the consumer. (IC 23-507, IC 23-602, IC 23-921)

**Question: Can I give away or raffle a bottle of liquor if I have a liquor by the drink license?**

Answer: No. It is unlawful for a liquor by the drink licensee to sell, keep for sale, dispense, give away, or otherwise dispose of any liquor in the original containers or otherwise than by retail sale by the drink. (IC 23-921)

**Question: Can I play poker or other games of chance in my licensed establishment?**

Answer: No. Gambling is illegal per the Idaho Constitution, Title 18, and Title 23 Idaho Code. It is unlawful for any alcohol licensee to permit, conduct, play, carry on, open or cause to be opened any gaming in or upon the licensed premises or in or upon any premises directly connected by a door, hallway, or other means of access from the licensed premises. Gambling includes, but is not limited to, playing poker, dice games, blackjack, craps, roulette, slot machines (eight liners, cherry masters), coin operated machines (coin pushers), bingo, raffles, etc, unless lawful activities are conducted in conformity with statute and rules promulgated pursuant thereto. Idaho State Lottery and game machines are legal with a permit through the Idaho State Lottery Commission. Gambling means risking any money, credit, deposit or other thing of value for gaming contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event. Gaming means any and all gambling or games of chance, whether those games are licensed or unlicensed. Card games such as pinochle and bridge are not considered games of chance, therefore legal. If the game is free to play, no purchase is necessary to play or to continue play, it may be legal and you should consult with your legal advisor before proceeding. (IC 23-902, IC 23-928, IC 18-3801, IC 18-3802, IC 23-3810)

**Question: Can I have a video slot machine (cherry master, eight-liner) in my alcohol licensed establishment?**

Answer: No. It shall be a misdemeanor for any person to use, possess, operate, keep, sell, or maintain for use or operation or otherwise, anywhere within the state of Idaho, any slot machine of any sort or kind whatsoever. This code does not apply to antique slot machines, an antique slot machine is a slot machine manufactured prior to 1950, the operation of which is exclusively mechanical in nature and is not aided in whole or in part by an electronic means. (IC 18-3810)

**Question: Can patrons play games such as beer pong, pool or darts in a licensed establishment?**

Answer: Yes. The game of pool and darts are considered a game of skill and can be played in an alcohol licensed establishment. Beer pong is not specifically mentioned in Idaho Code as being prohibited or allowed. Beer pong is not identified as a game of chance or a game of skill. However, beer pong is considered a drinking game and doesn't encourage temperance. An alcohol licensee should consider beer pong a liability as it encourages the consumption of alcohol and potentially over served patrons. You should consult with your legal advisor and insurance provider for further guidance before allowing patrons to play drinking games.

**Question: Can I give away free liquor to my customers if I don't have a liquor license?**

Answer: No. It is unlawful for any person to keep or maintain any rooms or premises in which liquor is received or kept, whether owned by such person or by another, or to which liquor is brought, for consumption on the premises by members of the public or of any club, incorporated or unincorporated, or a corporation or association, unless such person and the premises are licensed, except as provided by a liquor catering permit. In addition, some city municipalities open container ordinances extend to private property open to the public. (IC 23-934)

**Question: Can I give away free wine or beer to my customers if I don't have a beer and wine license?**

Answer: No. Any person, who shall have in possession, manufacture, transport, purchase, sell, or dispose (give away) of any distilled spirits, beer or wine, shall be guilty of a misdemeanor. If consumption is taking place in a business open to the public without first being properly licensed they may be in violation of city municipalities open container ordinances, which may extend to private property open to the public. Exterior doors are required to be posted to restrict underage persons from entering where there is not a restaurant or minor exception in place, unless through a catering permit. ISP ABC recommends you consult with your legal advisor, property owner, and business insurance provider before allowing alcohol to be consumed at your unlicensed premises by employees or members of the public. (IC 23-602, IC 23-934)

**Question: Do I need an alcohol license to manufacture or sell alcoholic non-beverages?**

Answer: No. Any person may manufacture or sell patent and proprietary medicines, tinctures, food products, extracts, toilet articles and perfumes, and other like commodities, which are not generally classified or used as beverages, although they contain as one of their ingredients alcoholic liquor. A non-beverage is considered to be a non-drinkable product. If manufacturing, you should consult with the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) [www.ttb.gov](http://www.ttb.gov) for recipe approval and labeling requirements. Also, a food handling permit from Idaho District Health <http://www.idahopublichealthdistricts.org/> is required and recommend you contact them for further guidance and permit requirements. (IC 23-504)

