

CHAPTER 16
BEER AND MALT LIQUORS

S. F. 320

AN ACT to amend chapter twenty-five (25), acts of the Forty-fifth General Assembly in extraordinary session, relating to the manufacture, sale and distribution of beer; creating a state permit board and defining its powers and duties; providing for the issuance and revocation of permits authorizing boards of supervisors to adopt rules and regulations and cities and towns to pass ordinances governing the sale and distribution of beer; providing for hearings by the state permit board; and fixing the hours during which beer may be sold, delivered, or consumed.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter twenty-five (25), acts of the Forty-fifth Gen-
2 eral Assembly in extraordinary session, as amended, is amended by
3 striking out subsection "b" of section six (6) of said act, and inserting
4 in lieu thereof the following:

5 "b. 'Permit board' shall mean the state permit board composed of
6 the treasurer of state, the secretary of state, and the auditor of state,
7 of the state of Iowa."

8 Said chapter twenty-five (25) is further amended by striking out
9 subsection "e" of section six (6) of said act, and inserting in lieu
10 thereof the following:

11 "e. The term 'good moral character' shall not be construed to in-
12 clude the following: Any person, firm, or corporation who, preceding
13 the making of an application for any permit under the provisions of
14 this act, has been found guilty of violating any of the provisions of
15 the beer act or any of the intoxicating liquor laws of the state or who
16 has been convicted of a felony or an indictable misdemeanor."

1 SEC. 2. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding at the end of section seven (7), of said chapter, a new
4 paragraph which shall be as follows:

5 "In order to promote uniform compliance with the provisions of
6 this act there is hereby created a state permit board to be composed
7 of the treasurer of state, who shall be the chairman thereof, the sec-
8 retary of state, and the auditor of state, which board shall issue
9 state permits and shall have the power to revoke the same upon hear-
10 ing as provided in this act and to review actions of the city or town
11 councils, including cities under special charter, and boards of super-
12 visors, in refusing to revoke permits, as hereinafter provided. The
13 permit board shall serve without additional compensation. The per-
14 mit board shall meet on the first Monday in each month for a regular
15 meeting, and upon call at any time. The majority of its members
16 shall constitute a quorum but no final action shall be taken in the
17 revocation of a permit without a majority vote. In the event it should
18 be impossible for any of the officials designated as members of this
19 board to be present at any meeting of the board, such official may
20 designate a deputy or assistant in his department to attend such meet-
21 ing or meetings and act for him and in his stead but at no meeting
22 shall any final decision of the board be made unless at least two (2)
23 members thereof are present in person."

1 SEC. 3. Section eight (8) of said chapter twenty-five (25), acts
2 of the Forty-fifth General Assembly in extraordinary session, as
3 amended, is amended as follows:

4 1. Insert immediately preceding the word "and" in line 11 the
5 words "and to clubs as defined in section nineteen (19)."

6 2. Add at the end of said section eight (8) the following:

7 "Each applicant applying for a class 'B' or 'C' permit, shall, in
8 addition to procuring a permit from a city or town council, or board
9 of supervisors, as provided in this act, obtain a state permit from
10 the state permit board upon application made to the board and upon
11 payment of a fee of three (3) dollars. Such fees collected shall be
12 placed in a special fund by the treasurer of state to be used by the
13 state permit board for the purpose of enforcing the provisions of
14 this act.

15 "Upon the issuance of a permit by a city or town council, or board
16 of supervisors, such council or board shall forthwith certify to the
17 state permit board the action so taken. The state permit board shall
18 promptly issue a state permit to all applicants to whom a permit
19 has been issued by a city or town council or by a board of supervisors,
20 which shall expire at the same time as the permit issued by said
21 council or board, and shall forthwith certify to such council or board
22 as to the issuance of each permit.

23 "Upon the revoking of a permit by any city or town council or
24 board of supervisors, such council or board shall certify to the state
25 permit board the action so taken, and thereupon the state permit
26 board shall immediately cancel its permit to such permit holder, and
27 such action of the state permit board and other granting authority
28 shall be final."

1 SEC. 4. Section twelve (12) of said chapter twenty-five (25), acts
2 of the Forty-fifth General Assembly in extraordinary session, as
3 amended, is amended as follows:

4 Strike all after the comma in line 18 of said section, and strike
5 lines 19, 20, 21, 22 and 23, and insert in lieu thereof the following:
6 "and is located within a business district or an area now or hereafter
7 zoned as a business district."

1 SEC. 5. Section sixteen (16) of said chapter twenty-five (25), acts
2 of the Forty-fifth General Assembly in extraordinary session, as
3 amended, is amended by adding at the end of said section the follow-
4 ing: "and that no sale or delivery shall be made between the hours
5 of 1:00 a. m. and 6:00 a. m., and no sale or delivery on Sunday."

