

4 to include any auctioneer while selling real estate at public auction
5 for any of the parties exempted under this section.”

House File No. 98. Approved February 17, 1934.

CHAPTER 24

IOWA LIQUOR CONTROL ACT

H. F. 292

AN ACT to promote temperance in the state of Iowa; to create a liquor control commission; to provide for the appointment of such commission; to prescribe its powers and duties; to provide for the control by such commission of the alcoholic liquor traffic within the state of Iowa; to provide for the licensing thereof and making disposition of the revenue therefrom; to provide for an appropriation to carry out the provisions of this act; to provide for the enforcement and to prescribe the penalties for violations of this act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this act; to provide for the appropriation of proceeds derived under this act; to provide for the audit of the commission; to provide and fix penalties for the violation of this act; and to prescribe the method of procedure; to provide that whenever the provisions of any existing laws relative hereto are or may be inconsistent or in conflict with the provisions of this act that the provisions of this act shall control and supersede such laws and providing that the passage of this act shall in no manner affect chapter thirty-seven (37) and chapter thirty-eight (38) of the acts of the Forty-fifth General Assembly, it being the intent of this act that said chapters thirty-seven (37) and thirty-eight (38), acts of the Forty-fifth General Assembly, shall remain in full force and effect as enacted or as hereafter amended.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. This act shall be cited as the Iowa liquor control act,
2 and shall be deemed an exercise of the police power of the state, for
3 the protection of the welfare, health, peace, morals and safety of the
4 people of the state, and all its provisions shall be liberally construed
5 for the accomplishment of that purpose, and it is declared to be the
6 public policy that the traffic in alcoholic liquors is so affected with a
7 public interest that it should be regulated to the extent of prohibiting
8 all traffic in them, except as hereinafter provided for in this act
9 through the medium of an Iowa liquor control commission by this
10 act created, in which is vested the sole and exclusive authority to
11 purchase alcoholic liquors, as defined herein, for the purpose of re-
12 sale.

1 SEC. 2. Wherever any provisions of the existing laws are in con-
2 flict with the provisions of this act, the provisions of this act shall
3 control and supersede all such existing laws, provided, however, that
4 the repeal of any chapters of the code or sections thereof shall in no
5 manner repeal or affect chapter thirty-seven (37) and chapter thirty-
6 eight (38) of the laws of the Forty-fifth General Assembly, it being
7 the intent of this act that the said chapter thirty-seven (37) and
8 chapter thirty-eight (38) of the laws of the Forty-fifth General
9 Assembly, shall remain in full force and effect as enacted or as here-
10 after amended.

1 SEC. 3. It shall be unlawful to manufacture for sale, sell, offer
2 or keep for sale, possess and/or transport vinous, fermented, spir-

3 ituous, or alcoholic liquor, except beer as defined in chapter thirty-
4 seven (37) of the laws of the Forty-fifth General Assembly, or as the
5 same may hereafter be amended for any purpose whatsoever, except
6 upon the terms, conditions, limitations and restrictions as set forth
7 herein.

1 SEC. 4. For the interpretation of this act, unless the context in-
2 dicates a different meaning:

3 1. "Commission" means the commission created by this act under
4 the name of the "Iowa liquor control commission."

5 2. "Alcohol" means the product of distillation of any fermented
6 liquor, rectified either once or oftener, whatever may be the origin
7 thereof, and includes synthetic ethyl alcohol.

8 3. "Spirits" means any beverage which contains alcohol obtained
9 by distillation mixed with drinkable water and other substances in
10 solution, and includes, among other things, brandy, rum, whisky,
11 and gin.

12 4. "Wine" means any alcoholic beverage obtained by the fer-
13 mentation of the natural sugar contents of fruits, (grapes, apples,
14 etc.) or other agricultural products containing sugar (honey, milk,
15 etc.).

16 5. "Alcoholic liquor" includes the three varieties of liquor above
17 defined (alcohol, spirits, and wine), and every liquid or solid, pat-
18 ented or not, containing alcohol, spirits, or wine, and susceptible of
19 being consumed by a human being, for beverage purposes. Any
20 liquid or solid containing more than one of the three varieties above
21 defined is considered as belonging to that variety which has the
22 highest percentage of alcohol, according to the order in which they
23 are above defined.

24 6. "Person" includes any natural person, association, partner-
25 ship, corporation, and club.

26 7. "Whosoever" when used in reference to any offender under
27 this act, includes every person who acts for himself or for any other
28 person, and includes also such other person.

29 8. "Residence" means the premises where a person resides, per-
30 manently, or temporarily.

31 9. "License" means a contract between the commission and a
32 licensee entitled thereto under the provisions of this act.

33 10. "Manufacture" means to distill, rectify, ferment, brew, make,
34 mix, concoct, or process any substance or substances capable of
35 producing a beverage containing more than one half of one per
36 centum of alcohol by volume and includes "blending", "bottling", or
37 the preparation for "sale."

38 11. "Package" means any container or containers, receptacle or
39 receptacles used for holding liquor.

40 12. "Distillery", "winery", and "brewery" means not only the
41 premises wherein "alcohol" or "spirits" is distilled, or rectified
42 "wine" is fermented, but in addition a "person" owning, represent-
43 ing or in charge of such premises and the operations conducted
44 thereon, including the blending and bottling or other handling and
45 preparation of "alcoholic liquor" in any form.

46 13. "Importer" means the "person" transporting or ordering,
47 authorizing or arranging the transportation or shipment of "alco-
48 holic liquor" into the state of Iowa whether such "person" is a
49 resident or citizen of Iowa or not.

50 14. "Interdicted person" means a person to whom the sale of
51 liquor is prohibited by an order of the commission or the court
52 under this act.

53 15. "Import" means the transporting or ordering or arranging
54 for the transportation or shipment of "alcoholic liquor" into the
55 state of Iowa whether by a resident of the state or otherwise.

56 16. "State liquor store" means a store established by the liquor
57 control commission under this act for the sale of alcoholic liquor in
58 the original package for consumption off the premises.

59 17. "Special distributor" means a person especially designated
60 by the commission to dispense alcoholic liquors, subject to the pro-
61 visions of this act, in such cities and towns as in the opinion of the
62 commission there is not sufficient demand for a state liquor store.

63 18. "Warehouse" means any premises or place primarily con-
64 structed or used or provided with facilities for the storage in tran-
65 sit or other temporary storage of perishable goods and/or for the
66 conduct of normal warehousing business.

67 19. "Public place" includes any place, building or conveyance
68 to which the public has or is permitted to have access and any place
69 of public resort.

70 20. "Permit" means a permit for the purchase and/or consump-
71 tion of liquor by an individual under this act.

72 21. Whenever reference shall be made to anything forbidden
73 under this act, and relating to alcoholic liquor, the words, "to sell"
74 includes: to solicit, or receive an order for; to keep or expose for
75 sale; to deliver for value or in any other way than purely gratui-
76 tously; to peddle; to keep with the intent to sell; to keep or transport
77 in contravention of section three of this act; to traffic in for a val-
78 uable consideration, promised or obtained directly or indirectly, or
79 under any pretext or by any means whatsoever, to procure or allow
80 to be procured for any other person; and the word, "sale" includes
81 every act of selling as above defined.

82 22. "Wholesaler" means any person who shall sell, barter, ex-
83 change, offer for sale or have in possession with intent to sell, alco-
84 holic liquor and wines to retailers for resale.

