

*To Be Read 1/29/20 (p. 225)*

**FILED MAR 20 1919**

*Reprinted 2/15*

SENATE FILE 439

By COMMITTEE ON JUDICIARY  
*Approved 3/22 (p. 920)*

Passed Senate, Date 2-13-20 (p. 423) Passed House, Date \_\_\_\_\_

Vote: Ayes 42 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the alcoholic content of beer and alcoholic  
2 liquor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section one hundred twenty-three point three  
2 (123.3), subsections six (6), seven (7), eight (8) and nine  
3 (9), Code 1979, are amended to read as follows:

4 6. "Spirits" means any beverage which contains more than  
5 one-half of one percent of alcohol by volume obtained by  
6 distillation mixed with drinkable water and other substances  
7 in solution, including, but not limited to, brandy, rum,  
8 whisky, and gin.

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

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

24 9. "Beer" means any liquid capable of being used for  
25 beverage purposes made by the fermentation of an infusion  
26 in potable water of barley, malt and hops, with or without  
27 unmalted grains or decorticated and degerminated grains or  
28 made by the fermentation of fruit, fruit extracts or other  
29 agricultural products, containing ~~not~~ more than ~~four~~ one-half  
30 of one percent of alcohol by volume but not more than five  
31 percent of alcohol by weight.

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

35 123.124 PERMITS--CLASSES. Permits for the manufacture

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

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

17 123.145 LABELS ON BOTTLES, BARRELS, ETC.--CONCLUSIVE  
 18 EVIDENCE. The label on any bottle, keg, barrel, or other  
 19 container in which beer is offered for sale in this state,  
 20 representing the alcoholic content of such beer as being in  
 21 excess of ~~four~~ five per centum by weight shall be conclusive  
 22 evidence as to the alcoholic content of the beer contained  
 23 therein.

24 Sec. 4. This Act is effective January first following  
 25 its enactment.

26 EXPLANATION

27 This bill redefines "spirits", "wine", "alcoholic liquor",  
 28 "alcoholic beverage" or "intoxicating liquor", and "beer"  
 29 under the Iowa Code by providing a minimum alcoholic content  
 30 in the definitions of these beverages. Presently under the  
 31 Code these substances, particularly beer and wine, are defined  
 32 only by a manufacturing process. Thus under the bill, certain  
 33 "soft drinks" with less than this minimum alcoholic content  
 34 but manufactured by the processes described in section 123.3  
 35 subsections 6, 7 and 9, would not be regulated under chapter

1 123 of the Iowa Code.

2 The bill also redefines beer to include "malt liquor" or  
3 "strong beer", with an alcohol content greater than four  
4 percent by weight but not greater than five percent. Likewise,  
5 beer is redefined to include beverages with an alcohol content  
6 of not more than five percent by weight that presently under  
7 the Code would be classified as wine. Thus under the bill  
8 "strong" beer and any liquid capable of being used for beverage  
9 purposes made by the fermentation of fruit, fruit extracts  
10 or agricultural products, with not more than five percent  
11 of alcohol by weight, could be sold by private distribution  
12 as opposed to the exclusive sale by the state liquor stores  
13 as presently sold.

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SENATE FILE 439

S-5096

1 Amend Senate File 439 as follows:

2 1. Page 1, lines 4 and 5, by striking the words  
3 "more than one-half of one percent of".

4 2. Page 1, line 5, by striking the words "by  
5 volume".

*A*  
*Adopted*

6 3. Page 1, lines 20, 21 and 22, by striking the  
7 words "or containing alcohol which is more than one-  
8 half of one percent of the volume of the liquid or  
9 solid,".

10 4. Page 1, lines 27, 28 and 29, by striking the  
11 words "or made by the fermentation of fruit, fruit  
12 extracts or other agricultural products,".

*B*

13 5. Page 1, line 29, by striking the words "not  
14 more than four one-half" and inserting in lieu thereof  
15 the words "not-more-than-four".

*W/D*

16 6. Page 1, by striking lines 30 and 31 and in-  
17 sserting in lieu thereof the words "percent-of-alcohol  
18 by not more than five percent of alcohol by weight."

S-5096 FILED *A-Adopted* BY ARTHUR L. GRATIAS  
FEBRUARY 12, 1980 *13 W/D 2/13 (p. 423)*

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SENATE FILE 439

S-5073

1 Amend Senate File 439 as follows:

2 1. Page 1, by inserting after line 31 the  
3 following:

4 "Sec. \_\_\_\_\_. Section one hundred twenty-three point  
5 three (123.3), Code 1979, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. "Motor vehicle" means every vehicle  
8 which is self-propelled but not including vehicles  
9 known as trackless trolleys which are propelled by  
10 electric power obtained from overhead trolley wires,  
11 but not operated upon rails.