**Question: Do I need an alcohol license to manufacture or sell non-beverage food products?**

Answer: No. Idaho considers some food products with alcohol in it to be a non-beverage food product where alcoholic liquor, beer or wine, is utilized as a flavoring. A non-beverage food product is something a person eats (not drinks) and that contains a small amount of alcohol. Examples include candy, cake, chocolate, sauces, ice cream, pastries, condiments, cookies, jam, and jelly. Please note the Federal Alcohol and Tobacco Tax and Trade Bureau (TTB), US Department of the Treasury, has requirements and allowances that are different from Idaho and licensing is required for manufacturing. You may contact the TTB Regulations and Rulings Division at [RegulationsInquiries@TTB.gov](mailto:RegulationsInquiries@TTB.gov). A food handling health permit from Idaho District Health <http://www.idahopublichealthdistricts.org/> may also be required and recommend you contact them for further guidance and licensing requirements. Products containing alcoholic liquor, beer or wine, may not be sold to someone under the age of 21.

**Question: Do I need an alcohol license to manufacture beer or wine for personal use?**

Answer: No. Any person shall have the privilege of manufacturing wine or brewing beer for the personal use of himself, family, and guests. A person may manufacture two hundred (200) gallons per calendar year if there are two (2) or more adults residing in the household; or one hundred (100) gallons per calendar year if there is one (1) adult residing in the household. (IC 23-501)

**Question: Can a licensed winery have the minor exception at their remote retail location?**

Answer: Yes. The licensed winery can have the minor exception at their remote location as long as only the products of that winery are being sold. If another wineries product is being sold or if beer is being sold at the remote licensed location then the entrance doors would have to be posted to prevent those under the age of 21 from entering. (IC 23-944(5), IC 23-1306)

**Question: Can a licensed brewery have the minor exception at their remote retail location?**

Answer: No. There is no minor exception for a breweries remote retail location even if they are only exclusively selling their products. The entrance doors to the licensed premises would have to be posted to prevent those under the age of 21 from entering. (IC 23-944)

**Question: Can I sell bitters with a retail beer and wine license?**

Answer: Yes. Cocktail bitters evolved out of archaic medicines made from plants believed to have pharmaceutical properties, once used to treat all sorts of ailments. Bitters are classified as a non-beverage, not intended to be consumed alone, similar to vanilla extract, and used to make a variety of popular cocktail drinks by adding a few drops as a flavor enhancement.

**Question: Can I buy beer or wine from another retailer to sell at my licensed premises?**

Answer: No. You must purchase beer and wine you intend to sell at retail at your licensed premises from a brewery, winery, wholesaler or distributor. (IC 23-1055, IC 23-1313)

**Question: How much liquor can I bring back to Idaho from another state for personal use?**



Answer: You may possess two quarts of liquor that has not been subjected to regulation by the division, except public carriers transporting liquor for the division. All licensees as defined in chapter 9, title 23, Idaho Code, shall have liquor to which is affixed the official seal or label prescribed by the liquor division. (IC 23-610)

**Question: Can I sell liquor that I own or have collected without a license?**

Answer: No. Any person who sells or keeps for sale any liquor without a license shall be guilty of a felony. (IC 23-938)

**Question: If I am a restaurant, can I allow patrons to smoke?**

Answer: No. Smoking in a restaurant violates Idaho's Clean Indoor Air Act. You may choose to isolate the bar from the restaurant portion of your premises by physically isolating from all parts of the restaurant by solid floor to ceiling walls. The bar portion should have separate outside public entrances that is not shared with the restaurant. It must not have any windows that can be opened, or doorways connecting it to the restaurant. The bar may be connected to the restaurant through a kitchen or a hallway not available for public use. You may also decide to post the business doors to restrict those under age 21 from entering. Smoking is prohibited by some municipalities in a bar or a restaurant. You should check with your local jurisdiction. (IC 39-5503, IDAPA 16.02.23.010.02)

**Question: I am a seasonal alcohol licensee. What do I do with alcohol product that will expire after I close and before I re-open?**