1 SEC. 5. 1. There is hereby created a commission composed of
2 three electors of this state to be known and designated as the Iowa
3 liquor control commission, not more than two of whom shall belong
4 to the same political party, and no two of whom shall, at the time
5 of appointment, reside in the same congressional district. The com-
6 mission shall be held strictly accountable for the enforcement of the
7 provisions of this act.

8 2. No member, officer or employee of said commission shall, while
9 holding such office or position, hold any other office or position under
10 the laws of this state or of any other state or of the United States,
11 and shall not engage in any occupation or business inconsistent

12 and/or interfering with the duties of such employment; and no such
13 member, officer or employee shall, while holding such office or posi-
14 tion, serve on or under or be a member of any committee of any po-
15 litical party, and shall not, directly or indirectly, use his influence
16 to induce any other officer or officers, employee or employees, elector
17 or electors of this state to adopt his political views or to favor any
18 particular candidate for office, nor shall any such member, officer
19 or employee contribute in any manner, directly or indirectly, any
20 money or other things of value to or for any person or persons,
21 committee or committees, for campaign or election purposes. Any
22 such member, officer or employee who violates any of the terms
23 and/or provisions of this subsection 2 shall be deemed guilty of
24 corruption.

25 3. Any member, secretary, officer or employee of said commission
26 shall be removable for any of the causes and in the manner provided
27 by chapter fifty-six (56) of the Code of 1931, as amended, relating to
28 removal from office; such removal shall not be in lieu of any other
29 punishment that may be prescribed by the laws of the state of Iowa.

30 4. The commission shall, on July first of each year, select one of
31 its members as chairman, who shall serve in such capacity for the
32 succeeding year. Each member of the commission shall devote his
33 entire time to the duties of his office, and his salary shall be four
34 thousand five hundred dollars a year. Said commission may employ
35 a secretary and such other assistants and/or employees as may
36 reasonably be necessary, and at such salary each as may be fixed by
37 said commission.

38 Members of the commission and said secretary, assistants and/or
39 employees shall be allowed their actual and necessary expenses while
40 traveling on business of the commission outside of their place of
41 residence; provided, however, that an itemized account of such ex-
42 penses shall be verified by the member, secretary, assistant and/or
43 employee making claim for payment and shall be approved by a
44 majority of the members of the commission. If such account is paid,
45 the same shall be filed in the office of said commission and be and
46 remain a part of its permanent records. All of said salaries and
47 expenses shall be payable out of the liquor control act fund created
48 by this act.

49 5. The members of the first commission shall be appointed by
50 the governor, subject to approval of the senate by a majority vote
51 of the members in executive session, as follows: one for a term to
52 expire July 1, 1935; one for a term to expire July 1, 1937; and one
53 for a term to expire July 1, 1939. Said terms shall begin immediately
54 upon the appointment, approval and qualification.

55 Thereafter, the term of each member of said commission shall be
56 six years; and the governor shall, within sixty days following the
57 organization of each regular session of the general assembly, ap-
58 point, with the approval of a majority of the members of the senate
59 in executive session, a successor to the member of said commission
60 whose term of office will expire July first next following.

61 6. Any vacancy or vacancies on said commission which may oc-
62 cur when the general assembly is not in session shall be filled by
63 appointment by the governor, which appointment shall expire at the

64 end of thirty days following the organization of the next general
65 assembly. Prior to the expiration of said period of thirty days, the
66 governor shall transmit to the senate for its approval an appoint-
67 ment for the unexpired portion of the regular term. Any vacancy
68 or vacancies occurring when the general assembly is in session shall
69 be filled in the same manner as regular appointments are made, and
70 before the end of such session, and for the unexpired portion of the
71 regular term.

1 SEC. 6. The principal place of business of the Iowa liquor con-
2 trol commission shall be in the city of Des Moines, Iowa, and the
3 executive council of the state of Iowa shall provide suitable quar-
4 ters or offices for the Iowa liquor control commission in Des Moines,
5 Iowa.

1 SEC. 7. The commission shall have the following functions, duties
2 and powers:

3 a. To buy, import, and have in its possession for sale and sell
4 liquors in the manner set forth in this act.

5 b. To establish, maintain and/or discontinue state liquor stores
6 and special distributors and to determine the cities and towns in-
7 cluding cities and towns under special charter and cities under com-
8 mission form of government in which state liquor stores and special
9 distributors shall be located. However, no liquor store or special
10 distributor shall be established within three hundred (300) feet of
11 any school building used for school purposes or any church used
12 as such.

13 c. To grant and refuse, or cancel for cause, permits for the pur-
14 chase of liquor.

15 d. To rent, lease, and/or equip any building or any land neces-
16 sary to carry out the purposes of this act.

17 e. To lease all plants and lease or buy equipment it may consider
18 necessary and useful in carrying into effect the objects and purposes
19 of this act.

20 f. To appoint vendors, clerks, or other employees required for
21 the operation or carrying out of this act and to dismiss the same,
22 but not without cause deemed by the commission in its discretion as
23 sufficient; to fix their salaries or remuneration; assign them their
24 title, duties and powers.

25 g. To issue and grant permits and licenses; and to revoke all such
26 licenses and permits for cause, under this act.

27 h. To determine the nature, form and capacity of all packages
28 containing liquor kept or sold under this act; provided, that all
29 spirituous and vinous liquor shall be purchased and sold only in the
30 original package.

31 i. To license, inspect and control the manufacture of alcoholic
32 liquors and regulate the entire liquor industry in the state of Iowa.

33 j. To employ a chemist, maintain a laboratory, to test, label and
34 certify to all alcoholic liquors sold in Iowa.

35 k. To establish and maintain in its own name in the state treas-
36 ury a special account, hereinafter known as the liquor control act
37 fund, in an amount necessary for use of the commission, said amount
38 to be determined by the state comptroller.

- 1 SEC. 8. 1. The commission may make such rules and regula-
2 tions not inconsistent with this act, which to the commission may
3 seem expedient or necessary for carrying out the provisions of this
4 act and for the efficient administration thereof.
- 5 2. Without attempting or intending to limit the power of the
6 commission as to the provisions contained in subsection one (1)
7 hereof, it is declared that the commission may and it does have the
8 power to make regulations in the manner set forth in the foregoing
9 subsection and that said powers shall extend to and include the
10 following:
- 11 a. Prescribing the duties of the secretary, officers, clerks, serv-
12 ants, agents, or employees of the commission and regulating their
13 conduct while in the discharge of their duties.
- 14 b. Regulating the management, equipment and merchandise of
15 state liquor stores, and warehouses in and from which liquors are
16 transported, kept or sold and prescribing the books and records to
17 be kept therein. This paragraph shall apply to special distributors
18 insofar as in the opinion of the commission it is deemed necessary
19 for proper regulation and control.
- 20 c. Regulating the purchase of liquor generally and the furnishing
21 of liquor to state liquor stores and special distributors established
22 under this act, determining the classes, varieties, and brands of
23 alcoholic liquors to be kept in state warehouses or for sale at any
24 state liquor store or by any special distributor.
- 25 d. Prescribing forms or information blanks to be used for the
26 purpose of this act or the regulations made thereunder and the
27 terms and conditions under which permits and licenses may be
28 issued or granted.
- 29 e. Prescribing the nature and character of proof to be furnished
30 and conditions to be observed in the issuance of duplicate permits
31 where the originals have been either lost or destroyed.
- 32 f. Providing for the issuing and distributing of price lists show-
33 ing the price to be paid by purchasers for each brand, class or
34 variety of liquors kept for sale under this act, and such prices shall
35 be uniform throughout the state.
- 36 g. Prescribing what official seals or labels should be attached to
37 the packages of liquor sold under this act including the various kinds
38 of official seals or labels for the different classes or varieties or
39 brands of liquors.
- 40 h. Prescribing the kind, quantity, and character of liquors which
41 may be purchased or sold under any permits including the quantity
42 which may be purchased or sold at any one time or within any
43 specified period of time.
- 44 i. Prescribing the duties of employees authorized to issue per-
45 mits or licenses under this act.
- 46 j. Prescribing, subject to this act, the days and hours during
47 which state liquor stores and special distributors shall be kept open
48 for the purpose of the sale or dispensing of liquors.
- 49 k. Prescribing, subject to this act, the records of sales to permit
50 holders and by those holding licenses, for the report of the same
51 to the commission and for the confidential character of the reports
52 or records of individual permit holders.