12 Sec. \_\_\_\_\_. Section one hundred twenty-three point  
13 twenty-eight (123.28), Code 1979, is amended to read  
14 as follows:

15 123.28 TRANSPORTATION PERMITTED. It shall be  
16 lawful to transport, carry, or convey alcoholic liquors  
17 from the place of purchase by the department to any  
18 state warehouse, store, or depot established by the  
19 department or from one such place to another and,  
20 when so permitted by this chapter, it shall be lawful  
21 for any common carrier or other person to transport,  
22 carry, or convey alcoholic liquor sold by a vendor  
23 from a state warehouse, store, depot or point of  
24 purchase by the state to any place to which such  
25 liquor may be lawfully delivered under this chapter.  
26 No common carrier or other person shall break or open  
27 or allow to be broken or opened any container or  
28 package containing alcoholic liquor or use or drink  
29 or allow to be used or drunk any alcoholic liquor  
30 while it is being transported or conveyed, but this  
31 section shall not prohibit a private person from  
32 transporting individual bottles or containers of  
33 alcoholic liquor exempted pursuant to section 123.22  
34 and individual bottles or containers bearing the  
35 identifying mark prescribed in section 123.26 which  
36 have been opened previous to the commencement of such  
37 transportation, and which are transported in a portion  
38 of the motor vehicle that is not accessible to the  
39 driver and passengers when the vehicle is moving.

40 Nothing in this section shall affect deny the right  
41 of any special permit or liquor control license holder  
42 to purchase, possess, or transport alcoholic liquors  
43 subject to the provisions of this chapter.

44 It is unlawful for a person to possess or have  
45 under the person's control in a portion of a motor  
46 vehicle, that is accessible to the driver and  
47 passengers when the vehicle is moving, an opened  
48 package which contains any amount of alcholic liquor  
49 or beer, when the motor vehicle is operating upon  
50 the public streets or highways."

Page 2

1 2. By renumbering to conform to this amendment.

SENATE FILE 439

S-5064

- 1 Amend Senate File 439 as follows:  
2 1. Page 1, by inserting after line 31 the fol-  
3 lowing:  
4 "Sec. 2. Section one hundred twenty-three point  
5 forty-six (123.46), Code 1979, is amended to read  
6 as follows:  
7 123.46 CONSUMPTION OR POSSESSION IN PUBLIC PLACES-  
8 -INTOXICATION. It is unlawful for any a person to  
9 use ~~or~~, consume or possess an open container of  
10 alcoholic liquors or beer upon the public streets  
11 or highways, or alcoholic liquors in any public place,  
12 except premises covered by a liquor control license,  
13 or to possess or consume alcoholic liquors or beer  
14 on any public school property or while attending  
15 any public or private school related functions, and  
16 ~~no person shall~~ or to be intoxicated ~~not~~ or simulate  
17 intoxication in a public place. As used in this  
18 section "school" means a school or that portion  
19 thereof, which provides teaching for any grade from  
20 kindergarten through grade twelve. Any A person  
21 violating ~~any provisions~~ a provision of this section  
22 ~~shall be~~ is guilty of a simple misdemeanor."  
23 2. By renumbering sections as required.  
24 3. Amend the title page, line 1, by inserting  
25 after the word "content" the words "and possession".

S-5064 FILED *W/D 2/12(405)* BY RAY TAYLOR  
FEBRUARY 5, 1980

SENATE FILE 439

S-5057

- 1 Amend Senate File 439 as follows:  
2 1. Page 1, lines 4 and 5 by striking the words  
3 "more than one-half of one percent of".  
4 2. Page 1, line 5 by striking the words "by  
5 volume".

S-5057 FILED *W/D 2/13 (p 423)* BY ARTHUR L. GRATIAS  
FEBRUARY 5, 1980

SENATE FILE 439

S 307

1 Amend Senate File 439 as follows:

2 1. Page 1, line 2, by striking the word "and".

3 2. Page 1, line 3, by inserting after the figure  
4 "(9)", the words and figure "and twenty-seven (27)".

5 3. Page 1, by inserting after line 31 the  
6 following:

7 "27. "Retailer" means any person who shall sell,  
8 barter, exchange, offer for sale, or have in possession  
9 with intent to sell any alcoholic liquor for  
10 consumption on the premises where sold, or beer or  
11 wine containing not more than seventeen percent alcohol  
12 by weight, or both, for consumption either on or off  
13 the premises where sold.