1 SEC. 6. Chapter twenty-five (25), acts of the Forty-fifth General
2 Assembly in extraordinary session, as amended, is amended by strik-
3 ing section thirty-four (34) of said chapter and inserting in lieu
4 thereof the following:

5 "SEC. 34. It is expressly provided, any provision of this chapter
6 to the contrary notwithstanding, that cities and towns, including cities
7 under special charter, and boards of supervisors, shall have the
8 power and authority to revoke any permit issued under their author-
9 ity for a violation of any of the provisions of this act, or any ordinance
10 adopted by a city or town under the provisions hereof, or any rule

11 or regulation adopted by a board of supervisors, or for any cause
12 which, in the judgment of the governing body, may be inimical to
13 or prevent the carrying out of the intent and purposes of this act.
14 Any permit revoked as in this act provided, shall not be renewed or
15 a new permit shall not be granted to the same person for a period of
16 one (1) year from the date of revocation; further, the governing body
17 may refuse to issue a permit effective on the same premises to any
18 other person for a period of one (1) year from the date of revoca-
19 tion. Cities and towns, including cities under special charter, are
20 hereby empowered to adopt ordinances for the enforcement of chapter
21 twenty-five (25), acts of the Forty-fifth General Assembly in extra-
22 ordinary session, as amended by this act, and are further empowered
23 to adopt ordinances providing for the limitation of class 'B' permits,
24 as follows:

25 "Allowing only one (1) class 'B' permit to be issued upon applica-
26 tion meeting the requirements of chapter twenty-five (25), acts of
27 the Forty-fifth General Assembly in extraordinary session, as amended
28 by this act, for each five hundred (500) population, or fractional
29 part thereof, up to twenty-five hundred (2500), and allowing only
30 one additional permit for each seven hundred fifty (750) popu-
31 lation or fractional part thereof, over and above twenty-five hundred
32 (2500), provided, however, that in towns having a population of
33 one thousand (1,000) or less, two permits shall be allowed if proper
34 application is made therefor in accordance with the requirements
35 of the provisions of said chapter twenty-five (25), acts of the
36 Forty-fifth General Assembly in extraordinary session, as amended,
37 and said city and town councils are further empowered to adopt ordi-
38 nances, subject to the express provisions of section twenty-three (23)
39 of said chapter twenty-five (25), for the fixing of the hours during
40 which beer may be sold and consumed in the places of business of
41 class 'B' permittees, and further providing that subject to the express
42 provisions of said section twenty-three (23), of said chapter twenty-
43 five (25), acts of the Forty-fifth General Assembly in extraordinary
44 session, no sale or consumption of beer shall be allowed on the premises
45 of a class 'B' permittee, as above provided, between the hours of
46 1:00 a. m. and 6:00 a. m.; and for the location of the premises of
47 class 'B' permittees; and for the prohibiting or regulation of danc-
48 ing in places where beer is sold; and are empowered to adopt ordi-
49 nances, not in conflict with the provisions of chapter twenty-five
50 (25), acts of the Forty-fifth General Assembly in extraordinary ses-
51 sion as amended by this act, governing any other activities or matters
52 which may affect the sale and distribution of beer under class 'B'
53 permits and the welfare and morals of the community involved."

1 SEC. 6-a. In determining the number of permits to be issued under
2 the provisions of section six (6), of this act, class "B" permits issued
3 to clubs and hotels as contemplated in chapter twenty-five (25), acts
4 of the Forty-fifth General Assembly in extraordinary session, shall
5 be excluded from the limitation as to number, as in section six (6)
6 provided.

1 SEC. 7. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,

3 by inserting after the comma following the word "bootlegging" in
4 line 3 in section thirty-one (31) thereof the following: "or who is
5 guilty of the sale or dispensing of wines or spirits in violation of the
6 law, or who shall allow the mixing or adding of alcohol to beer or any
7 other beverage on the premises of class 'B' permittees or who shall
8 be guilty of the violation of this chapter as amended, or of any ordi-
9 nances enacted by any city or town as provided for in this act."

1 SEC. 7-a. No liquor for beverage purposes having an alcoholic con-
2 tent greater than four (4) per cent by weight, shall be used, or kept
3 for any purpose in the place of business of class "B" permittees, or
4 on the premises of such class "B" permittees, at any time. A viola-
5 tion of any provision of this section shall be grounds for revocation
6 of the permit.

1 SEC. 7-b. The above section seven-a (7-a) shall not apply in any
2 manner or in any way to drug stores regularly and continuously em-
3 ploying a registered pharmacist, from having alcohol in stock for
4 medicinal and compounding purposes.

