

**CHAPTER 1121**  
NEGLECTED OR ESTRAY ANIMALS  
*H.F. 2120*

**AN ACT** relating to the care of neglected or estray animals.

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

Section 1. Section 188.49, Code 1985, is amended to read as follows:

188.49 NEGLECTED ANIMALS — DISABLED ANIMALS KILLED.

1. Any A person may take charge of any an animal when the owner fails to properly take care and provide for it, and may furnish the same animal with proper care, either on the person's own premises or on the premises of the owner, and shall have. The person has a lien on the animal for the same care, and the reasonable value of such the care may be collected by the person from the said owner.

2. A peace officer or officer of a society for the prevention of cruelty to animals, may humanely destroy a disabled animal that is neglected or estray.

3. As used in this section "animal" means a domestic animal or fowl.

Sec. 2. Section 331.653, subsection 21, Code Supplement 1985, is amended to read as follows:

21. Destroy any unfit and a neglected or estray disabled estray animal as provided in section ~~188.50~~ 188.49.

Sec. 3. Section 717.2, Code 1985, is amended to read as follows:

717.2 CRUELTY TO ANIMALS.

Any A person who shall impound or confine or cause to be impounded or confined impounds or confines, in any place, any a domestic animal, or fowl, or any dog or cat, and fail fails to supply such the animal during confinement with a sufficient quantity of food, and water, or who fails to provide a dog or cat with adequate shelter, or who shall torture, torment, deprive tortures, torments, deprives of necessary sustenance, mutilate, overdrive, overload, drive mutilates, overdrives, overloads, drives when overloaded, beat, or kill any such beats, or kills an animal by any means which shall cause unjustified pain, distress, or suffering, whether intentionally or negligently, shall be is guilty of a simple misdemeanor.

Sec. 4. NEW SECTION. 717.6 DISPOSITION OF NEGLECTED AND ABUSED ANIMALS.

If a person is found guilty of a violation of this chapter, the disposition of the neglected or abused animal shall be determined by the court.

Sec. 5. Section 188.50, Code 1985, is repealed.

Approved April 21, 1986

**CHAPTER 1122**  
LIQUOR, WINE AND BEER REVISIONS  
*H.F. 2372*

**AN ACT** making corrections and additions to the law dealing with alcoholic liquor, wine, and beer by amending the definition of beer to reflect current commercial practices, and by including a reference to wine in the section allowing the sale of alcoholic beverages or beer for consumption on the premises by licensees or permittees on the Sunday before New Years day.

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

Section 1. Section 123.1, Code Supplement 1985, is amended to read as follows:

### 123.1 PUBLIC POLICY DECLARED.

This chapter shall be cited as the "Iowa Beer, Wine, and Liquor Alcoholic Beverage Control Act", and shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose. It is declared to be public policy that the traffic in alcoholic liquors is so affected with a public interest that it should be regulated to the extent of prohibiting all traffic in them, except as provided in this chapter.

Sec. 2. Section 123.3, subsection 8, Code 1985, is amended to read as follows:

8. "Alcoholic liquor"; "~~alcoholic beverage~~" or "intoxicating liquor" means the varieties of liquor defined in subsections 5 and 6 which contain more than five percent of alcohol by weight, beverages made as described in subsection 9 which beverages contain more than five percent of alcohol by weight but which are not wine as defined in subsection 7, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 7 containing more than seventeen percent alcohol by weight, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "alcoholic liquor".

Sec. 3. Section 123.3, Code Supplement 1985, is amended by adding the following new subsection:

NEW SUBSECTION. "Alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

Sec. 4. Section 123.3, subsection 9, Code Supplement 1985, is amended to read as follows:

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 or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight but not including mixed drinks or cocktails mixed on the premises.

Sec. 5. Section 123.16, subsection 2, paragraphs a and c, Code Supplement 1985, are amended to read as follows:

- a. Purchases of alcoholic liquor and wine for resale by the department.
- c. The establishment of retail prices of alcoholic liquor and wine sold by the department.

Sec. 6. Section 123.20, subsections 1, 7, and 8, Code Supplement 1985, are amended to read as follows:

1. To purchase alcoholic liquors and wine for resale by the department in the manner set forth in this chapter.

7. To license, inspect, and control the manufacture of beer, wine, and alcoholic liquors and regulate the entire beer, wine, and liquor industry in the state.

8. To accept intoxicating liquors ordered delivered to the Iowa ~~beer and liquor~~ alcoholic beverage control department pursuant to section 127.8, subsection 1, and offer such intoxicating liquors and wine for sale through the state liquor stores, unless the director determines that such intoxicating liquors and wine may be adulterated or contaminated. If the director determines that such intoxicating liquors and wine may be adulterated or contaminated the director shall order their destruction.

Sec. 7. Section 123.21, subsections 2, 3, and 8, Code Supplement 1985, are amended to read as follows:

2. Regulating the management, equipment, and merchandise of state liquor stores and warehouses in and from which alcoholic liquors and wine are transported, kept, or sold and

prescribing the books and records to be kept therein.

3. Regulating the purchase of alcoholic liquor generally and the furnishing of ~~such~~ the liquor and wine to state liquor stores established under this chapter, determining the classes, varieties, and brands of alcoholic liquors and wine to be kept in state warehouses or for sale at any state liquor store.

8. Prescribing, subject to this chapter, the days and hours during which state liquor stores shall be kept open for the purpose of the sale of alcoholic liquors and wine.

Sec. 8. Section 123.25, Code 1985, is amended to read as follows:

123.25 CONSUMPTION ON PREMISES.

No A vendor, officer, clerk, agent, or employee of the department employed in any state liquor store or state-owned warehouse shall not allow any alcoholic liquor or wine to be consumed on ~~such~~ the premises, nor shall any person consume any liquor on ~~such~~ the premises except for testing or sampling purposes only.

Sec. 9. Section 123.27, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

It is unlawful to transact the sale or delivery of alcoholic liquor or wine in, on, or from the premises of a state liquor store or warehouse:

Sec. 10. Section 123.150, Code Supplement 1985, is amended to read as follows:

123.150 SUNDAY SALES BEFORE NEW YEARS DAY.

Notwithstanding section 123.36, subsection 6, section 123.49, subsection 2, paragraph "b", and section 123.134, subsection 5, a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense ~~such~~ alcoholic liquor, wine, or beer to patrons for consumption on the premises between the hours of ten a.m. on Sunday and two a.m. on Monday when that Monday is New Years Day and beer for consumption off the premises between the hours of ten a.m. Sunday and midnight Sunday when that Sunday is the day before New Years Day. The liquor control license fee or beer permit fee of licensees and permittees permitted to sell or dispense ~~such~~ liquor, wine, or beer on a Sunday when that Sunday is the day before New Years Day shall not be increased because of this privilege.

~~It is the intent of this section that the~~ The special privileges granted shall be in this section are in force only during the specified times provided in this section.

Approved April 21, 1986

## CHAPTER 1123

### GRANDPARENT VISITATION RIGHTS

*H.F. 2409*

**AN ACT** relating to the visitation rights of grandparents.

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

Section 1. NEW SECTION. 600A.10 GRANDPARENT VISITATION RIGHTS.

A grandparent of a child may petition the district court for grandchild visitation rights when any of the following circumstances occur:

1. The parent of the child, who is the child of the grandparent, has died.
2. The child has been placed in a foster home.
3. The parental rights of the parent of the child, who is the child of the grandparent, are terminated pursuant to section 232.117 or 600A.9 or a petition to terminate parental rights has been filed pursuant to section 232.111 or 600A.5.

A petition for grandchild visitation rights shall be granted only upon a finding that the visitation rights are in the best interest of the child and would not unduly disrupt the child's relationship with the person who has custody of the child, including an adoptive parent.

Approved April 21, 1986