

## CHAPTER 123

### ALCOHOLIC BEVERAGE CONTROL

Referred to in §99B.3, 99B.12, 99B.43, 99B.53, 99B.55, 125.2, 137F.1, 232C.4, 421.17, 523H.1, 537A.10, 714.16

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### SUBCHAPTER I

#### GENERAL PROVISIONS RELATING TO ALCOHOLIC BEVERAGES

Referred to in [§123.122](#), [123.171](#)

#### **123.1 Public policy declared.**

**This chapter** shall be cited as the “*Iowa 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**.

[C35, §1921-f1; C39, §**1921.001**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.1] **85 Acts, ch 32, §3; 86 Acts, ch 1122, §1**

### 123.2 General prohibition.

It is unlawful to manufacture for sale, sell, offer or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in [this chapter](#).

[C35, §1921-f3; C39, §1921.003; C46, 50, 54, 58, 62, 66, 71, §123.3; C73, 75, 77, 79, 81, §123.2]

[85 Acts, ch 32, §4](#)

### 123.3 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Air common carrier*” means a person engaged in transporting passengers for hire in interstate or foreign commerce by aircraft and operating regularly scheduled flights under a certificate of public convenience issued by the civil aeronautics board.

2. “*Alcohol*” means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

3. “*Alcoholic beverage*” means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

4. “*Alcoholic liquor*” means the varieties of liquor defined in [subsections 2 and 49](#) which contain more than six and twenty-five hundredths percent of alcohol by volume, beverages made as described in [subsection 6](#) which beverages contain more than six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in [subsection 53](#), high alcoholic content beer as defined in [subsection 22](#), or canned cocktails as defined in [subsection 10](#), and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in [subsection 53](#) containing more than twenty-one and twenty-five hundredths percent of alcohol by volume, 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*”.

5. “*Application*” means a written request for the issuance of a permit, license, or certificate that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the director.

6. “*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 six and twenty-five hundredths percent of alcohol by volume.

7. “*Brewer*” means any person who manufactures beer for the purpose of sale, barter, exchange, or transportation.

8. “*Brewpub*” means a commercial establishment authorized to sell beer at retail for consumption on or off the premises that is operated by a person who holds a class “C” or special class “C” retail alcohol license and who also holds a special class “A” beer permit that authorizes the holder to manufacture and sell beer pursuant to [this chapter](#).

9. “*Broker*” means a person who represents or promotes alcoholic liquor within the state on behalf of the holder of a distiller’s certificate of compliance, a manufacturer’s license, or a class “A” native distilled spirits license. An employee of the holder of a distiller’s certificate of compliance, a manufacturer’s license, or a class “A” native distilled spirits license is not a broker.

10. “*Canned cocktail*” means a mixed drink or cocktail that is premixed and packaged in a metal can and contains more than one-half of one percent of alcohol by volume but not more than fifteen percent of alcohol by volume. A mixed drink or cocktail mixed and packaged in a metal can pursuant to [section 123.49, subsection 2](#), paragraph “d”, subparagraph (3), shall not be considered a canned cocktail.

11. “*City*” means a municipal corporation but not including a county, township, school district, or any special purpose district or authority.

12. “*Club*” means any nonprofit corporation or association of individuals, which is the

owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

13. “*Commercial establishment*” means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licensed premises of which conform to the standards and specifications of the department.

14. “*Commission*” means the alcoholic beverages commission established by [this chapter](#).

15. “*Completed application*” means an application where all necessary fees have been paid in full, any required bonds have been submitted, the applicant has provided all information requested by the department, and the application meets the requirements of [section 123.92, subsection 2](#), if applicable.

16. “*Department*” means the department of revenue.

17. “*Designated security employee*” means an agent, contract employee, independent contractor, servant, or employee of a licensee or permittee who works in a security position in any capacity at a commercial establishment licensed or permitted under [this chapter](#).

18. “*Director*” means the director of the department of revenue or the director’s designee.

19. “*Distillery*”, “*winery*”, and “*brewery*” mean not only the premises where alcohol or spirits are distilled, wine is fermented, or beer is brewed, but in addition mean a person owning, representing, or in charge of such premises and the operations conducted there, including the blending and bottling or other handling and preparation of alcoholic liquor, wine, or beer in any form.

20. “*Grape brandy*” means brandy produced by the distillation of fermented grapes or grape juice.

21. “*Grocery store*” means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

22. “*High alcoholic content beer*” means beer which contains more than six and twenty-five hundredths percent of alcohol by volume, but not more than nineteen percent of alcohol by volume, that is 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. Not more than one and five-tenths percent of the volume of a “*high alcoholic content beer*” may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

23. “*Hotel*” or “*motel*” means premises licensed by the department of inspections, appeals, and licensing and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

24. “*Import*” means the transporting or ordering or arranging the transportation of alcoholic liquor, wine, or beer into this state whether by a resident of this state or not.