1 SEC. 8. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by striking from section twenty-five (25) of said chapter all of line
4 7 after the period following the word "dollars" in said line, and by
5 striking all of line 8, and by striking all that part of line 9 to and
6 including the period, and inserting in lieu thereof the following: "The
7 annual permit fee for a class 'B' permit, except class 'B' permits issued
8 to hotels and clubs as contemplated in chapter twenty-five (25), acts
9 of the Forty-fifth General Assembly in extraordinary session, and
10 golf or country clubs, shall be fixed by the authorities empowered by
11 this act to issue permits, but the amount of said permit fee shall not
12 be less than one hundred (100) dollars, nor more than three hundred
13 (300) dollars."

1 SEC. 9. Further amend said chapter twenty-five (25), acts of
2 the Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows: "All class 'B' permits, except
4 permits issued to golf and country clubs under the provisions of chap-
5 ter twenty-five (25), acts of the Forty-fifth General Assembly in
6 extraordinary session, as amended, shall terminate as of July 1, 1935.
7 The authorities empowered by this act to issue permits shall refund
8 the permit holder an amount proportionate to the unexpired term of
9 the permit, except in cases where the county has received one half
10 of the permit fee and in such cases the county shall refund one half
11 of the said proportionate amount and the granting authority the
12 other one half. All Class 'B' permits issued to golf or country clubs,
13 shall expire on July first after the date of issuance."

1 SEC. 10. Further amend said chapter twenty-five (25), acts of
2 the Forty-fifth General Assembly in extraordinary session, as amended,
3 by striking lines 4 to 11, inclusive, of section thirty-three (33) thereof,
4 being subdivision "a", and substituting therefor the following:
5 "a. All permit fees collected under the provisions of this act by
6 any municipality shall be retained by such municipality and allocated
7 to its general fund."

1 SEC. 11. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows:

4 "Minors are prohibited from serving beer in the place of business
5 of any permit holder in which the business of selling beer constitutes
6 more than fifty (50) per cent of the gross business transacted
7 therein."

1 SEC. 12. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows:

4 "The state permit board may review the action of any city or town
5 council, including special charter cities, and boards of supervisors,
6 in any case where a hearing has been had relative to the cancellation
7 or revocation of a permit and it appears from the records of the hear-
8 ing held by said city or town council or board of supervisors, that the
9 permit has not been revoked or canceled, and it appears from an
10 investigation made by the state permit board that there is reasonable
11 ground to believe that such permit holder has been guilty of violation
12 of the provisions of this act, and upon such hearing the permit board
13 shall make a finding, after hearing the facts with reference to the
14 grounds for the revocation of such permit, and by a majority vote
15 shall determine whether or not such permit shall be revoked and make
16 an order accordingly, and said finding shall be final.

17 "If the state permit board finds from investigation that a review
18 of the action of any city or town council, including special charter
19 cities and boards of supervisors, should be had, or that such governing
20 bodies have failed to take action, the state permit board shall there-
21 upon fix a date for the hearing thereof and shall notify the permit
22 holder of such hearing by registered mail of the date fixed for hearing
23 and the date set for the hearing shall not be less than seven (7) days
24 from the mailing of the notice. Such notice shall be mailed to the
25 permittee at the post office address where his place of business is
26 conducted under his permit. All such hearings shall be held at the
27 seat of government of the state of Iowa, at Des Moines, Iowa.

28 "In the preparation and conduct of the hearing, the board shall
29 have power to require by subpoena the testimony of witnesses and the
30 production of papers or documents and any member of the board may
31 sign subpoenas, administer oaths and affirmations, examine witnesses,
32 and receive evidence. The fees and mileage of such witnesses shall be
33 the same as prescribed by law in the trial of civil cases and the per-
34 mittee in all such hearings shall have the opportunity to be heard in
35 person and by counsel. All parties to any hearing before the board
36 shall have the right to the attendance of witnesses at such hearings
37 upon making request therefor to the board and designating the person
38 or persons sought to be subpoenaed. In case of disobedience to a sub-
39 poena the board may invoke the aid of any court of competent juris-
40 diction in requiring the attendance and testimony of witnesses and the
41 production of papers or documents and such court may issue an order
42 requiring the persons to appear before the board and give evidence or
43 to produce papers as the case may be, and any failure to obey such
44 orders of the court may be punished by the court for contempt thereof.
45 Testimony may be taken by deposition as in civil cases and any per-

46 son may be compelled to appear and testify as in civil actions in the
47 courts of this state. Any person who shall neglect and refuse to attend
48 and testify or answer any lawful question or produce documentary
49 evidence if it is in his power to do so, in obedience to a subpoena or
50 lawful requirement by such board, shall be guilty of a misdemeanor
51 and upon conviction thereof by a court of competent jurisdiction shall
52 be punished in accordance with the provisions of section twelve thou-
53 sand eight hundred ninety-four (12894), code of Iowa, 1931.