53 l. Prescribing the place and the manner in which liquor may be
54 lawfully kept or stored by the licensed manufacturer under this act.

55 m. Prescribing the time, manner, means, and method by which
56 distillers, brewers, vendors, or others having permission under this
57 act may deliver or transport liquors and prescribing the time, man-
58 ner, means, and methods by which liquor under this act may be
59 lawfully conveyed, carried, or transported.

60 n. Prescribing, subject to the provisions of this act, the condi-
61 tions and qualifications necessary for the obtaining of licenses and
62 the books and records to be kept and the remittance to be made by
63 those holding licenses and determining the number of persons, firms,
64 or corporations who shall be entitled to licenses and providing for
65 the inspection of the records of all such licenses.

66 o. Prescribing the conditions and qualifications necessary for
67 the obtaining of permits under this act.

68 p. Prescribing the purchase of liquor and furnishing liquor to
69 state liquor stores and special distributors under this act.

70 q. The Iowa liquor control commission shall prepare, print and
71 furnish all forms required under this act.

1 SEC. 9. The commission shall establish and maintain in any city
2 or incorporated town, including cities under special charter and
3 cities under commission form of government, which the commission
4 may deem advisable, a state liquor store or stores or special dis-
5 tributors, as provided for in section ten (10) of this act, for storage
6 and sale of liquor in accordance with the provisions of this act and
7 the regulations made thereunder. The commission may, from time
8 to time, as determined by it, fix the prices of the different classes,
9 varieties, or brands of liquor to be sold.

1 SEC. 10. 1. In cities and towns where the establishment of a
2 state liquor store, under the provisions of this act, does not seem
3 advisable, the commission may select a special distributor, who shall
4 have been in business in and a resident of such city or town not less
5 than two (2) years immediately prior to such appointment, to sell
6 alcoholic liquors for consumption off the premises; provided, how-
7 ever, that in no case such special distributor shall be the holder of a
8 class "B" permit to sell beer as provided in chapter thirty-seven
9 (37) of the acts of the Forty-fifth General Assembly, nor shall such
10 special distributor be granted such beer permit while being such
11 distributor.

12 2. Special distributors shall be paid a sum to be fixed by the
13 commission, but in no event shall this sum be in excess of nine
14 hundred (900) dollars per annum. All alcoholic liquors sold by
15 such distributors shall be sold in the original package at the price
16 fixed by the commission, without profit to the distributor, and in
17 accordance with the rules and regulations of the commission.

18 3. At any time, if in the judgment of the commission it shall
19 appear advisable, the commission may establish a state liquor store
20 in such city or town to replace the special distributor.

21 4. If, after a state liquor store has been in operation in any city
22 or town, such store should show a loss to the state, the commission

23 may discontinue such store and select a special distributor in accord-
24 ance with the provisions of this act.

25 5. No special distributor shall be selected in any city or town
26 where there is a state liquor store in operation.

1 SEC. 11. In the conduct and management of state liquor stores
2 the commission is empowered to employ a person who shall be known
3 as a "vendor" who shall, subject to the directions of the commission,
4 observe all provisions of this act and the rules and regulations of
5 the commission.

1 SEC. 12. The liquor control commission shall prescribe from
2 time to time by rule or regulation the qualifications to be possessed
3 by persons desiring employment in state liquor stores or establish-
4 ments.

1 SEC. 13. 1. A vendor or special distributor may not sell to any
2 person nor may any person purchase alcoholic liquors from such
3 vendor unless the person be the holder of a permit entitling such
4 person to purchase liquors under such permit in conformity with
5 the provisions of this act and the regulations established by the
6 commission.

7 2. Before the vendor or special distributor shall sell or deliver
8 to any person any alcoholic liquors he shall:

9 a. Have first demanded and received the permit or order in
10 writing dated and signed by the purchaser setting forth the number
11 of his permit, the kind and quantity of the liquor ordered or furnish
12 such information in writing as may be determined by the regula-
13 tions established by the commission.

14 b. Have received from the purchaser his permit and have en-
15 dorsed thereon the kind and quantity of liquor sold, the date of sale
16 and such other information as may be required by the commission.

17 c. Have demanded and received the purchase price of such liquor
18 in cash.

1 SEC. 14. No vendor, officer, clerk, servant, agent, or employee
2 of the commission employed in any state liquor store, state-owned
3 warehouse, or special distributor, shall allow any alcoholic liquor
4 to be consumed on the premises of such state warehouse, store, or
5 special distributor nor shall any person consume any liquor on such
6 premises.

1 SEC. 15. No alcoholic liquor shall be sold to any purchaser except
2 in sealed container with the official seal or label prescribed by the
3 commission and no such container shall be opened upon the premises
4 of any state warehouse, store or special distributor. Such seal or
5 label shall bear the seal of the commission and a facsimile of the
6 signature of the chairman of the liquor control commission and
7 shall certify the quality, age, and contents of the bottle or package
8 on which it is affixed and must be attached and sealed to all liquors
9 sold in the state of Iowa. Possession of alcoholic liquors bought or
10 sold in the state of Iowa which do not carry such label or seal shall
11 be considered a violation of this act. No alcoholic liquor shall be
12 labeled "whisky" unless it is a distillate of fermented mash of grain

13 or mixture of grains. Spirits, the alcoholic content of which is
14 distilled of any other substance, must be labeled "imitation." No
15 spirits shall contain any substance, compound or ingredient which
16 is injurious to health or deleterious for human consumption.

1 SEC. 16. The commissioners shall post a bond or bonds, at the
2 expense of the state of Iowa, with such sureties as the executive
3 council of the state of Iowa shall approve to guarantee to the state
4 the proper handling and accounting of such moneys and merchandise
5 and other properties as may be required in the administration of
6 this act. It shall be the duty of the commission to secure from all
7 agents, servants, and employees of the commission holding positions
8 of trust a bond or bonds with such sureties as the commission will
9 approve adequate to guarantee to the state the proper handling and
10 accounting of all moneys, merchandise and other properties.

1 SEC. 17. The commission, or any member of the commission,
2 shall not be personally liable for any action at law for damages
3 sustained by any person because of any action performed or done
4 by the commission, or any member of the commission, in the per-
5 formance of their respective duties in the administration and in
6 the carrying out of the purposes and provisions of this act.

1 SEC. 18. It shall be unlawful to transact the sale or delivery of
2 any liquor in, on, or from the premises of any state liquor store,
3 special distributor or warehouse:
4 a. After the closing hour as established by the commission.
5 b. On any legal holiday.
6 c. On any Sunday.
7 d. On any national or state election day.
8 e. On any municipal election day held in the municipality in
9 which such store, warehouse or special distributor may be situated.
10 f. During such other periods or days as may be designated by
11 the commission.