25. “*Importer*” means the person who transports or orders, authorizes, or arranges the transportation of alcoholic liquor, wine, or beer into this state whether the person is a resident of this state or not.

26. The terms “*in accordance with the provisions of this chapter*”, “*pursuant to the provisions of this title*”, or similar terms shall include all rules and regulations of the department adopted to aid in the administration or enforcement of those provisions.

27. “*Institutional investor*” means a person who maintains a diversified portfolio of investments through a state or federally chartered bank, a mutual fund, a retirement plan or account created by an employer, the person, or another individual to provide retirement benefits or deferred compensation to the person, a private investment firm, or a holding company publicly traded on the New York stock exchange, the American stock exchange, or NASDAQ stock market and who has a majority of investments in businesses other than businesses that manufacture, bottle, wholesale, or sell at retail alcoholic beverages.

28. “*Legal age*” means twenty-one years of age or more.

29. “*Licensed premises*” or “*premises*” means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the director where alcoholic beverages, wine, or beer is sold or consumed under authority of a retail alcohol license,

wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds.

30. “*Local authority*” means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by [this chapter](#) to approve or deny applications for retail alcohol licenses; empowered to recommend that such licenses be granted and issued by the department; and empowered to take other actions reserved to them by [this chapter](#).

31. “*Manufacture*” means to distill, rectify, ferment, brew, make, mix, concoct, or process any substance capable of producing a beverage containing more than one-half of one percent of alcohol by volume and includes blending, bottling, or the preparation for sale.

32. “*Mixed drink or cocktail*” means an alcoholic beverage, composed in whole or in part of alcoholic liquor, that is combined with other alcoholic beverages or nonalcoholic beverages or ingredients including but not limited to ice, water, soft drinks, or flavorings.

33. “*Native brewery*” means a business which manufactures beer or high alcoholic content beer and is operated by a person who holds a class “A” beer permit that authorizes the holder to manufacture and sell beer pursuant to [this chapter](#).

34. “*Native distilled spirits*” means spirits fermented, distilled, or, for a period of two years, barrel matured on the licensed premises of the native distillery where fermented, distilled, or matured. “*Native distilled spirits*” also includes blended or mixed spirits comprised solely of spirits fermented, distilled, or, for a period of two years, barrel matured at a native distillery.

35. “*Native distillery*” means a business with an operating still which produces and manufactures native distilled spirits.

36. “*Native wine*” means wine manufactured pursuant to [section 123.176](#) by a manufacturer of native wine.

37. “*Package*” means any container or receptacle used for holding alcoholic liquor.

38. “*Permit*” or “*license*” means an express written authorization issued by the department for the manufacture or sale, or both, of alcoholic liquor, wine, or beer.

39. “*Person*” means any individual, association, or partnership, any corporation, limited liability company, or other similar legal entity, any club, hotel or motel, or any municipal corporation owning or operating a bona fide airport, marina, park, coliseum, auditorium, or recreational facility in or at which the sale of alcoholic liquor, wine, or beer is only an incidental part of the ownership or operation.

40. “*Person of good moral character*” means any person who meets all of the following requirements:

a. The person has such financial standing and good reputation as will satisfy the director that the person will comply with [this chapter](#) and all laws, ordinances, and regulations applicable to the person’s operations under [this chapter](#). However, the director shall not require the person to post a bond to meet the requirements of this paragraph.

b. The person is not prohibited by [section 123.40](#) from obtaining a retail alcohol license or a wine or beer permit.

c. Notwithstanding paragraph “e”, the applicant is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation. Notwithstanding paragraph “e”, in the case of a partnership, only one general partner need be a resident of this state.

d. The person has not been convicted of a felony. However, if the person’s conviction of a felony occurred more than five years before the date of the application for a license or permit, and if the person’s rights of citizenship have been restored by the governor, the director may determine that the person is of good moral character notwithstanding such conviction.

e. The requirements of [this subsection](#) apply to the following:

(1) Each of the officers, directors, and partners of such person.

(2) A person who directly or indirectly owns or controls ten percent or more of any class of stock of such person.

(3) A person who directly or indirectly has an interest of ten percent or more in the ownership or profits of such person.

41. “*Pharmacy*” means a drug store in which drugs and medicines are exposed for sale

and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.

42. “*Private place*” means a location which, at the time alcoholic beverages are kept, dispensed, or consumed, meets all of the following criteria:

- a. The general public does not have access to the location and attendees are limited to bona fide social hosts and invited guests.
- b. The location is not of a commercial nature.
- c. Goods or services are neither sold nor purchased at the location.
- d. The location is not a licensed premises.
- e. Admission fees or other kinds of entrance fees, fare, ticket, donation or charges are not made or are required of the invited guests to enter the location.

43. “*Public place*” means any place, building, or conveyance to which the public has or is permitted access.