54 "Like hearings may also be had in cases where a verified petition
55 signed by at least ten (10) taxpayers has first been presented to the
56 city or town council, including special charter cities or the boards of
57 supervisors, as the case may be, or where the state permit board from
58 its investigation asks that a hearing be had on the revocation of a
59 permit, and in the event the city or town council, including special
60 charter cities and boards of supervisors, neglects or refuses to have
61 such hearing, the matter may be presented to the state permit board
62 upon such verified petition in writing, signed by at least ten (10)
63 taxpayers of the jurisdiction for which the permit was granted, or
64 the state permit board may upon its own motion conduct such hearing,
65 and the same procedure as in this section provided shall apply with
66 reference to notice of hearing witnesses, testimony and contempt pro-
67 ceedings for failure to appear, and the board shall make a finding in
68 such cases, which finding shall be binding on the permit holder and
69 also on the city or town councils, including special charter cities or
70 boards of supervisors, as the case may be."

1 SEC. 13. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows: "Subject to the express provisions
4 of section twenty-three (23) of chapter twenty-five (25), acts of the
5 Forty-fifth General Assembly in extraordinary session, as amended,
6 no beer shall be sold or consumed in the places of business of class 'B'
7 permittees located outside of a city or town between the hours of 1:00
8 a. m. and 6:00 a. m., except clubs as contemplated in section nineteen
9 (19) of said chapter twenty-five (25). Boards of supervisors are
10 authorized and empowered, subject to the above, to fix opening and
11 closing hours and are further authorized and empowered to adopt
12 rules and regulations for the prohibiting or regulation of dancing in
13 places where beer is sold; and are empowered to adopt rules and regu-
14 lations, not in conflict with the provisions of chapter twenty-five (25),
15 acts of the Forty-fifth General Assembly in extraordinary session, as
16 amended by this act, governing any other activities or matters which
17 may affect the sale and distribution of beer under class 'B' permits
18 and the welfare and morals of the community involved."

1 SEC. 14. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows: "No person, firm or corporation
4 shall bottle beer within the state of Iowa, except class 'A' permittees
5 who have complete equipment for bottling beer and who have received
6 the approval of the local board of health as to sanitation, and it shall
7 be the duty of local boards of health to inspect the premises and equip-
8 ment of class 'A' permittees who desire to bottle beer."

1 SEC. 15. This act being deemed of immediate importance shall
 2 be in full force and effect after its passage and publication in the
 3 Dyersville Commercial, a newspaper published at Dyersville, Iowa,
 4 and in the Daily Tribune, a newspaper published at Dubuque, Iowa.

Senate File 320. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Dyersville Commercial,
 May 9, 1935, and the Dubuque Daily Tribune, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 17

BASIC SCIENCES. BOARD OF EXAMINERS

S. F. 20

AN ACT to establish a board of examiners in the basic sciences; to provide for its organization, powers, duties and compensation; to provide for examination in the basic sciences; authorizing such board to issue a certificate of proficiency in the basic sciences, which certificate shall be a pre-requisite to eligibility for examination for license to practice medicine and surgery, osteopathy, osteopathy and surgery and chiropractic or any other system or method of healing that may hereafter be legalized in the state of Iowa; to define the basic sciences, the healing arts, a license and to provide penalties for the violation of this act; to provide that the provisions of this act shall be severable.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. This act shall be known as the "Iowa basic science law."

1 SEC. 2. Definitions for the purpose of this act—

2 a. The basic sciences shall mean the following subjects:

- 3 1. Anatomy.
- 4 2. Physiology.
- 5 3. Chemistry.
- 6 4. Pathology.
- 7 5. Bacteriology.
- 8 6. Hygiene.

9 b. The practice of the healing art shall mean holding one's self
 10 out as being able to diagnose, treat, operate or prescribe for any
 11 human disease, pain, injury, deformity or physical or mental condi-
 12 tion and who shall either offer or undertake, by any means or method,
 13 to diagnose, treat, operate or prescribe for any human disease, pain,
 14 injury, deformity or physical or mental condition.

15 c. A license shall mean a certificate issued to a person licensed
 16 to practice certain professions affecting the public health as provided
 17 in title eight (8) of the code of Iowa, 1931, and acts amendatory
 18 thereto.

1 SEC. 3. There is hereby established a board of examiners in the
 2 basic sciences of six members authorized and directed to conduct
 3 a written examination of all persons who shall hereafter apply for
 4 a license to practice medicine and surgery, osteopathy, osteopathy
 5 and surgery, chiropractic or any other system or method of healing
 6 that may hereafter be legalized in this state; said examination shall
 7 cover the six following basic sciences, viz: