

**123.187 Direct shipment of wine — permits and requirements.**

1. A wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state or another state may apply for a wine direct shipper permit, as provided in [this section](#). For the purposes of [this section](#), a “*wine manufacturer*” means a person who processes the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines.

2. *a.* Only a wine manufacturer that holds a wine direct shipper permit issued pursuant to [this section](#) shall sell wine at retail for direct shipment to any person within this state. [This section](#) shall not prohibit an authorized retail licensee or permittee from delivering wine pursuant to [section 123.46A](#).

*b.* A wine manufacturer applying for a wine direct shipper permit shall submit an application for the permit electronically, or in a manner prescribed by the administrator, accompanied by a true copy of the manufacturer’s current alcoholic beverage license or permit issued by the state where the manufacturer is primarily located and a copy of the manufacturer’s basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

*c.* An application submitted pursuant to paragraph “*b*” shall be accompanied by a permit fee in the amount of twenty-five dollars.

*d.* An application submitted pursuant to paragraph “*a*” shall also be accompanied by a bond in the amount of five thousand dollars in the form prescribed and furnished by the division with good and sufficient sureties to be approved by the division conditioned upon compliance with [this chapter](#). However, a wine manufacturer that has submitted a bond pursuant to [section 123.175, subsection 2](#), paragraph “*g*”, shall not be required to provide a bond as provided in this paragraph.

*e.* A permit issued pursuant to [this section](#) may be renewed annually by submitting a renewal application with the administrator in a manner prescribed by the administrator, accompanied by the twenty-five dollar permit fee.

3. The direct shipment of wine pursuant to [this section](#) shall be subject to the following requirements and restrictions:

*a.* Wine shall only be shipped to a resident of this state who is at least twenty-one years of age, for the resident’s personal use and consumption and not for resale.

*b.* Wine subject to direct shipping shall be properly registered with the federal alcohol and tobacco tax and trade bureau, and fermented on the winery premises of the wine direct shipper permittee.

*c.* All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words “CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY” or shall be conspicuously labeled with alternative wording preapproved by the administrator.

*d.* All containers of wine shipped directly to a resident of this state shall be shipped by a holder of a wine carrier permit as provided in [subsection 6](#).

*e.* Shipment of wine pursuant to [this subsection](#) does not require a refund value for beverage container control purposes under [chapter 455C](#).

4. A wine direct shipper permittee shall remit to the division an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in [section 123.183](#) for deposit as provided in [section 123.183, subsections 2 and 3](#). The amount shall be remitted at the time and in the manner provided in [section 123.184, subsection 2](#), and the ten percent penalty specified therein shall be applicable.

5. A wine direct shipper permittee shall be deemed to have consented to the jurisdiction of the division or any other agency or court in this state concerning enforcement of [this section](#) and any related laws, rules, or regulations. A permit holder shall allow the division to perform an audit of shipping records upon request.

6. *a.* Wine subject to direct shipment within this state pursuant to [this section](#) shall be delivered only by a holder of a wine carrier permit as provided in [this subsection](#).

*b.* A person applying for a wine carrier permit shall submit an application for the permit electronically, or in a manner prescribed by the administrator.

*c.* An application for a wine carrier permit shall be accompanied by a one hundred dollar

permit fee, and shall be subject to requirements, and issued pursuant to application forms, to be determined by the administrator by rule.

d. A wine carrier permittee shall not deliver wine to any person under twenty-one years of age, or to any person who either is or appears to be in an intoxicated state or condition. A permittee shall obtain valid proof of identity and age prior to delivery, and shall obtain the signature of an adult as a condition of delivery.

e. A wine carrier permittee shall maintain records of wine shipped which include the permit number and name of the wine manufacturer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine. Records shall be submitted to the division on a monthly basis in a form and manner to be determined by the division.

7. A violation of [this section](#) shall subject the permittee to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the permit pursuant to [section 123.39](#).

96 Acts, ch 1101, §1; 2003 Acts, 1st Ex, ch 2, §158, 205; 2010 Acts, ch 1031, §100; 2010 Acts, ch 1193, §165; 2013 Acts, ch 35, §19; 2015 Acts, ch 11, §1; 2015 Acts, ch 104, §2; 2017 Acts, ch 119, §18; 2018 Acts, ch 1060, §71

Referred to in §123.46A, 123.56, 123.173, 123.183, 123.184

Section amended