14 Sec. \_\_\_\_\_. Section one hundred twenty-three point  
15 thirty (123.30), subsection three (3), paragraphs  
16 b and c, Code 1979, are amended to read as follows:

17 b. CLASS "B". A class "B" liquor control license  
18 may be issued to a hotel or motel and shall authorize  
19 the holder to purchase alcoholic liquors from the  
20 department only, and to sell such liquors, and beer,  
21 to patrons by the individual drink for consumption  
22 on the premises only, however, beer and wine may also  
23 be sold for consumption off the premises. Each such  
24 license shall be effective throughout the premises  
25 described in the application.

26 c. CLASS "C". A class "C" liquor control license  
27 may be issued to a commercial establishment but must  
28 be issued in the name of the individual or individuals  
29 who actually own the entire business and shall  
30 authorize the holder or holders to purchase alcoholic  
31 liquors from the department only, and to sell such  
32 liquors, and beer, to patrons by the individual drink  
33 for consumption on the premises only, however, beer  
34 and wine may also be sold for consumption off the  
35 premises.

36 In the event that the applicant for the class "C"  
37 liquor control license wishes to sell beer and only  
38 alcoholic liquor which is wine containing not more  
39 than seventeen percent alcohol by weight, the license  
40 shall clearly indicate on its face "alcoholic liquors  
41 limited to wine only", and no other alcoholic liquors  
42 shall be served or sold on that licensed premises.

43 Sec. \_\_\_\_\_. Section one hundred twenty-three point  
44 thirty-six (123.36), Code 1979, is amended by adding  
45 the following new subsection:

46 NEW SUBSECTION. Class "C" liquor control licenses  
47 which limit sales of alcoholic liquor to wine  
48 containing not more than seventeen percent alcohol  
by weight, a sum as follows:

49 a. Commercial establishments located within the

- 1 corporate limits of cities of ten thousand population
- 2 and over, four hundred fifty dollars.
- 3 b. Commercial establishments located within the
- 4 corporate limits of cities of over fifteen hundred
- 5 and less than ten thousand population, three hundred
- 6 dollars.
- 7 c. Commercial establishments located within the
- 8 corporate limits of cities of fifteen hundred
- 9 population or less, one hundred fifty dollars.
- 10 d. Commercial establishments located outside the
- 11 corporate limits of any city, a sum equal to that
- 12 charged in the incorporated city located nearest the
- 13 premises to be licensed, and in case there is doubt
- 14 as to which of two or more differing corporate limits
- 15 are the nearest, the license fee which is the larger
- 16 shall prevail."
- 17 ". By renumbering sections to conform to this
- 18 amendment.

BY ROBERT M. CARR  
 GEORGE KINLEY  
 NORMAN RODGERS  
 DALE L. TIEDEN

S-3307 FILED *Filed out of order*  
 MARCH 28, 1979 *2/12 (p. 405)*

S-3304 SENATE FILE 439

- 1 Amend Senate File 439 as follows:
- 2 1. Page 2, by inserting after line 23 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section one hundred twenty-three point
- 5 forty-seven (123.47), Code 1979, is amended to read
- 6 as follows:
- 7 123.47 PERSONS UNDER LEGAL AGE.
- 8 1. No person shall sell, give, or otherwise supply
- 9 alcoholic liquor ex, beer, or a beverage containing
- 10 alcohol to any person knowing or having reasonable
- 11 cause to believe him the person to be under legal
- 12 age, and no person ex-persens under legal age shall
- 13 individually-ex-jointly have alcoholic liquor ex,
- 14 beer, or a beverage containing alcohol in his or their
- 15 her possession or control; except in the case of
- 16 liquor ex, beer, or a beverage containing alcohol
- 17 given or dispensed to a person under legal age within
- 18 a private home and with the knowledge and consent
- 19 of the parent or guardian for beverage or medicinal
- 20 purposes or as administered to him the person by
- 21 either a physician or dentist for medicinal purposes
- 22 and except to the extent that a person under legal
- 23 age may handle alcoholic beverages and, beer, and
- 24 beverages containing alcohol during the regular course
- 25 of his or her employment by a liquor control licensee
- 26 or beer permittee under this chapter.
- 27 2. As used in this section, alcohol means ethyl
- 28 alcohol whether produced by fermentation, distillation
- 29 or synthetic means."
- 30 2. By renumbering sections to conform with this
- 31 amendment.