1 SEC. 19. It shall be lawful to transport, carry or convey liquors
2 as defined by this act from the place of purchase by the commission
3 to any state warehouse, store, special distributor or depot estab-
4 lished by the commission for the purposes of this act or from one
5 such place to another and when so permitted by this act the regu-
6 lations made thereunder and in accordance therewith, it shall be
7 lawful for any common carrier, or other person to transport, carry,
8 or convey liquor sold by a vendor or a special distributor from a
9 state warehouse, store or depot to any place to which the same
10 may be lawfully delivered under this act and the regulations estab-
11 lished by the commission; provided, however, that no common car-
12 rier or other person shall break, open, allow to be broken or opened
13 any container or package containing alcoholic liquor or to use or
14 drink or allow to be used or drunk any liquor therefrom while in
15 the process of being transported or conveyed; provided, however,
16 that nothing in this act shall affect the right of any permit holder
17 to purchase, possess, or transport alcoholic liquors as defined by
18 this act and subject to the provisions of this act and the regulations
19 made thereunder.

1 SEC. 20. 1. There shall be two classes of permits under this
2 act:

3 a. Individual permits.

4 b. Special permits.

5 2. Upon application being made, in the form and manner pre-
6 scribed by the commission, to the commission, or to any agent
7 authorized by the commission to issue permits accompanied by pay-
8 ment of the prescribed fee, and upon the commission or such author-
9 ized agent being satisfied that the applicant has complied with the
10 rules and regulations established by the commission for the issuance
11 of such a permit for the purchase, possession and/or transportation
12 of alcoholic liquors under this act, the commission or such author-
13 ized agent shall issue to the applicant a permit of the class applied
14 for as follows:

15 a. An "individual permit" in the form prescribed by the com-
16 mission may be granted to an individual of the full age of twenty-
17 one years who is not disqualified under the provisions of this act
18 entitling the applicant to purchase liquor or beverages for medicinal
19 or personal purposes in accordance with the terms and provisions
20 of such permit and the provisions of this act by complying with
21 such terms and conditions as may be prescribed by the commission.

22 b. A "special permit" in form as prescribed by the commission
23 and subject to its issuance and/or use to such rules and regulations
24 as the commission may adopt, may be issued as provided in this
25 section, notwithstanding the other provisions of this act, as follows:

26 (1). To a physician, pharmacist, dentist or veterinarian, which
27 will entitle the holder to purchase liquor from the state liquor
28 stores or special distributors for use medicinally and in compound-
29 ing prescriptions and to sell the same for use medicinally in the
30 compounded prescription only upon the prescription of a licensed
31 physician or surgeon, and to purchase liquor from the state liquor
32 stores or special distributors for use in manufacturing or com-
33 pounding lotions, compounds, and other like commodities not sus-
34 ceptible for beverage purpose, and to sell the same for public use.

35 (2). To a soldiers' home, sanitarium, hospital, college or home
36 for the aged which will entitle the holder to purchase liquor from
37 the state liquor stores or special distributors for use for medicinal,
38 laboratory and scientific purposes only.

39 c. Notwithstanding any of the provisions of this act, patent and
40 proprietary medicines, tinctures, food products, extracts, toilet
41 articles and perfumes, and other like commodities, none of which
42 are susceptible of use as a beverage, but which require as one of their
43 ingredients alcohol or vinous liquors, may be manufactured and
44 sold within this state, provided a special permit so to do is first
45 obtained, as in this subsection provided.

46 Any person, firm or corporation desiring such permit shall file
47 with the liquor commission the affidavit of such person, member of
48 the firm, secretary or other managing officer of the corporation, as
49 the case may be, stating therein the following facts:

50 (1). The name, place of business and post-office address of the
51 person, firm or corporation desiring such permit.

52 (2). The business in which said person, firm or corporation is

53 engaged and the articles manufactured by them which require in
54 their manufacture the use of alcohol or vinous liquors.

55 (3). That neither the applicant, nor any member of the firm,
56 nor officer of the corporation has been convicted of any violation
57 of the laws of this state with reference to the sale of intoxicating
58 liquors within three (3) years last past prior to the date of said
59 affidavit.

60 If the liquor commission is satisfied that the facts stated in said
61 affidavit are true and that the applicant is a person fit and proper
62 to be entrusted with the permit applied for, the same shall be
63 issued upon the filing by the applicant of a bond in the sum of two
64 thousand (2,000) dollars, with approved sureties, conditioned that
65 the applicant will faithfully observe the provisions of this act and
66 the rules and regulations of the commission.

67 Such special permit when so issued shall entitle the holder thereof
68 to import into the state, or purchase from licensed distillers within
69 the state or from the commission, alcohol or vinous liquors for use
70 in manufacture, in accordance with the terms of said permit, and
71 to sell the product of such manufacture, regardless of any of the
72 other provisions of this act with respect to purchase and sale of
73 alcohol or vinous liquors.

74 It shall be the duty of every manufacturer holding such special
75 permit under the provisions of this subsection whenever such manu-
76 facturer shall purchase any alcoholic liquor from any person, firm
77 or corporation, other than the liquor commission, immediately upon
78 receipt thereof to file with the liquor commission a report of the
79 receipt of such liquor in accordance with the rules and regulations
80 as they may be established by the liquor commission.

81 3. Nothing in this act shall prohibit the legitimate sale of patent
82 and proprietary medicines, tinctures, food products, extracts, toilet
83 articles and perfumes, and other like commodities, none of which
84 are generally classified or used as a beverage but which require as
85 one of their ingredients alcoholic or vinous liquors, through the
86 ordinary retail or wholesale channels.

1 SEC. 21. For an "individual permit" under clause (a) of subsec-
2 tion two (2) issued after this act takes effect or upon the taking
3 effect of this act the fee shall be one (1) dollar and such permit
4 shall expire upon the thirtieth day of June, 1934. On all such per-
5 mits issued on or after July 1, 1934, the fee shall be one (1) dollar,
6 and such permits shall expire on June thirtieth following date of
7 issuance.

8 For a "special permit" under clause (b) of subsection two (2) of
9 section twenty (20) the fee shall be three (3) dollars per year.

1 SEC. 22. A permit shall be a purely personal privilege and shall
2 expire on June thirtieth following date of issuance, except as pro-
3 vided in section twenty-one (21), and shall be revocable for cause.
4 It shall not constitute property nor shall it be subject to attachment
5 and execution nor shall it be alienable nor assignable and in any
6 case it shall cease upon the death of the permittee. Every permit
7 shall be issued in the name of the applicant and no person holding
8 a permit shall allow any other person to use the permit.

1 SEC. 23. No permit shall be issued or delivered to an applicant
2 for the same unless said applicant has in the presence of some per-
3 son duly authorized by the commission written his signature thereon
4 or filed his signature with such duly authorized person in the manner
5 prescribed by the regulations as fixed by the commission for the
6 purpose of the future identification of said permit holder and until
7 the signature has been witnessed and attested to by such duly
8 authorized official authorized to issue permits.

1 SEC. 24. Any permit holder whose permit has been lost, de-
2 stroyed, or stolen may make application to the commission or such
3 other duly authorized agent entitled to issue permits and upon
4 satisfactory proof of loss, destruction, or theft of said permit, sub-
5 ject to the conditions contained in the regulations, may obtain a
6 duplicate permit in lieu of the permit so lost, destroyed, or stolen
7 for which duplicate permit a fee of fifty cents shall be paid.

1 SEC. 25. Whenever the holder of any permit issued under the
2 provisions of this act violates any of the provisions of this act or
3 any regulations made thereunder or is an interdicted person or is
4 otherwise disqualified from holding such permit, the commission,
5 upon satisfactory proof of such fact, the existence of such violation,
6 the interdiction or disqualification of such permit holder, may, in
7 its discretion, with or without hearing, suspend the permit and any
8 and all rights of said permit holders for such period of time as the
9 commission may see fit or may fully cancel said permit.