Answer: If you are open less than two (2) months and no more than (9) months of each year, prior to its period of closure, it is apparent that product will become outdated or spoiled before the date of re-opening, a wholesaler/distributor may remove product from the retailer's premises and may give a credit to the retailer. Such credit shall be redeemed on subsequent alcoholic beverage purchases by the same retailer. Credit is given to a retailer for the amount paid by the retailer at the time of purchase of the product being removed by the wholesaler/distributor. (IDAPA 11.05.01.012.05)

**Question: Is it legal to have an all-ages club or venue?**

Answer: No. Minors shall not enter, remain or loiter in any licensed establishment that sells alcoholic beverages by the drink where drinking alcohol is the predominant activity or where an environment is created in which drinking alcohol appears to be the predominate activity. This includes an establishment that provides entertainment and whose primary source of revenue comes from the sale of alcoholic beverages for consumption on the premises, or cover charges, or both, unless properly endorsed to do so, such as a multipurpose arena or club license. (IDAPA 11.05.01.021.01)

## **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 and be issued a beer license. Meeting the qualifications for and being issued a beer license is done simultaneously with a wine license. Beer is the minimum required retail endorsement. (IC 23-1001, IC 23-1002)

**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 three years prior to making application they have been convicted of any law of Idaho, any other state of 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 five years prior to making application they have completed any term of sentence, received a withheld judgment or paid any fine for any felony conviction. The date starts from the date they were released from confinement or completed parole or probation as part of their sentence. These same convictions would also prevent a person from keeping an alcohol license after the license has been issued to them. (IC 23-1005, IC 23-910, IC 23-1307, IC 23-1308)

**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. An example would be a cross country ski resort, ski resort, golf course, waterfront resort, racing facility, or theme park. (IC 23-903)

**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](http://tax.idaho.gov/forms_permits.htm). A Direct Shipper permit is \$50.00 for a new license and \$25.00 annually to renew. (IC 23-1309)

**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. An ISP Detective will contact you to schedule a time or you may call ABC at 208-884-7060 to schedule an inspection once construction is at or near completion. (IC 23-907)

## 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, restaurant or growler endorsement. 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.* (IC 23-1014, IC 23-1315)

**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), whichever is greater, plus \$20 each for the beer and keg-to-go license. *NOTE: The first license year may not be a full year. Refer to IDAPA 11.05.02.011.03 for information on license by county expiration dates.* (IC 23-904, IC 23-908)

**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.* (IC 23-1014, IC 23-1315)

**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. (IC 23-907)

**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. (IC 23-905)

**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 and endorsement modifications only and will be issued upon the determination of Alcohol Beverage Control *after* a transfer modification application has been submitted and reviewed. (IC 23-908)

**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. (IC 23-907)

**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. (IC 23-913, IC 23-1011B, IC 23-1307)

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

Answer: If the application is for a renewal of an existing license, yes, a fax is acceptable along with a credit card authorization form. If the application is for a new license, generally, we prefer to have the original hard copies and they are required, if fingerprints need to accompany the applications. If you are an existing licensee, on case-case situations, we will accept new applications by fax with approval beforehand. Please contact ABC if you plan to fax an application for a new license.

**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, served or dispensed on the premises.* (IC 23-908, IC 23-1010)

**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 8 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 or emailed to me?**

Answer: No, licenses will not be faxed. You must prominently display the signed original state, city, and county (if applicable) license before selling, serving or dispensing alcohol. (IC 23-908) Licenses can now be emailed if the process is completed with our online renewal process. Others will be mailed physically per standard procedure. Online copies are available on our website at <https://isp.idaho.gov/abc/abc-license-search/>.

**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 signed original state license must be prominently displayed at all times. Contact Alcohol Beverage Control on how to obtain a duplicate license. (IC 23-908)

**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 liquor from the Idaho State Liquor Division. Beer and wine must be purchased from an Idaho licensed brewery, winery, wholesaler (beer) or distributor (wine). *Note: Costco Wholesale is not an alcohol wholesaler.* (IC 23-1055, IC 23-1313, IC 23-914)

**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. (IC 23-903, IC 23-908)

**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. Wine by the bottle may be consumed on the premises if the retailer is endorsed for on-premises consumption and wine by the glass. (IC 23-1303)

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

Answer: Incorporated City Liquor-by-the-drink licenses are issued once a year based on the population of the incorporated city. Specialty liquor licenses are issued to qualified premises. (IC 23-903, IC 23-904, IC 23-905, IC 23-906, IC 23-908, IC 23-910)

**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.* (IC 23-907)

**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 federal 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. (IC 23-907)