*H. State Book 1/19/80  
Amended from 5840 to Do Pass 3/2 (p. 1345)*

SENATE FILE 439

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 13, 1980)

Passed Senate, Date 4/16/80 (p. 1481) Passed House, Date 4/11/80 (p. 1527)

Vote: Ayes 38 Nays 9 Vote: Ayes 63 Nays 29

Approved May 1, 1980

## A BILL FOR

1 An Act relating to the alcoholic content of beer and alcoholic  
2 liquor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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\* = Language Stricken  
by the Senate

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3977  
1 Section 1. Section one hundred twenty-three point three  
2 (123.3), subsections six (6), seven (7), eight (8) and nine  
3 (9), Code 1979, are amended to read as follows:

\* 4 6. "Spirits" means any beverage which contains alcohol  
\* 5 obtained by distillation mixed with drinkable water and other  
6 substances in solution, including, but not limited to, brandy,  
7 rum, whisky, and gin.

5978 8 7. "Wine" means any beverage containing more than five  
9 percent of alcohol by weight obtained by the fermentation  
10 of the natural sugar contents of fruits or other agricultural  
11 products.

12 8. "Alcoholic liquor", "alcoholic beverage" or  
13 "intoxicating liquor" means and includes the three varieties  
14 of liquor defined in subsections 5, 6, and 7 of this section,  
15 except-beer-as-defined-in-subsection-9-but-including-all  
16 beverages made as described in such subsection nine (9) of  
5979 17 this section which contain more than four five percent of  
18 alcohol by weight, and every other liquid or solid, patented  
\* 19 or not, containing alcohol, spirits, or wine, and susceptible  
20 of being consumed by a human being, for beverage purposes.

5980 21 9. "Beer" means any liquid capable of being used for  
22 beverage purposes made by the fermentation of an infusion  
23 in potable water of barley, malt and hops, with or without  
24 unmalted grains or decorticated and degerminated grains or  
25 made by the fermentation of fruit, fruit extracts or other  
26 agricultural products, containing not more than four one-half  
5981 27 of one percent of alcohol by volume but not more than five  
28 percent of alcohol by weight.

5982  
29 Sec. 2. Section one hundred twenty-three point one hun-  
30 dred twenty-four (123.124), Code 1979, is amended to read  
31 as follows:

32 123.124 PERMITS--CLASSES. Permits for the manufacture  
33 and sale, or sale of beer shall be divided into three classes,  
34 and shall be known as either class "A", "B", or "C" permits.  
35 A class "A" permit shall allow the holder to manufacture and

1 sell beer at wholesale. The holder of a class "A" permit  
2 may manufacture beer of more than ~~four~~ five percent of alcohol  
3 by weight for shipment outside this state only. However,  
4 a class "A" permit does not grant authority to manufacture  
5 wine as defined in section one hundred twenty-three point  
6 three (123.3), subsection seven (7) of the Code. A class  
7 "B" permit shall allow the holder to sell beer at retail for  
8 consumption on or off the premises. A class "C" permit shall  
9 allow the holder to sell beer at retail for consumption off  
10 the premises.

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

14 123.145 LABELS ON BOTTLES, BARRELS, ETC.--CONCLUSIVE  
15 EVIDENCE. The label on any bottle, keg, barrel, or other  
16 container in which beer is offered for sale in this state,  
17 representing the alcoholic content of such beer as being in  
18 excess of ~~four~~ five per centum by weight shall be conclusive  
19 evidence as to the alcoholic content of the beer contained  
20 therein.

21 Sec. 4. This Act is effective January first following  
22 its enactment.

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SENATE FILE 439

H-5948

- 1 Amend Senate File 439 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 8, by striking the word "five"
- 4 and inserting in lieu thereof the word "four".
- 5 2. Page 1, line 17, by striking the words "~~four~~
- 6 five" and inserting in lieu thereof the word "four".
- 7 3. Page 1, line 27, by striking the word "five"
- 8 and inserting in lieu thereof the word "four".
- 9 4. Page 2, line 2, by striking the words "~~four~~
- 10 five" and inserting in lieu thereof the word "four".
- 11 5. Page 2, by striking lines 11 through 20.
- 12 6. By renumbering sections.

H-5948 FILED

BY DIELEMAN of Marion

APRIL 9, 1980

*File 4-11 (p. 1525)*

SENATE FILE 439

H-5947

- 1 Amend Senate File 439 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 26 and 27, by striking the words
- 4 "~~not more than four one-half of one percent of alcohol~~
- 5 by volume but not more than" and inserting in lieu
- 6 thereof the words "not more than ~~four-percent-of~~
- 7 ~~alcohol-by~~".