44. “*Residence*” means the place where a person resides, permanently or temporarily.

45. “*Retail alcohol license*” means a class “B”, class “C”, special class “C”, class “D”, class “E”, or class “F” retail alcohol license, or a special class “B” or special class “C” retail native wine license issued under [this chapter](#).

46. “*Retailer*” means any person who shall sell, barter, exchange, offer for sale, or have in possession with intent to sell any alcoholic liquor, wine, or beer for consumption either on or off the premises where sold.

47. The prohibited “*sale*” of alcoholic liquor, wine, or beer under [this chapter](#) includes soliciting for sales, taking orders for sales, keeping or exposing for sale, delivery or other trafficking for a valuable consideration promised or obtained, and procuring or allowing procurement for any other person.

48. “*School*” means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve.

49. “*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.

50. “*Unincorporated town*” means a compactly populated area recognized as a distinct place with a distinct place-name which is not itself incorporated or within the corporate limits of a city.

51. “*Warehouse*” means any premises or place primarily constructed or used or provided with facilities for the storage in transit or other temporary storage of perishable goods or for the conduct of normal warehousing business.

52. “*Wholesaler*” means any person, other than a vintner, brewer or bottler of beer or wine, who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in alcoholic liquor, wine, or beer. A wholesaler shall not sell for consumption upon the premises.

53. “*Wine*” means any beverage containing more than six and twenty-five hundredths percent of alcohol by volume but not more than twenty-one and twenty-five hundredths percent of alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses, or cactus.

[C35, §1921-f5, 1921-f97; C39, §1921.005, 1921.096; C46, 50, 54, 58, 62, 66, 71, §123.5, 124.2; C73, 75, 77, 79, 81, §123.3; 81 Acts, ch 55, §1]

85 Acts, ch 32, §5 – 8; 86 Acts, ch 1122, §2 – 4; 86 Acts, ch 1246, §724, 725; 88 Acts, ch 1088, §1; 88 Acts, ch 1241, §1; 89 Acts, ch 161, §1; 93 Acts, ch 91, §1; 94 Acts, ch 1017, §1; 97 Acts, ch 126, §1; 2000 Acts, ch 1201, §1; 2003 Acts, ch 143, §1, 2, 17; 2005 Acts, ch 13, §1; 2006 Acts, ch 1032, §1; 2006 Acts, ch 1185, §118; 2010 Acts, ch 1031, §87, 88, 96; 2011 Acts, ch 17, §1 – 3, 17; 2011 Acts, ch 30, §2; 2013 Acts, ch 35, §1, 24; 2014 Acts, ch 1092, §27; 2016 Acts, ch 1112, §1; 2017 Acts, ch 119, §1, 39; 2018 Acts, ch 1060, §1 – 3; 2019 Acts, ch 8, §1; 2019 Acts,

ch 107, §1, 2, 6; 2019 Acts, ch 113, §1, 2; 2021 Acts, ch 155, §1; 2022 Acts, ch 1099, §16 – 19, 88; 2023 Acts, ch 19, §1872, 2351 – 2354; 2023 Acts, ch 157, §1

Referred to in §7D.16, 99F.4, 123.31, 123.31A, 123.32, 123.35, 123.43, 123.127, 123.130, 123.175, 123A.2, 142D.2, 455B.301, 455C.1, 455C.5, 455C.16

Subsection 1 stricken and former subsections 2 – 5 renumbered as 1 – 4  
 Former subsection 6 amended and renumbered as 5  
 Former subsections 7 – 13 renumbered as 6 – 12  
 Former subsection 14 amended and renumbered as 13 and former subsection 15 renumbered as 14  
 Former subsection 16 amended and renumbered as 15  
 NEW subsection 16  
 NEW subsection 18 and former subsection 19 stricken and former subsection 18 renumbered as 19  
 Subsections 23, 26, 29, 30, and 38 amended  
 Subsection 40, paragraphs a and d amended  
 Subsection 45 amended

**123.4 Alcoholic beverage control.**

The department of revenue shall administer and enforce the laws of this state concerning alcoholic beverage control.

[C35, §1921-f15; C39, §1921.015; C46, 50, 54, 58, 62, 66, 71, §123.15; C73, 75, 77, 79, 81, §123.4]

85 Acts, ch 32, §9; 86 Acts, ch 1245, §731; 2018 Acts, ch 1060, §4; 2023 Acts, ch 19, §2355

Referred to in §123.38A  
 Section stricken and rewritten

**123.5 Alcoholic beverages commission created — appointment — removal — vacancies.**

1. An alcoholic beverages commission is created within the department. The commission is composed of five members, not more than three of whom shall belong to the same political party.

2. Members shall be appointed by the governor, subject to confirmation by the senate. Appointments shall be for five-year staggered terms beginning and ending as provided by section 69.19. A member may be reappointed for one additional term.

