

provide assistance to the Iowa beer and liquor control department if such assistance is needed in carrying out the provisions of this Act.

This Act shall constitute the legislative directive to the beer and liquor control department required by the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter fourteen (14), section twelve (12), subsection two (2), paragraph c.

Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in The Council Bluffs Nonpareil, a newspaper published in Council Bluffs, Iowa, and in The DeWitt Observer, a newspaper published in DeWitt, Iowa.

Approved February 21, 1980

I hereby certify that the foregoing Act, Senate File 2088, was published in The Council Bluffs Nonpareil, Council Bluffs, Iowa on February 25, 1980, and in The DeWitt Observer, DeWitt, Iowa on February 25, 1980.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 1038

ALCOHOLIC CONTENT OF BEVERAGES

S. F. 439

AN ACT relating to the alcoholic content of beer and alcoholic liquor.

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

Section 1. Section one hundred twenty-three point three (123.3), subsections six (6), seven (7), eight (8) and nine (9), Code 1979, are amended to read as follows:

6. "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, but not limited to, brandy, rum, whisky, and gin.

7. "Wine" means any beverage containing more than five percent of alcohol by weight obtained by the fermentation of the natural sugar contents of fruits or other agricultural products.

8. "Alcoholic liquor", "alcoholic beverage" or "intoxicating liquor" means and includes the three varieties of liquor defined in subsections 5, 6, and 7 of this section, except beer as defined in subsection 9 but including all beverages made as described in such subsection nine (9) of this section which contain more than ~~four~~ five percent of alcohol by weight, and every other liquid or solid, patented or not, containing ~~alcohol~~, spirits, or wine, and susceptible of being consumed by a human being, for beverage purposes.

9. "Beer" means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of fruit, fruit extracts or other agricultural

products, containing not more than ~~four~~ one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight.

Sec. 2. Section one hundred twenty-three point one hundred twenty-four (123.124), Code 1979, is amended to read as follows:

123.124 PERMITS--CLASSES. Permits for the manufacture and sale, or sale of beer shall be divided into three classes, and shall be known as either class "A", "B", or "C" permits. A class "A" permit shall allow the holder to manufacture and sell beer at wholesale. The holder of a class "A" permit may manufacture beer of more than ~~four~~ five percent of alcohol by weight for shipment outside this state only. However, a class "A" permit does not grant authority to manufacture wine as defined in section one hundred twenty-three point three (123.3), subsection seven (7) of the Code. A class "B" permit shall allow the holder to sell beer at retail for consumption on or off the premises. A class "C" permit shall allow the holder to sell beer at retail for consumption off the premises.

Sec. 3. Section one hundred twenty-three point one hundred forty-five (123.145), Code 1979, is amended to read as follows:

123.145 LABELS ON BOTTLES, BARRELS, ETC.--CONCLUSIVE EVIDENCE. The label on any bottle, keg, barrel, or other container in which beer is offered for sale in this state, representing the alcoholic content of such beer as being in excess of ~~four~~ five per centum by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein.

Sec. 4. This Act, being deemed of immediate importance, takes effect from and after its publication in the Ames Daily Tribune, a newspaper published in Ames, Iowa, and in the Marshalltown Times-Republican, a newspaper published in Marshalltown, Iowa.

Approved May 1, 1980

I hereby certify that the foregoing Act, Senate File 439, was published in the Ames Daily Tribune, Ames, Iowa on May 7, 1980, and in the Marshalltown Times-Republican, Marshalltown, Iowa on May 7, 1980.

J. HERMAN SCHWEIKER, *Deputy Secretary of State*