H-5947 FILED

BY DIELEMAN of Marion

APRIL 9, 1980

*File 4-11 (p. 1525)*

HOUSE AMENDMENT TO SENATE FILE 439

S-5732

- 1 Amend Senate File 439 as amended, passed and re-
- 2 printed by the Senate as follows:
- 3 1. Page 2, by striking lines 21 and 22 and in-
- 4 serting in lieu thereof the following:
- 5 "Sec. 4. This Act, being deemed of immediate
- 6 importance, takes effect from and after its publication
- 7 in the Ames Daily Tribune, a newspaper published in
- 8 Ames, Iowa, and in the Marshalltown Times-Republican,
- 9 a newspaper published in Marshalltown, Iowa."

S-5732 FILED

RECEIVED FROM THE HOUSE

APRIL 15, 1980

*Senate received 4/16 (p. 1450)*

SENATE FILE 439

5917

1 Amend Senate File 439 as amended, passed, and re-  
2 printed by the Senate as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Chapter one hundred twenty-three  
6 (123), Code 1979, is amended by adding the following  
7 new section:

8 NEW SECTION. A retail beer permittee or retail  
9 liquor control licensee, authorized to sell beer for  
10 consumption off the premises, shall not sell beer  
11 for consumption off the premises for less than cost  
12 adjusted to the nearest cent except as provided in  
13 this section. For the purposes of this section, cost  
14 shall be determined by the director pursuant to section  
15 three (3) of this Act by establishing a minimum per-  
16 centage markup for sales of beer at retail for con-  
17 sumption off the premises, whether in case lot or  
18 less.

19 To determine cost, the minimum percentage markup  
20 shall be applied to the wholesale price of beer sold  
21 by class "A" beer permittees to permittees and  
22 licensees authorized to sell beer at retail.

23 Pursuant to rules promulgated by the director,  
24 the director may issue a form of approval which  
25 authorizes a retail beer permittee or retail liquor  
26 control licensee to sell beer for consumption off  
27 the premises at below cost for any of the following  
28 reasons:

29 1. Discontinuance of business.

30 2. Discontinuance of a brand or package size of  
31 beer that has been in inventory on the retail premises  
32 for a period of at least six months. A brand or  
33 package size of beer discontinued shall not be  
34 repurchased at wholesale by the discontinuing retailer  
35 for a period of twelve months.

36 3. For other reasons of hardship as specified  
37 by the applicant and approved by the director."

38 2. Page 1, line 1, by striking the word and figure  
39 "Section 1" and inserting in lieu thereof the word  
40 and figure "Sec. 2".

41 3. Page 1, by inserting after line 28 the  
42 following:

43 "Sec. 3. Section one hundred twenty-three point  
44 twenty-one (123.21), Code 1979, is amended by adding  
45 the following new subsection:

46 NEW SUBSECTION. 12. Prescribing the minimum  
47 percentage markup for sales of beer at retail."

48 4. Page 1, line 29, by striking the figure "2"  
and inserting in lieu thereof the figure "4".

50 5. Page 2, line 11, by striking the figure "3"

APRIL 9, 1980  
PAGE FOUR

H-5917  
Page Two

1 and inserting in lieu thereof the figure "5".  
2 6. Page 2, line 21, by striking the figure "4"  
3 and inserting in lieu thereof the figure "6".  
4 7. Title page, by inserting after the word  
5 "content" the words "and minimum retail price".

BY HOWELL of Floyd  
WOODS of Polk  
CLARK of Cerro Gordo  
DAGGETT of Taylor  
DIELEMAN of Marion

H-5917 FILED  
APRIL 8, 1980

*Amended version  
4-11 (p. 1525)*

SENATE FILE 439

H-5840

1 Amend Senate File 439 as amended, passed and re-  
2 printed by the Senate as follows:  
3 1. Page 2; by striking lines 21 and 22 and in-  
4 serting in lieu thereof the following:  
5 "Sec. 4. This Act, being deemed of immediate  
6 importance, takes effect from and after its publication  
7 in the Ames Daily Tribune, a newspaper published in  
8 Ames, Iowa, and in the Marshalltown Times-Republican,  
9 a newspaper published in Marshalltown, Iowa."

H-5840 FILED  
APRIL 2, 1980

*Adopted 4-11 (p. 1527)*

BY COMMITTEE ON STATE GOVERNMENT  
CRAWFORD, Chair

SENATE FILE 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 each 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.

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TERRY E. BRANSTAD  
President of the Senate

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WILLIAM H. HARBOR  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 439, Sixty-eighth General Assembly.

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FRANK J. STORK  
Secretary of the Senate

Approved May 1, 1980

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ROBERT D. RAY  
Governor