3. Members of the commission shall be chosen on the basis of managerial ability and experience as business executives. Not more than two members of the commission may be the holder of or have an interest in a permit or license to manufacture alcoholic liquor, wine, or beer or to sell alcoholic liquor, wine, or beer at wholesale or retail.

4. Any commission member shall be subject to removal for any of the causes and in the manner provided by chapter 66 relating to removal from office. Removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

5. Any vacancy on the commission shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

[C35, §1921-f6; C39, §1921.006; C46, 50, 54, 58, 62, 66, 71, §123.6; C73, 75, 77, 79, 81, §123.5]

86 Acts, ch 1245, §732; 2015 Acts, ch 30, §39; 2023 Acts, ch 19, §2356

Referred to in §123.13  
 Confirmation, see §2.32  
 Subsection 1 amended

**123.6 Commission meetings.**

The commission shall meet on or before July 1 of each year for the purpose of selecting one of its members as chairperson for the succeeding year. The commission shall otherwise meet quarterly or at the call of the chairperson or director or when three members file a written request for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. A majority of the commission members shall constitute a quorum.

[C35, §1921-f10; C39, §1921.010; C46, 50, 54, 58, 62, 66, 71, §123.10; C73, 75, 77, 79, 81, §123.9]

2011 Acts, ch 17, §5; 2015 Acts, ch 30, §204

C2016, §123.6

2023 Acts, ch 19, §2357

Former §123.6 repealed by 2015 Acts, ch 30, §198  
 Section amended



**123.7 Duties of director.**

The director shall supervise the daily operations of the department under [this chapter](#) and shall execute the alcoholic beverage control policies of the department.

[C73, 75, 77, 79, 81, §123.10]

[86 Acts, ch 1245, §735](#); [2013 Acts, ch 35, §20](#); [2015 Acts, ch 30, §204](#)

C2016, §123.7

[2023 Acts, ch 19, §2358](#)

Former §123.7 repealed by [2015 Acts, ch 30, §198](#)

Section stricken and rewritten

**123.8 Duties of commission.**

1. The commission, in addition to the duties specifically enumerated in [this chapter](#), shall act as a policy-making body under [this chapter](#) and serve in an advisory capacity to the director and department.

2. The commission may review and affirm, reverse, or amend all actions of the director under [this chapter](#), including but not limited to the following instances:

- a. Purchases of alcoholic liquor for resale by the department.
- b. The establishment of wholesale prices of alcoholic liquor.

[C73, 75, 77, 79, 81, §123.16]

[85 Acts, ch 32, §13](#); [86 Acts, ch 1122, §5](#); [86 Acts, ch 1245, §737](#); [86 Acts, ch 1246, §726, 727](#); [93 Acts, ch 91, §2](#); [2015 Acts, ch 30, §204](#)

C2016, §123.8

[2023 Acts, ch 19, §2359](#)

Section amended

**123.9 Powers of director.**

The director, in executing the alcoholic beverage control functions of the department, shall have the following duties and powers:

1. To receive alcoholic liquors on a bailment system for resale by the department in the manner set forth in [this chapter](#).

2. To rent, lease, or equip any building or any land necessary to carry out the provisions of [this chapter](#).

3. To lease all plants and lease or buy equipment necessary to carry out the provisions of [this chapter](#).

4. To appoint clerks, agents, or other employees required for carrying out the provisions of [this chapter](#); to dismiss employees for cause; to assign employees to divisions and bureaus as created by the director within the department; and to designate their title, duties, and powers. All employees of the department for purposes of [this chapter](#) are subject to [chapter 8A, subchapter IV](#), unless exempt under [section 8A.412](#).

5. To grant and issue beer permits, wine permits, retail alcohol licenses, and other licenses; and to suspend or revoke all such permits and licenses for cause under [this chapter](#).

6. To license, inspect, and control the manufacture of alcoholic beverages and regulate the entire alcoholic beverage industry in the state.

7. To accept alcoholic liquors ordered delivered to the department pursuant to [chapter 809A](#), and offer for sale and deliver the alcoholic liquors to class “E” retail alcohol licensees, unless the director determines that the alcoholic liquors may be adulterated or contaminated. If the director determines that the alcoholic liquors may be adulterated or contaminated, the director shall order their destruction.

