

Reprinted

FILED MAR 0 8 1991

SENATE FILE

284

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 245)

Passed Senate, Date 3/8/91 (p.666)

Passed House, Date _____

Vote: Ayes 43 Nays 4

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to permit the sale of disposable containers for the
2 consumption of beer or wine by wholesalers to retailers for
3 one-time use by retail customers on the premises of licensed
4 establishments.

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

SENATE FILE 284

S-3109

1 Amend Senate File 284 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "sell" the following: "only".

4 2. Page 2, by striking lines 2 through 10.

By WALLY HORN

S-3109 FILED MARCH 13, 1991

Adopted 3/18 (p.665)

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284

1 Section 1. Section 123.45, unnumbered paragraph 2, Code
2 1991, is amended to read as follows:

3 A person engaged in the business of manufacturing,
4 bottling, or wholesaling alcoholic beverages, wine, or beer,
5 or any jobber, representative, broker, employee, or agent of
6 such a person, shall not directly or indirectly supply,
7 furnish, give, or pay for any furnishings, fixtures, or
8 equipment used in the storage, handling, serving, or
9 dispensing of alcoholic beverages, wine, beer, or food within
10 the place of business of a licensee or permittee authorized
11 under this chapter to sell at retail; nor shall the person
12 directly or indirectly extend any credit for alcoholic
13 beverages or beer or pay for any such license or permit, nor
14 directly or indirectly be interested in the ownership,
15 conduct, or operation of the business of another licensee or
16 permittee authorized under this chapter to sell at retail, nor
17 hold a retail liquor control license or retail wine or beer
18 permit; ~~except that.~~ However, a person engaged in the
19 wholesaling of beer or wine may sell disposable glassware,
20 which is constructed of paper, paper laminated, or plastic
21 materials and designed primarily for personal consumption on a
22 one-time usage basis, to retailers for use within the premises
23 of licensed establishments, for an amount which is greater
24 than or equal to an amount which represents the greater of
25 either the amount paid for the disposable glassware by the
26 supplier or the amount paid for the disposable glassware by
27 the wholesaler. Also, a person engaged in the business of
28 manufacturing beer may sell beer at retail for consumption on
29 or off the premises of the manufacturing facility and,
30 notwithstanding any other provision of this chapter or the
31 fact that such a person may be is the holder of a class "A"
32 beer permit, may be granted not more than one class "B" beer
33 permit as defined in section 123.124 for such that purpose.
34 Any A licensee or permittee who permits or assents to or is a
35 party in any way to any-such a violation or infringement of

1 this section is guilty of a violation of this section.
2
31092 Sec. 2. Section 123.186, Code 1991, is amended to read as
3 follows:

4 123.186 FEDERAL REGULATIONS ADOPTED AS RULES.

5 The division shall adopt as rules the substance of the
6 federal regulations 27 C.F.R. pt. 6, 27 C.F.R. pt. 8, 27
7 C.F.R. pt. 10, and 27 C.F.R. pt. 11 as they relate to
8 transactions between wholesalers and retailers, but only to
9 the extent that the substance of the regulations does not
10 conflict with or is not prohibited under this chapter.

11 EXPLANATION

12 This bill permits the sale of certain disposable containers
13 for one-time personal use consumption by wholesalers of beer
14 or wine to retailers. Containers sold are to be used for on-
15 premises consumption at licensed retail establishments and are
16 to be sold at a cost which equals or exceeds the cost of the
17 containers to the supplier or the wholesaler.

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SENATE FILE 284
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 245)

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 1991)

_____ - New Language by the Senate
* - Language Stricken by the Senate

Passed Senate, Date 3/18/91 (p. 666) Passed House, Date 4/3/91 (p. 1040)
Vote: Ayes 43 Nays 4 Vote: Ayes 97 Nays 1
Approved April 11, 1991 (p. 1216)

A BILL FOR

1 An Act to permit the sale of disposable containers for the
2 consumption of beer or wine by wholesalers to retailers for
3 one-time use by retail customers on the premises of licensed
4 establishments.

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

SENATE FILE 284

H-3290

- 1 Amend Senate File 284 as follows:
2 1. Page 1, line 22, by inserting after the word
3 "consumption" the words "of a beverage".

H-3290 FILED MARCH 21, 1991

By LUNDBY of Linn

w/27 4/3

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SF 284

lw/cc/26

1 Section 1. Section 123.45, unnumbered paragraph 2, Code
2 1991, is amended to read as follows:

3 A person engaged in the business of manufacturing,
4 bottling, or wholesaling alcoholic beverages, wine, or beer,
5 or any jobber, representative, broker, employee, or agent of
6 such a person, shall not directly or indirectly supply,
7 furnish, give, or pay for any furnishings, fixtures, or
8 equipment used in the storage, handling, serving, or
9 dispensing of alcoholic beverages, wine, beer, or food within
10 the place of business of a licensee or permittee authorized
11 under this chapter to sell at retail; nor shall the person
12 directly or indirectly extend any credit for alcoholic
13 beverages or beer or pay for any such license or permit, nor
14 directly or indirectly be interested in the ownership,
15 conduct, or operation of the business of another licensee or
16 permittee authorized under this chapter to sell at retail, nor
17 hold a retail liquor control license or retail wine or beer
18 permit, ~~except that.~~ However, a person engaged in the
19 wholesaling of beer or wine may sell only disposable
20 glassware, which is constructed of paper, paper laminated, or
21 plastic materials and designed primarily for personal
3290 22 consumption on a one-time usage basis, to retailers for use
23 within the premises of licensed establishments, for an amount
24 which is greater than or equal to an amount which represents
25 the greater of either the amount paid for the disposable
26 glassware by the supplier or the amount paid for the
27 disposable glassware by the wholesaler. Also, a person
28 engaged in the business of manufacturing beer may sell beer at
29 retail for consumption on or off the premises of the
30 manufacturing facility and, notwithstanding any other
31 provision of this chapter or the fact that such a person may
32 be is the holder of a class "A" beer permit, may be granted
33 not more than one class "B" beer permit as defined in section
34 123.124 for such that purpose. Any A licensee or permittee
35 who permits or assents to or is a party in any way to any-such

1 a violation or infringement of this section is guilty of a
2 violation of this section.

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Hold. on.
MURPHY
DRAKE

SSB 245
STATE GOVERNMENT

SENATE FILE 284
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KIBBIE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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9 dispensing of alcoholic beverages, wine, beer, or food within
10 the place of business of a licensee or permittee authorized
11 under this chapter to sell at retail; nor shall the person
12 directly or indirectly extend any credit for alcoholic
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14 directly or indirectly be interested in the ownership,
15 conduct, or operation of the business of another licensee or
16 permittee authorized under this chapter to sell at retail, nor
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21 materials and designed primarily for personal consumption on a
22 one-time usage basis, to retailers for use within the premises
23 of licensed establishments, for an amount which is greater
24 than or equal to an amount which represents the greater of
25 either the amount paid for the disposable glassware by the
26 supplier or the amount paid for the disposable glassware by
27 the wholesaler. Also, a person engaged in the business of
28 manufacturing beer may sell beer at retail for consumption on
29 or off the premises of the manufacturing facility and,
30 notwithstanding any other provision of this chapter or the
31 fact that such a person may be is the holder of a class "A"
32 beer permit, may be granted not more than one class "B" beer
33 permit as defined in section 123.124 for such that purpose.
34 Any A licensee or permittee who permits or assents to or is a
35 party in any way to any-such a violation or infringement of

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