1 SEC. 26. Whenever a permit has been suspended or canceled as
2 herein provided the holder of such permit shall forthwith deliver
3 the same to the commission. Upon failure of the permit holder to
4 deliver said permit to the commission upon request, the commission
5 shall forthwith cancel the same. In the case of a suspension of
6 the permit, the commission shall return the permit to the holder at
7 the expiration of such period of suspension. Where the permit has
8 been canceled, the commission shall notify the vendors, or such
9 other persons as may be provided in the regulations made under
10 this act, of the cancellation of said permit and no permit shall there-
11 after be issued to such person whose permit has been canceled
12 within a period of one (1) year from the date of cancellation of
13 said permit.

14 Whenever a permit shall be produced at a state-owned warehouse,
15 store, or distributor as defined by this act by a person who is not
16 the lawful holder thereof, or where any permit which has been sus-
17 pended or canceled is produced at such warehouse or store, the
18 vendor or official in charge of such warehouse or store shall retain
19 such permit in his custody and forthwith notify the commission of
20 such fact and the commission shall, unless such permit has been
21 canceled, forthwith cancel the same; provided, however, that the
22 proper holder of any permit lost, destroyed, or stolen may, upon
23 satisfactory proof to the commission that he was not a party to
24 such improper use, obtain a return of such permit and re-establish
25 his rights thereunder.

1 SEC. 27. Nothing in this act shall affect the purchase or use of
2 sacramental wines to be used exclusively for sacramental purposes.

1 SEC. 28. Without attempting or intending to limit the powers
2 and duties of the commission in the matter of the revocation of
3 permits for cause or for any good and sufficient reason, the com-
4 mission, municipal and district court are hereby empowered to
5 revoke the permit of any holder as defined in this act upon satis-
6 factory proof of any of the following grounds or causes:

- 7 a. Drunkenness.
- 8 b. Simulation of drunkenness.
- 9 c. Nonsupport of family or dependents.
- 10 d. Desertion of family or dependents.
- 11 e. The commission of any misdemeanor or felony in which the
12 use of alcoholic liquor was a contributing factor.

1 SEC. 29. Upon application in the prescribed form and accom-
2 panied by a fee of two hundred fifty (250) dollars, the commission
3 may in accordance with this act, and in accordance with the regu-
4 lations, made thereunder, grant a license, good for a period of one
5 year after date of issuance to a manufacturer which shall allow
6 the manufacture, storage and wholesale disposition and sale of
7 alcoholic liquors and wines to the commission and to customers out-
8 side of the state.

1 SEC. 30. Upon application in the prescribed form and accom-
2 panied by a fee of one hundred (100) dollars and subject to the
3 provisions of this act and the rules and regulations of the commis-
4 sion, the commission shall grant a license good for a period of one
5 year after date of issuance, to a wholesaler, which shall allow the
6 wholesaler to purchase alcoholic liquor from distillers either within
7 or without the state for the purpose of selling to the commission
8 and customers of such wholesaler engaged in the sale of alcoholic
9 liquor and wines at retail outside of the state.

1 SEC. 31. As a condition precedent to the approval and granting
2 of any license to the manufacturer or wholesaler applying therefor,
3 there shall be filed with the commission a statement under oath that
4 the applicant is a bona fide manufacturer or wholesaler of alcoholic
5 liquors, and that the said applicant will faithfully observe and com-
6 ply with all rules and regulations of the commission then existing,
7 or thereafter made, and that he will in all respects comply with
8 the provisions of this act; together with a bond of five thousand
9 (5,000) dollars for a manufacturer and one thousand (1,000) dol-
10 lars for a wholesaler with a surety to be approved by the commis-
11 sion; said bond to be in favor of the state of Iowa for the benefit
12 of the state in case of any violation of this act.

1 SEC. 32. No manufacturer or wholesaler shall give away any
2 alcoholic liquor of any kind or description at any time in connection
3 with his business except for testing or sampling purposes only.

1 SEC. 33. No member or employee of the commission, directly
2 or indirectly, individually, or as a member of a partnership or as a
3 shareholder in a corporation shall have any interest whatsoever in

4 dealing in or in the manufacture of alcoholic liquor nor receive any
5 kind of profit whatsoever nor have any interest whatsoever in the
6 purchases or sale by the persons authorized to purchase and sell
7 alcoholic liquor except that no such provisions shall prevent any
8 such commissioner or employee from purchasing and keeping in
9 his possession for the personal use of himself, or his family, or his
10 guests any liquors which may be lawfully purchased.

1 SEC. 34. No vendor of any state liquor store or special distribu-
2 tor shall sell any alcoholic liquor to any individual permit holder
3 except for cash.

1 SEC. 35. It is hereby made unlawful for any person to use or
2 consume any alcoholic liquors upon the public streets or highways,
3 or in any public place, and no person shall be intoxicated nor simu-
4 late intoxication in a public place; and any person violating any
5 provisions of this section shall be fined not to exceed one hundred
6 (100) dollars or sentenced not to exceed thirty (30) days in the
7 county jail.

1 SEC. 36. Except in the case of liquor given or dispensed to a
2 person under the age of twenty-one years by parent or guardian
3 for beverage or medicinal purposes or as administered to him by
4 either the physician or dentist for medicinal purposes no person
5 shall sell, give, or otherwise supply liquor to any such person under
6 the age of twenty-one years, or knowingly permit any person under
7 that age to consume alcoholic liquors.

1 SEC. 37. Except in the case of liquor supplied to an interdicted
2 person upon the prescription of a physician or administered by
3 either a physician or dentist for medicinal purposes, no person shall
4 procure for or sell or give to any interdicted person any alcoholic
5 liquors, nor directly or indirectly, assist in procuring or supplying
6 any alcoholic liquors to an interdicted person.

1 SEC. 38. No person whose permit or license has been canceled
2 shall within one year after date of such cancellation make applica-
3 tion for or receive another permit or license.

1 SEC. 39. 1. No person whose permit has been either suspended
2 or canceled shall purchase or attempt to purchase any alcoholic
3 liquors during the period of such suspension or cancellation.

4 2. No person shall apply for the purchase of any alcoholic
5 liquors except in his own name.

6 3. No person shall sell, dispense, or give to any intoxicated per-
7 son, or one simulating intoxication, any alcoholic liquors.

1 SEC. 40. Except as permitted by federal statute and regulations,
2 there shall be no public advertisement or advertising of alcoholic
3 liquors in any manner or form within the state of Iowa.

4 1. No person shall publish, exhibit, or display or permit to be
5 displayed any other advertisement or form of advertisement, or
6 announcement, publication, or price list of, or concerning any
7 alcoholic liquors, or where, or from whom the same may be pur-
8 chased or obtained, unless permitted so to do by the regulations

9 enacted by the commission and then only in strict accordance with
10 such regulations.

11 2. This section of the act shall not apply, however:

12 a. To the Iowa liquor control commission.

13 b. To the correspondence, or telegrams, or general communica-
14 tions of the commission, or its agents, servants, and employees.

15 c. To the receipt or transmission of a telegram or telegraphic
16 copy in the ordinary course of the business of such agents, servants,
17 or employees of any telegraph company.

1 SEC. 41. No person not expressly authorized by this act to deal
2 in alcoholic liquors shall within the state of Iowa keep for sale, or
3 offer for sale anything which is either labelled or branded with the
4 name of any kind of alcoholic liquor whether the same contains any
5 alcoholic liquor or not.

1 SEC. 42. Whenever it shall be established to the satisfaction of
2 either the commission or the judge of any superior, municipal or
3 district court that the holder of any permit defined under this act
4 shall have been guilty of any of the grounds or causes for the
5 revocation of a permit, as set forth in section twenty-eight of this
6 act, or who shall by the excessive use of alcoholic liquors injure his
7 health, impair, or endanger the welfare of his family, misspend,
8 squander, or waste his estate, an order of interdiction may be made
9 by either the commission or the judge of any superior, municipal
10 or district court directing the suspension or cancellation of any
11 permit and prohibiting the sale of alcoholic liquors to such persons
12 until the further order of either the commission or the court making
13 such an order. In the event such order is made by the court, a cer-
14 tified copy of the same shall be forthwith filed with the commission.
15 The commission or the court may as a part of its order of inter-
16 diction in any such case provide and declare forfeited any alcoholic
17 liquor in the possession of such permit holder or may take possession
18 of and retain for such permit holder any alcoholic liquors until such
19 order of interdiction may be satisfied, set aside, or modified by either
20 the commission or the court entering such order.

21 Whenever by satisfactory proof it shall appear to either the com-
22 mission or to the court making such an order of interdiction that
23 the interdicted person has purged himself of the conduct, grounds,
24 reasons, or causes for the suspension, cancellation, or order of inter-
25 diction, the commission or the court making such an order of inter-
26 diction may set aside or modify said order, and if deemed advisable,
27 in any such case reinstate said interdicted person to his or her
28 rights and privileges under this act. Whenever such order of inter-
29 diction has been made by or filed with the commission, the commis-
30 sion shall forthwith notify the vendors of such order of interdiction.

1 SEC. 43. For the purpose of enabling the commission to carry
2 out the provisions of this act, there is hereby appropriated from
3 the funds of the state treasury not otherwise appropriated the sum
4 of five hundred thousand dollars and the state comptroller shall set
5 aside from the appropriation the amount necessary to be used by
6 the commission for the purchase of alcoholic liquors and payment

7 of such other expenses as may be necessary to establish and operate
8 state liquor stores and special distributors in accordance with the
9 provisions of this act and to perform such other duties as are im-
10 posed upon it by this act.

11 All money hereafter received by the commission, including any
12 money received under the appropriation herein made, shall consti-
13 tute what shall hereafter be known as the liquor control act fund.
14 Whenever said liquor control act fund shall have a balance in excess
15 of the amount necessary to carry out the provisions of this act as
16 determined and fixed from time to time by the comptroller, the
17 comptroller shall transfer such excess to the general fund of the
18 state treasury, which amount shall be used to reduce the general
19 state tax levy against real estate.

1 SEC. 44. It shall be the duty of the commission or its authorized
2 agents to issue individual permits, to remit to the commission all
3 fees received by them from the issuance of individual permits and
4 the commission shall upon receipt of such funds credit the same to
5 the "liquor control act fund" herein provided. The commission or
6 authorized agents designated to sell individual permits, shall report
7 the fees received and remit the same once each month, said report
8 and remittances to be made on or before the tenth day of the month
9 succeeding that for which the report is made.

1 SEC. 45. The appropriation hereby made shall be paid by the
2 treasurer of state upon the orders of the commission, in such
3 amounts and at such times as in the discretion of the commission,
4 may be necessary to carry on operations in accordance with the
5 terms of this act.

1 SEC. 46. It shall be the duty of the commission to make a report
2 to the governor of the state, ending with June thirtieth of each
3 year, showing fully the results of the operations of the commission
4 covering the period since the last previous report, and which report
5 shall show:

6 1. Amount of profit or loss, if any, on account of state liquor
7 stores and special distributors.

8 2. Number of such liquor stores opened, the number closed, and
9 the number thereof operating on last day included in report.

10 3. Number of such special distributors appointed and number
11 of such appointments in force on last day shown in report.

12 4. Amount of fees received from such stores and amount of fees
13 received from such distributors, separately and in gross.

14 5. The amount of said liquor control act fund then in the hands
15 of the commission and also in the hands of the state treasurer.

16 6. All other funds on hand and the source from which derived.

17 7. The total quantity and particular kind of alcoholic liquor sold.

18 8. The increase or decrease of such liquor sales.

19 9. Number of arrests and/or convictions for violations of this
20 act and/or any other law of this state pertaining to alcoholic liquors.

21 In order that the said commission may be provided with the nec-
22 essary information to make out the report required by this act, it
23 shall be the duty of every justice of the peace, police court, mayor's

24 court and every clerk of a court of record in this state to forward
25 to said commission during the month of July of each year a full
26 and complete report of each case commenced in the court of such
27 justice, police court, mayor's court, or any court of record, in which
28 a violation of this act or any other law of this state pertaining to
29 alcoholic liquors was charged, and the disposition of the same.

1 SEC. 47. There is hereby granted unto said commission the sole
2 and exclusive right of importation, into the state, of all forms of
3 alcoholic liquor, except as otherwise provided in this act, and no
4 person, partnership, club, corporation, or association shall so import
5 any such alcoholic liquor; and no distillery shall sell any such alco-
6 holic liquor within the state to any person, partnership, club, cor-
7 poration, or association but only to the commission, except as other-
8 wise provided in this act, the intent hereof being to vest in said
9 commission exclusive control within the state of Iowa both as pur-
10 chaser and vendor of all alcoholic liquor sold by such distilleries
11 within the state of Iowa or imported therein, except beer as referred
12 to in chapter thirty-seven (37) and chapter thirty-eight (38), acts
13 of the Forty-fifth General Assembly of the state of Iowa and amend-
14 ments thereto, and except as otherwise provided in this act.

1 SEC. 48. This act shall not impair or affect any act done, offense
2 committed or right accruing, secured or acquired, or penalty, for-
3 feiture or punishment incurred prior to the time this act takes
4 effect, but the same may be enjoyed, asserted, enforced, prosecuted
5 or inflicted, as fully and to the same extent as if this act had not
6 been passed.

1 SEC. 49. Notwithstanding anything in this act contained, but
2 subject to any regulations or restrictions which the commission
3 may impose, manufacturers of native wines from grapes, cherries,
4 other fruit juices, or honey grown and produced in Iowa may sell,
5 keep, or offer for sale and deliver the same in such quantities as
6 may be permitted by the commission for consumption off the
7 premises.

8 A manufacturer of native wines shall not sell such wines other-
9 wise than as permitted by this section or allow any wine so sold,
10 or any part thereof, to be drunk upon the premises of such manu-
11 facturer. Notwithstanding anything in this act contained, any per-
12 son may manufacture native wine as herein defined for consumption
13 on his own premises.

1 SEC. 50. The auditor of state shall cause the financial condition
2 and transactions of all offices, departments, stores, warehouses,
3 depots and liquor transactions of special distributors of the Iowa
4 liquor control commission to be examined at least once each year
5 by the state examiners of accounts and at shorter periods if re-
6 quested by the commission, governor, or executive council.

1 SEC. 51. All provisions of chapter seven (7) of the acts of the
2 Forty-fifth General Assembly of the state of Iowa relating to audit-
3 ing of financial records of governmental subdivisions which are not
4 inconsistent herewith are hereby made applicable to the Iowa liquor

5 control commission, the liquor transactions of its special distribu-
6 tors and any of its offices, stores, warehouses and depots.

1 SEC. 52. Any person who shall, by himself, or his employee, serv-
2 ant, or agent, for himself or any person, company or corporation,
3 keep or carry around on his person, or in a vehicle, or leave in a
4 place for another to secure, any alcoholic liquor as herein defined,
5 with intent to sell or dispense of the same by gift or otherwise, or
6 who shall, within this state, in any manner, directly or indirectly,
7 solicit, take or accept any order for the purchase, sale, shipment or
8 delivery of such alcoholic liquors in violation of this act, or aid in
9 the delivery and distribution of any alcoholic liquors so ordered or
10 shipped, or who shall in any manner procure for, or sell or give any
11 alcoholic liquors to any minor or interdicted person, for any purpose
12 except as authorized and permitted in this act, shall be termed a
13 bootlegger and upon conviction shall be sentenced to the county jail
14 or the penitentiary, in the discretion of the court, for a period not
15 exceeding one year.

1 SEC. 53. The building, erection, or place, or the ground itself, in
2 or upon which the unlawful manufacture or sale, or keeping with
3 intent to sell, use or give away, any alcoholic liquors is carried on
4 or continued or exists, and any vehicle or other means of conveyance
5 used in transporting such liquor in violation of this act, and the
6 furniture, fixtures, vessels and contents, kept or used in connection
7 therewith, are declared a nuisance and shall be abated as in this act
8 provided.

1 SEC. 54. Whoever shall erect, establish, continue or use any
2 building, erection or place for any of the purposes prohibited in the
3 immediately preceding section, is guilty of a nuisance and upon con-
4 viction shall be punished by a fine of not less than three hundred
5 (300) dollars, nor more than one thousand (1,000) dollars, or
6 imprisonment in the county jail not exceeding one (1) year, or by
7 both such fine and imprisonment and shall stand committed until
8 such fine imposed is paid.

1 SEC. 55. Actions to enjoin nuisances shall be brought in equity
2 in the name of the state by the county attorney who shall prosecute
3 the same to judgment.

1 SEC. 56. In such action, the court or a judge in vacation, shall,
2 upon the presentation of a petition therefor, allow a temporary
3 writ of injunction without bond, if it shall be made to appear to the
4 satisfaction of the court or judge by evidence in the form of affi-
5 davits, depositions, oral testimony or otherwise, that the nuisance
6 complained of exists.

1 SEC. 57. Three (3) days' notice in writing shall be given the
2 defendant of the hearing of the application, and if then continued
3 at his instance the writ as prayed shall be granted as a matter of
4 course.

1 SEC. 58. When an injunction has been granted, it shall be binding
2 upon the defendant throughout the state and any violation of the

3 provisions of this act anywhere within the state shall be punished
4 as a contempt, as herein provided.

1 SEC. 59. The action, when brought, shall be triable at the first
2 term of court after due and timely service of notice of the com-
3 mencement thereof has been given.

1 SEC. 60. In all actions to enjoin a nuisance or to establish a vio-
2 lation of the injunction, evidence of the general reputation of the
3 place described in the petition or information shall be admissible
4 for the purpose of proving the existence of the nuisance or the vio-
5 lation of the injunction.

1 SEC. 61. In the case of a violation of any injunction granted under
2 the provisions of this act, the court, or in vacation a judge thereof,
3 may summarily try and punish the defendant. The proceedings
4 shall be commenced by filing with the clerk of the court an informa-
5 tion under oath setting out the alleged facts constituting such vio-
6 lation, upon which the court or judge shall cause a warrant to issue
7 under which the defendant shall be arrested.

1 SEC. 62. The trial shall be as in equity and may be had upon
2 depositions, or either party may demand the production and oral
3 examination of the witnesses.

1 SEC. 63. A party found guilty of contempt under the provisions
2 of the preceding section of this act shall be punished by a fine of not
3 less than three hundred (300) dollars, nor more than one thousand
4 (1,000) dollars, or by imprisonment in the county jail not less than
5 six (6) months, nor more than twelve (12) months, or by both such
6 fine and imprisonment.

1 SEC. 64. A bootlegger as defined in this act may be restrained
2 by injunction from doing or continuing to do any of the acts pro-
3 hibited herein, and all the proceedings for injunctions, temporary
4 and permanent, and for punishments for violation of the same as
5 prescribed herein, shall be applicable to such person, company, or
6 corporation, and the fact that an offender has no known or perma-
7 nent place of business, or base of supplies, or quits the business
8 after the commencement of an action, shall not prevent a temporary
9 or permanent injunction, as the case may be, from issuing.

1 SEC. 65. In no case shall a bootlegger injunction proceeding, as
2 provided in this act, be maintained unless it be shown to the court
3 that efforts in good faith have been made to discover the base of
4 supplies or place where the defendant charged as a bootlegger con-
5 ducts his unlawful business or receives or manufactures the alco-
6 holic liquors, of which he is charged with bootlegging.

1 SEC. 66. If the existence of the nuisance be established in a civil
2 or criminal action, an order of abatement shall be entered as a
3 part of the judgment in the case, which order shall direct the con-
4 fiscation of the alcoholic liquors by the state of Iowa, and in case a
5 vehicle or other means of conveyance is abated, the sale thereof as
6 hereinafter provided, the removal from the building or place of all
7 fixtures, furniture, vessels or movable property used in any way in

8 conducting the unlawful business and sale thereof, in the manner
9 provided for the sale of chattels under execution, and the effectual
10 closing of the building, erection or place against its use for any
11 purpose prohibited in this act, and so keeping it for a period of one
12 year unless sooner released.

1 SEC. 67. If any one shall use a building or place so directed to
2 be closed, he shall be punished as for contempt, as provided in this
3 act.

1 SEC. 68. For removing and selling the movable property, the
2 officer shall be entitled to charge and receive the same fees as he
3 would for levying upon and selling like property on execution; and
4 for closing the premises and keeping them closed a reasonable sum
5 shall be allowed by the court.

1 SEC. 69. The proceeds of the sale of the personal property in
2 abatement proceedings shall be applied first in payment of the costs
3 of the action and abatement, and second to the satisfaction of any
4 fine and costs adjudged against the proprietor of the premises and
5 keeper of said nuisance, and the balance, if any, shall be paid to the
6 defendant.

1 SEC. 70. If the owner appears and pays all costs of the proceed-
2 ing and files a bond with sureties to be approved by the clerk in the
3 full value of the property, to be ascertained by the court, or in va-
4 cation by the clerk, auditor and treasurer of the county, conditioned
5 that he will immediately abate said nuisance and prevent the same
6 from being established or kept therein within a period of one year
7 thereafter, the court, or in vacation a judge, may, if satisfied of his
8 good faith, order the premises closed under the order of abatement
9 to be delivered to said owner and the said order of abatement can-
10 celed, so far as same may relate to said property.

1 SEC. 71. If the proceedings be an action in equity and said bond
2 be given and costs therein paid before judgment, and order of abate-
3 ment, the action shall thereby be abated as to said building only.

1 SEC. 72. The release of the property under the provisions of
2 either of the two preceding sections shall not release it from any
3 judgment lien, penalty or liability, to which it may be subject by
4 law.

1 SEC. 73. Undertakings of bonds for abatement shall immediately
2 after filing by the clerk of the district court be docketed and entered
3 upon the lien index as required for judgments in civil cases, and
4 from the time of such entries shall be liens upon real estate of the
5 persons executing the same, with like effect as judgments in civil
6 actions.

1 SEC. 74. Attested copies of such undertakings may be filed in the
2 office of the clerk of the district court of the county in which the
3 real estate is situated in the same manner and with like effect as
4 attested copies of judgments, and shall be immediately docketed and
5 indexed in the same manner.