[C35, §1921-f16; C39, [§1921.016](#); C46, 50, 54, 58, 62, 66, 71, §123.16; C73, 75, 77, 79, 81, §123.20]

[83 Acts, ch 157, §1](#); [85 Acts, ch 90, §2](#); [86 Acts, ch 1122, §6](#); [86 Acts, ch 1245, §738](#); [86 Acts, ch 1246, §728 – 730](#); [87 Acts, ch 115, §20](#); [88 Acts, ch 1241, §3](#); [96 Acts, ch 1133, §40](#); [2003 Acts, ch 145, §185](#); [2015 Acts, ch 30, §204](#)

C2016, §123.9

2016 Acts, ch 1008, §1; 2016 Acts, ch 1073, §31; 2018 Acts, ch 1060, §5; 2022 Acts, ch 1099, §20, 88; 2023 Acts, ch 19, §2360, 2361

Referred to in §123.38A

Former §123.9 transferred to §123.6; 2015 Acts, ch 30, §204

Unnumbered paragraph 1 amended

Subsections 1, 4, and 7 amended

### 123.10 Rules.

The director, with the approval of the commission and subject to [chapter 17A](#), may adopt rules as necessary to carry out [this chapter](#). The director's authority under [this chapter](#) extends to, but is not limited to, the following:

1. Prescribing the duties of officers, clerks, agents, or other employees of the department under [this chapter](#) and regulating their conduct while in the discharge of their duties.
2. Regulating the management, equipment, and merchandise of state warehouses in and from which alcoholic liquors 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 the liquor to class "E" retail alcohol licensees under [this chapter](#), and determining the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses.
4. Prescribing forms or information blanks to be used for the purposes of [this chapter](#).
5. Prescribing the nature and character of evidence which shall be required to establish legal age.
6. Providing for the issuance and electronic distribution of price lists which show the price to be paid by class "E" retail alcohol licensees for each brand, class, or variety of liquor kept for sale by the department, providing for the filing or posting of prices charged in sales between class "A" beer and class "A" wine permit holders and retailers, as provided in [this chapter](#), and establishing or controlling the prices based on minimum standards of fill, quantity, or alcoholic content for each individual sale of alcoholic beverages as deemed necessary for retail or consumer protection. However, the department shall not regulate markups, prices, discounts, allowances, or other terms of sale at which alcoholic liquor may be purchased by the retail public or retail alcohol licensees from class "E" retail alcohol licensees or at which wine may be purchased and sold by class "A" and retail wine permittees, or change, nullify, or vary the terms of an agreement between a holder of a vintner certificate of compliance and a class "A" wine permittee.
7. Prescribing the official seals, labels, or other markings which shall be attached to or stamped on packages of alcoholic liquor sold under [this chapter](#).
8. Prescribing, subject to [this chapter](#), the days and hours during which state warehouses shall be kept open for the purpose of the sale and delivery of alcoholic liquors.
9. Prescribing the place and the manner in which alcoholic liquor may be lawfully kept or stored by the licensed manufacturer under [this chapter](#).
10. Prescribing the time, manner, means, and method by which distillers, vendors, or others authorized under [this chapter](#) may deliver or transport alcoholic liquors and prescribing the time, manner, means, and methods by which alcoholic liquor may be lawfully conveyed, carried, or transported.
11. Prescribing, subject to the provisions of [this chapter](#), the conditions and qualifications necessary for the obtaining of licenses and permits and the books and records to be kept and the remittances to be made by those holding licenses and permits and providing for the inspection of the records of all such licensees and permittees.
12. Providing for the issuance of combination licenses and permits with fees consistent with individual license and permit fees as may be necessary for the efficient administration of [this chapter](#).
13. Providing for the issuance of a waiver for an individual of legal age desiring to import alcoholic liquor, wine, or beer in excess of the amount provided in [section 123.22](#), [123.122](#), or [123.171](#), as applicable. The waiver shall be limited to those individuals who were domiciled outside the state within one year of the request for a waiver and shall provide that

any alcoholic liquor, wine, or beer imported pursuant to the waiver shall be for personal consumption only in a private home or other private accommodation.

14. Prescribing the uniform fee to be assessed against a retail alcohol licensee, except a class “B”, special class “B”, or class “E” retail alcohol licensee, to cover the administrative costs incurred by the department resulting from the failure of the licensee to maintain dramshop liability insurance coverage pursuant to [section 123.92, subsection 2](#), paragraph “a”.

15. Prescribing the uniform fee, not to exceed one hundred dollars, to be assessed against a licensee or permittee under this chapter for a contested case hearing conducted by the department or by an administrative law judge from the department of inspections, appeals, and licensing which results in administrative action taken against the licensee or permittee by the department.

