

123.130 Authority under class “A” and special class “A” beer permits.

1. *a.* Any person holding a class “A” beer permit issued by the department shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding a subsisting class “A” beer permit, or retail alcohol licenses, excluding a special class “B” retail native wine license, issued in accordance with the provisions of [this chapter](#). However, a person holding a class “A” beer permit issued by the department who also holds a brewer’s notice issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury shall be authorized to sell, at wholesale, no more than thirty thousand barrels of beer on an annual basis for consumption off the premises to a licensee authorized under [this chapter](#) to sell beer at retail.

b. A person holding a class “A” beer permit may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.

c. A class “A” or special class “A” beer permit does not grant authority to manufacture wine as defined in [section 123.3, subsection 53](#).

2. Pursuant to [section 123.45, subsection 3](#), a native brewery may be granted not more than two class “C” retail alcohol licenses or not more than two special class “C” retail alcohol licenses.

3. All class “A” premises shall be located within the state. All beer received by the holder of a class “A” beer permit from the holder of a certificate of compliance before being resold must first come to rest on the licensed premises of the permit holder, must be inventoried, and is subject to the barrel tax when resold as provided in [section 123.136](#). A class “A” beer permittee shall not store beer overnight except on premises licensed under a class “A” beer permit.

4. *a.* All special class “A” premises shall be located within the state.

b. Except as provided in paragraph “c”, a person who holds a special class “A” beer permit for the same location at which the person holds a class “C” or special class “C” retail alcohol license for the purpose of operating as a brewpub may manufacture and sell beer to be consumed on the premises, may sell beer at retail at the manufacturing premises for consumption off the premises, may sell beer to a class “A” beer permittee for resale purposes, and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.

c. A person who holds a special class “A” beer permit for the same location at which the person holds a class “C” or special class “C” retail alcohol license for the purpose of operating as a brewpub may manufacture beer under an alternating proprietorship arrangement as provided in [subsection 5](#). However, the person may not sell beer to be consumed on the premises where manufactured or sell beer at retail for consumption off the premises where manufactured unless the person is also the holder of a class “C” or special class “C” retail alcohol license issued for the premises of the alternating proprietorship whose space and equipment is being used for the purpose of manufacturing beer.

d. The permit issued to holders of a special class “A” beer permit shall clearly state on its face that the permit is limited.

5. *a.* For purposes of [this subsection](#), “*manufacturer*” includes only those persons who hold a class “A” or special class “A” beer permit and manufacture beer in Iowa.

b. Notwithstanding any provision of law to the contrary, a manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing beer, provided that such an alternating proprietorship arrangement has been approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class “A” or special class “A” beer permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of [this chapter](#) and the rules of the department.

c. Notwithstanding any provision of law to the contrary, not more than one class “C” retail alcohol license or special class “C” retail license shall be issued to a premises with alternating proprietorships as authorized by [this subsection](#).

6. A manufacturer of beer issued a class “A” or special class “A” beer permit shall file with the department, on or before the fifteenth day of each calendar month, all documents filed

with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all brewer's operation and excise tax return reports.

[C35, §1921-f105; C39, §1921.106; C46, 50, 54, 58, 62, 66, 71, §124.11; C73, 75, 77, 79, 81, §123.130]

88 Acts, ch 1241, §19; 89 Acts, ch 221, §4; 92 Acts, ch 1003, §2; 2010 Acts, ch 1031, §93, 96; 2015 Acts, ch 53, §8; 2016 Acts, ch 1073, §39; 2017 Acts, ch 119, §27; 2018 Acts, ch 1060, §63; 2019 Acts, ch 8, §5; 2019 Acts, ch 113, §40 – 42; 2021 Acts, ch 133, §3; 2022 Acts, ch 1099, §60, 61, 88; 2023 Acts, ch 19, §2436, 2437; 2023 Acts, ch 48, §2, 3; 2023 Acts, ch 157, §8

Referred to in §123.124, 123.136, 123.143

Subsection 1, paragraph a amended

Subsections 2 and 4 amended

NEW subsection 5

Former subsection 5 amended and renumbered as 6