

BEER TAX RULE 011 (FINAL DRAFT)

011. SALES SUBJECT TO BEER TAX (RULE 011).

Sections 23-1003, 23-1006, 23-1008, and 23-1048, Idaho Code

01. In General. Idaho imposes an excise tax upon barrels or fractional amounts of barrels as provided by Section 23-1008, Idaho Code, sold by wholesalers for use or consumption within Idaho. (7-1-93)

02. Imposition. All of the terms defined in ~~Section 23-1001, Idaho Code, et seq., the Beer Act~~ apply to ~~the assessment of the tax provided in Section 23-1008, Idaho Code~~ these rules. (7-1-93) ()

a. All beer wholesalers, as defined in Section 23-1001(g), Idaho Code, are required to collect and to pay the tax imposed by Section 23-1008, Idaho Code. (7-1-93)

b. Any brewer, brewery, producer or manufacturer of beer within Idaho shall be considered a beer dealer within the meaning of the definitions provided in Section 23-1001(d), Idaho Code, for the purpose of administration of the tax as imposed by Section 23-1008, Idaho Code. However, to ensure payment of taxes on beer, any entity holding a brewery license shall be considered a wholesaler to the extent of any dispositions from such brewery for the purpose of resale or consumption in, by or through any retail facilities including, but not limited to, tasting rooms on or near the brewery's premises. (7-1-93)

~~e. References to the Act as used in these rules are to Chapter 10, Title 23, Idaho Code.~~ (7-1-93)

~~d c.~~ Ales, strong beer, new beer, or any other alcoholic beverages containing ~~a greater percentage of~~ more than 4% alcohol by weight ~~than specified in Section 23-1002, Idaho Code, shall be taxed as if they were wine, as defined under Chapter 13, Title 23, Idaho Code~~ are taxed as wine. (7-1-93) ()

d. If a brewery supplements its inventory, adequate records are required to support any tax paid. The State Tax Commission may presume no tax is paid on beer in the brewery's inventory without evidence of the payment of tax. ()

03. Every Disposition Is a Sale. Every disposition of beer by a wholesaler to a retailer or consumer shall constitute a sale of beer for use in this state, whether said sale is made within or without this state, and the wholesaler shall be liable for the payment of taxes on such sales. Any person making sales or dispositions of beer, whether licensed as a wholesaler or not, shall be liable for the tax on such sale or disposition of beer for which no tax under the Act has otherwise been collected. (7-1-93)

04. All Sales Presumed Taxable. Every sale or disposition of a wholesaler's inventory shall be presumed to be a **tax-able** sale, except as such disposition is allowed as an exemption by

the Act and these rules. *(note: delete space between tax and able, above)*

~~(7-1-93)~~ ()