1 SEC. 75. If the owner of a property who has filed such abatement
2 bond as in this chapter provided fails to abate the said liquor nui-
3 sance on the premises covered by the bond, or fails to prevent the
4 maintenance of any liquor nuisance on said premises at any time
5 within the period of one year, the court must, after a hearing in
6 which the said fact is established direct an entry of such violation
7 of the terms of his said bond, to be made on the record and the
8 undertaking of his bond thereupon forfeited.

1 SEC. 76. A proceeding to forfeit an abatement bond shall be
2 commenced by filing with the clerk of the court, by the county
3 attorney of the county where the bond is filed, an application under
4 oath to forfeit said bond, setting out the alleged facts constituting
5 the violation of the terms of said bond, upon which the judge or
6 court shall direct by order attached to said application that a notice
7 be issued by the clerk of the district court directed to the principal
8 and sureties on said bond to appear at a certain date fixed to show
9 cause, if any they have, why the said bond should not be forfeited
10 and judgment entered for the penalty therein fixed.

1 SEC. 77. The trial shall be to the court and as in equity, and be
2 governed by the same rules as to evidence as in contempt proceed-
3 ings.

1 SEC. 78. If the court after hearing finds a liquor nuisance has
2 been maintained on the premises covered by the abatement bond and
3 that liquor has been sold or kept for sale on the premises contrary
4 to law within one year from the date of the giving of said bond,
5 then the court shall order the forfeiture of the bond and enter
6 judgment for the full amount of said bond against the principal and
7 sureties thereof, and the lien on the real estate heretofore created
8 shall be decreed foreclosed and the court shall provide for a special
9 and general execution for the enforcement of said decree and judg-
10 ment.

1 SEC. 79. Appeal may be taken as in equity cases and the cause be
2 triable de novo except that if the state appeals it need not file an
3 appeal or supersedeas bond.

1 SEC. 80. It shall be the duty of the county attorney to prosecute
2 in the name of the state of Iowa all forfeitures of abatement bonds
3 and the foreclosures of same.

1 SEC. 81. It shall be a misdemeanor for any peace officer to delay
2 service of original notices, writs of injunction, writs of abatement
3 or warrants for contempt in any equity case filed for injunction or
4 abatement by the state of Iowa.

1 SEC. 82. On the issue whether a party knew or ought to have
2 known of such nuisance, evidence of the general reputation of the
3 place shall be admissible.

1 SEC. 83. Information or indictments under this act may allege
2 any number of violations of its provisions by the same party, but
3 the several charges must be set out in separate counts, and the ac-

4 -cused may be convicted and punished upon each one as on separate
5 informations or indictments, and a separate judgment shall be rendered
6 on each count under which there is a finding of guilty.

1 SEC. 84. Unless other penalties are herein provided, any person
2 who violates any of the provisions of this act, or who makes a false
3 statement concerning any material fact in submitting an application
4 for a permit or license, shall be punished by a fine of not less than
5 three hundred (300) dollars nor more than one thousand (1,000)
6 dollars, or by imprisonment in the county jail for not less than three
7 (3) months nor more than one (1) year, or by both such fine and
8 imprisonment.

1 SEC. 85. Any member, secretary, officer or employee of the com-
2 mission who shall knowingly or wilfully violate any of the provi-
3 sions of this act, or knowingly and willingly aid, assist or permit
4 any such violation, shall be guilty of a misdemeanor and be punish-
5 able by fine of not to exceed \$1,000, nor less than \$300, or by
6 imprisonment in the county jail for not less than three months, nor
7 more than one year, or by both such fine and imprisonment.

8 Section thirteen thousand two hundred ninety-three (13293),
9 Code, 1931, is hereby made applicable to the members and employees
10 of the liquor control commission.

1 SEC. 86. Should any section, clause, sentence, or provision of this
2 act, be held to be invalid for any reason, such holding or decree
3 shall not be construed as affecting the validity of any of the remain-
4 ing portions of this act, it being the intent of the legislature that
5 this act shall stand and the legislature would have adopted the re-
6 mainder of this act, notwithstanding the invalidity of any such sec-
7 tion, clause, sentence, or provision.

1 SEC. 87. In every county in Iowa the county attorney will con-
2 stitute the head of the enforcement provision for the Iowa liquor
3 control commission. As supplementary aids to such attorney the
4 sheriff and his deputy, or deputies, and the police department of
5 every city, this to include the day and night marshal of every incor-
6 porated town.

7 Any neglect, misfeasance, or malfeasance shown by any peace
8 officer included in this section will be sufficient cause for his re-
9 moval as provided for by the statutes of the state of Iowa.

1 SEC. 88. No repeal declared in this act shall be deemed to affect
2 the validity or continued operation of any existing permit issued
3 under chapters one hundred (100) to one hundred four (104), in-
4 clusive, of the Code, 1931, until said permits are formally termi-
5 nated by the commission and the power to terminate is hereby vested
6 in the commission.

1 SEC. 89. This act, being deemed of immediate importance, it shall
2 be in effect upon its publication in the Evening Democrat, a daily
3 newspaper published in the city of Fort Madison, Iowa, and in the

4 Ottumwa Daily Courier, a daily newspaper published in the city of
5 Ottumwa, Iowa.

House File No. 292. Approved March 6, 1934.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier and Fort Madison Evening Democrat, March 8, 1934.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 25

BEER AND MALT LIQUORS

H. F. 336

AN ACT to amend sections nineteen hundred and twenty-three (1923), twenty hundred seventy-two (2072), twenty-one hundred thirty (2130) and twenty-one hundred thirty-six (2136) of the Code of Iowa, 1931, all relating to intoxicating liquors, and to repeal chapter thirty-eight (38), acts of the Forty-fifth General Assembly and to amend chapter thirty-seven (37), acts of the Forty-fifth General Assembly relating to the manufacture, sale and distribution of beer; defining beer; providing for the regulation of the manufacture, sale and distribution of beer; providing revenue for the state of Iowa and certain of its municipal subdivisions, including cities and towns under special charter, by taxation of and from permits to manufacture and/or sell beer and providing for issuance of permits therefor and by providing penalties for the violation of the provisions hereof.

Be it enacted by the General Assembly of the State of Iowa:

Chapter thirty-seven (37), acts of the Forty-fifth General Assembly of the state of Iowa, is amended as follows:

Strike sections one to forty as amended, inclusive, and insert in lieu thereof the following:

1 SECTION 1. That section one thousand nine hundred twenty-three
2 (1923) of the Code of Iowa, 1931, be and the same is hereby amended
3 by striking the period after the word "whatever" in line 6 thereof
4 and inserting in lieu the following:

5 "provided, however, that the words 'liquor' or 'intoxicating liquor'
6 wherever used in title six (6) of the Code of Iowa, 1931, shall not
7 be construed to include beer, ale, porter, stout, or any other malt
8 liquor containing not more than four (4) per centum of alcohol
9 by weight."

1 SEC. 2. That section twenty hundred seventy-two (2072) of the
2 Code of Iowa, 1931, is hereby amended by striking out the words
3 "except malt liquors" appearing in the fourth line thereof.

1 SEC. 3. That section twenty-one hundred thirty (2130) of the
2 Code of Iowa, 1931, is hereby amended by striking out the words
3 "not including malt liquors" appearing in the fifth line thereof.

1 SEC. 4. That section twenty-one hundred thirty-six (2136) of the
2 Code of Iowa, 1931, is hereby amended by striking out all of the last
3 paragraph of subsection twelve (12) thereof.

1 SEC. 5. It shall be unlawful for any person to manufacture for
2 sale or sell beer unless a permit is first obtained as provided for in
3 this act.