[C35, §1921-f17; C39, §1921.017; C46, 50, 54, 58, 62, 66, 71, §123.17; C73, 75, 77, 79, 81, §123.21]

85 Acts, ch 32, §16, 17; 86 Acts, ch 1122, §7; 86 Acts, ch 1245, §739; 86 Acts, ch 1246, §731, 732; 2015 Acts, ch 30, §204

C2016, §123.10

2016 Acts, ch 1008, §2; 2018 Acts, ch 1060, §6; 2018 Acts, ch 1096, §1, 6, 7; 2019 Acts, ch 113, §3, 4; 2022 Acts, ch 1099, §21, 88; 2023 Acts, ch 19, §1873, 2362, 2363

Former §123.10 transferred to §123.7; 2015 Acts, ch 30, §204

See Code editor’s note on simple harmonization at the beginning of this Code volume

Unnumbered paragraph 1 amended

Subsections 1, 6, 14, and 15 amended

### **123.11 Compensation and expenses.**

Members of the commission, the director, and other employees of the department shall be allowed their actual and necessary expenses while traveling on business of the department under [this chapter](#) outside of their place of residence, however, an itemized account of such expenses shall be verified by the claimant and approved by the director. If such account is paid, the same shall be filed with the department and be and remain a part of its permanent records. Each member appointed to the commission is entitled to receive reimbursement of actual expenses incurred while attending meetings. Each member of the commission may also be eligible to receive compensation as provided in [section 7E.6](#). All expenses and salaries of commission members, the director, and other employees shall be paid from appropriations for such purposes and the department shall be subject to the budget requirements of [chapter 8](#).

[C35, §1921-f11; C39, §1921.011; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.11]

2015 Acts, ch 30, §40; 2023 Acts, ch 19, §2364

Section amended

### **123.12 Exemption from suit.**

A commission member or officer or employee of the department shall not be personally liable for damages sustained by any person due to the act of such member, officer, or employee performed in the reasonable discharge of the member’s, officer’s, or employee’s duties as enumerated in [this chapter](#).

[C35, §1921-f13; C39, §1921.013; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.13]

2015 Acts, ch 30, §204

C2016, §123.12

2023 Acts, ch 19, §2365

Former §123.12 repealed by 2015 Acts, ch 30, §198

Section amended

### **123.13 Prohibitions on commission members and employees.**

1. Commission members, officers, and employees of the department under [this chapter](#) shall not, while holding such office or position, do any of the following:

a. Hold any other office or position under the laws of this state, or any other state or territory or of the United States.

b. Engage in any occupation, business, endeavor, or activity which would or does conflict with their duties under [this chapter](#).

c. Directly or indirectly, use their office or employment to influence, persuade, or induce any other officer, employee, or person to adopt their political views or to favor any particular candidate for an elective or appointive public office.

d. Directly or indirectly, solicit or accept, in any manner or way, any money or other thing of value for any person seeking an elective or appointive public office, or to any political party or any group of persons seeking to become a political party.

2. Except as provided in [section 123.5, subsection 3](#), a commission member or department employee under [this chapter](#) shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under [this chapter](#). However, [this subsection](#) does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.

3. Any officer or employee violating [this section](#) or any other provisions of [this chapter](#) shall, in addition to any other penalties provided by law, be subject to suspension or discharge from employment. Any commission member shall, in addition to any other penalties provided by law, be subject to removal from office as provided by [chapter 66](#).

[C35, §1921-f14; C39, §1921.014; C46, 50, 54, 58, 62, 66, 71, §123.14; C73, 75, 77, 79, 81, §123.17]

[2015 Acts, ch 30, §41, 204](#)

C2016, §123.13

[2023 Acts, ch 19, §2366](#)

Former §123.13 transferred to [§123.12](#) pursuant to directive in 2015 Acts, ch 30, §204

Section amended

#### **123.14 Alcoholic beverage control law enforcement.**

1. The department of public safety is the primary alcoholic beverage control law enforcement authority for this state.

2. The county attorney, the county sheriff and the sheriff's deputies, and the police department of every city, and the department, shall be supplementary aids to the department of public safety for purposes of alcoholic beverage control law enforcement. Any neglect, misfeasance, or malfeasance shown by any peace officer included in [this section](#) shall be sufficient cause for the peace officer's removal as provided by law. [This section](#) shall not be construed to affect the duties and responsibilities of any county attorney or peace officer with respect to law enforcement.

3. The department of public safety shall have full access to all records, reports, audits, tax reports and all other documents and papers in the department pertaining to liquor licensees and wine and beer permittees and their business.

[C35, §1921-f94; C39, §1921.093; C46, 50, 54, 58, 62, 66, 71, §123.93; C73, 75, 77, 79, 81, §123.14]

[85 Acts, ch 32, §11; 88 Acts, ch 1241, §2; 2002 Acts, ch 1119, §11; 2005 Acts, ch 35, §28; 2018 Acts, ch 1060, §7; 2023 Acts, ch 19, §2367](#)

Referred to in [§331.653, 331.756\(24\)](#)

Section amended

#### **123.15 Favors from licensee or permittee.**

A person responsible for the administration or enforcement of [this chapter](#) shall not accept or solicit donations, gratuities, political advertising, gifts, or other favors, directly or indirectly, from any retail alcohol licensee, wine permittee, or beer permittee.

[C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.18]

[85 Acts, ch 32, §14; 2015 Acts, ch 30, §204](#)

C2016, §123.15

[2022 Acts, ch 1099, §22, 88](#)

**123.16 Annual report.**

The department shall cause to be prepared an annual report to the governor of the state, ending with June 30 of each fiscal year, on the operation and financial position of the department under [this chapter](#) for the preceding fiscal year. The report shall include but is not limited to the following information:

1. Amount of profit or loss from department operations under [this chapter](#).
2. The current balance of the beer and liquor control fund, and the amount transferred from the fund to the treasurer of state during the period covered by the report.
3. All other funds on hand and the source from which derived.
4. The total quantity and particular kind of alcoholic liquor sold.
5. The increase or decrease of liquor sales from the previous reporting period.
6. The number of retail alcohol licenses, wine permits, and beer permits issued, by class, the number in effect on the last day included in the report, and the number which have been suspended or revoked during the period covered by the report.
7. Amount of fees paid to the department from retail alcohol licenses, wine permits, and beer permits, in gross, and the amount of retail alcohol license fees returned to local subdivisions of government as provided under [this chapter](#).

[C35, §1921-f53; C39, §1921.053; C46, 50, 54, 58, 62, 66, 71, §123.53; C73, 75, 77, 79, 81, §123.55]

[85 Acts, ch 32, §48](#); [86 Acts, ch 1246, §748](#); [2013 Acts, ch 35, §22](#); [2015 Acts, ch 30, §204](#)  
C2016, §123.16

[2022 Acts, ch 1099, §23, 88](#); [2023 Acts, ch 19, §2368, 2369](#)

Former §123.16 transferred to [§123.8](#); [2015 Acts, ch 30, §204](#)

Unnumbered paragraph 1 amended

Subsections 1 and 7 amended

**123.17 Beer and liquor control fund — allocations to substance use disorder programs — use of civil penalties.**

1. There shall be established within the office of the treasurer of state a fund to be known as the beer and liquor control fund. The fund shall consist of any moneys appropriated by the general assembly for deposit in the fund and moneys received from the sale of alcoholic liquors by the department, from the issuance of permits and licenses, and of moneys and receipts received by the department from any other source under [this chapter](#).

2. *a.* The director of the department of administrative services shall periodically transfer from the beer and liquor control fund to the general fund of the state those revenues of the department which are not necessary for the purchase of liquor for resale by the department, or for remittances to local authorities or other sources as required by [this chapter](#), or for other obligations and expenses of the department which are paid from such fund.

*b.* All moneys received by the department from the issuance of vintner's certificates of compliance and wine permits shall be transferred by the director of the department of administrative services to the general fund of the state.

3. Notwithstanding [subsection 2](#), if gaming revenues under [sections 99D.17](#) and [99F.11](#) are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to [section 8.57](#), [subsection 5](#), paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to [subsection 2](#) and prior to the transfer of such moneys pursuant to [subsections 5 and 6](#). If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available.

4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in [subsection 3](#). The department of management, the department of inspections, appeals, and licensing, and the department shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt

service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies.

5. After any transfer provided for in [subsection 3](#) is made, the department shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the department from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the department of health and human services for use by the staff who administer the comprehensive substance use disorder program under [chapter 125](#) for substance use disorder treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the department of health and human services for use by the staff who administer the comprehensive substance use disorder program under [chapter 125](#) shall be considered part of the general fund balance.

6. After any transfers provided for in [subsections 3 and 5](#), the department shall receive a transfer from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the department for collecting and properly disposing of the liquor containers.

7. After any transfers provided for in [subsections 3, 5, and 6](#), and before any other transfer to the general fund, the department shall transfer to the economic development authority from the beer and liquor control fund two million dollars annually for statewide tourism marketing services and efforts pursuant to [section 15.275](#).

8. After any transfers provided for in [subsections 3, 5, 6, and 7](#), and before any other transfer to the general fund, the department shall transfer from the beer and liquor control fund one million dollars to the department of health and human services for distribution pursuant to [section 125.59](#).

9. After any transfers provided for in [subsections 3, 5, 6, 7, and 8](#) are made, and before any other transfer to the general fund, the department shall transfer to the economic development authority from the beer and liquor control fund the lesser of two hundred fifty thousand dollars or one percent of the gross sales of native distilled spirits by all class “A” native distilled spirits license holders made by the department for the purposes of promoting Iowa wine, beer, and spirits.

10. Civil penalties imposed and collected by the department under [this chapter](#) shall be credited to the general fund of the state. The moneys from the civil penalties shall be used by the department, subject to appropriation by the general assembly, for the purposes of providing educational programs, information and publications for alcoholic beverage licensees and permittees, local authorities, and law enforcement agencies regarding the laws and rules which govern the alcoholic beverages industry, and for promoting compliance with alcoholic beverage laws and rules.

[C35, §1921-f50; C39, §1921.050; C46, 50, 54, 58, 62, 66, 71, §123.50; C73, 75, 77, 79, 81, §123.53]

85 Acts, ch 32, §45 – 47; 86 Acts, ch 1246, §603, 747; 88 Acts, ch 1151, §1; 88 Acts, ch 1250, §10; 92 Acts, ch 1242, §25; 93 Acts, ch 91, §19; 99 Acts, ch 199, §32; 2003 Acts, ch 145, §286; 2005 Acts, ch 179, §144, 146; 2006 Acts, ch 1010, §51; 2007 Acts, ch 126, §23; 2009 Acts, ch 41, §263; 2009 Acts, ch 173, §31, 32, 36; 2010 Acts, ch 1184, §92; 2011 Acts, ch 34, §35; 2012 Acts, ch 1021, §136; 2015 Acts, ch 30, §204

C2016, §123.17

2021 Acts, ch 171, §30; 2022 Acts, ch 1140, §30, 32; 2022 Acts, ch 1148, §19; 2023 Acts, ch 19, §1358, 1874, 2370; 2023 Acts, ch 116, §20

Referred to in §8.57, 15.275, 15E.117, 24.14, 123.24, 123.39, 123.183

Former §123.17 transferred to §123.13; 2015 Acts, ch 30, §204

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended

**123.18 Appropriations.**

Department appropriations for purposes of [this chapter](#) shall be paid by the treasurer of state upon the orders of the director, in such amounts and at such times as the director deems necessary to carry on operations in accordance with the terms of [this chapter](#).

[C35, §1921-f52; C39, §1921.052; C46, 50, 54, 58, 62, 66, 71, §123.52; C73, 75, 77, 79, 81, §123.54]

[2015 Acts, ch 30, §204](#)

C2016, §123.18

[2023 Acts, ch 19, §2371](#)

Former §123.18 transferred to [§123.15](#); 2015 Acts, ch 30, §204

Section amended

**123.19 Distiller's certificate of compliance — injunction — penalty.** Transferred to [§123.23](#); [2015 Acts, ch 30, §204](#).

**123.20 Powers.** Transferred to [§123.9](#); [2015 Acts, ch 30, §204](#).

**123.21 Rules.** Transferred to [§123.10](#); [2015 Acts, ch 30, §204](#).

**123.22 State monopoly.**

1. The department has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in [this chapter](#), and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding nine liters per calendar month that the individual personally obtained outside the state. Alcoholic liquor imported by an individual pursuant to [this subsection](#) shall be for personal consumption only in a private home or other private accommodation. A distillery shall not sell alcoholic liquor within the state to any person but only to the department, except as otherwise provided in [this chapter](#). [This section](#) vests in the department exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in [this chapter](#). The department shall receive alcoholic liquor on a bailment system for resale by the department in the manner set forth in [this chapter](#). The department shall act as the sole wholesaler of alcoholic liquor to class "E" retail alcohol licensees.

2. *a.* A person, acting individually or through another acting for the person, shall not directly or indirectly, or upon any pretense or by any device, do any of the following:

(1) Manufacture, sell, exchange, barter, dispense, give in consideration of the purchase of any property or of any services or in evasion of [this chapter](#), or keep for sale, or have possession of any alcoholic liquor, except as provided in [this chapter](#).

(2) Own, keep, or be in any way concerned, engaged, or employed in owning or keeping, any alcoholic liquor with intent to violate any provision of [this chapter](#), or authorize or permit the same to be done.

(3) Manufacture, own, sell, or have possession of any manufactured or compounded article, mixture or substance, not in a liquid form, and containing alcohol which may be converted into a beverage by a process of pressing or straining the alcohol therefrom, or any instrument intended for use and capable of being used in the manufacture of alcoholic liquor.

(4) Own or have possession of any material used exclusively in the manufacture of alcoholic liquor.

(5) Use or have possession of any material with intent to use it in the manufacture of alcoholic liquors.

*b.* However, alcohol may be manufactured for industrial and nonbeverage purposes by persons who have qualified for that purpose as provided by the laws of the United States and the laws of this state. Such alcohol, so manufactured, may be denatured, transported, used, possessed, sold, and bartered and dispensed, subject to the limitations, prohibitions and restrictions imposed by the laws of the United States and this state.

c. Any person may manufacture, sell, or transport ingredients and devices other than alcohol for the making of homemade wine or beer.

[C51, §924 – 928; R60, §1559, 1563, 1583, 1587; C73, §1523, 1540 – 1542, 1555; C97, §2382; SS15, §2382; C24, 27, 31, §1924; C35, §1921-f54, 1924; C39, §1921.054, 1924; C46, 50, 54, 58, 62, 66, 71, §123.54, 125.3; C73, 75, 77, 79, 81, §123.22]

85 Acts, ch 32, §18; 86 Acts, ch 1246, §733; 88 Acts, ch 1241, §4; 89 Acts, ch 161, §2; 2017 Acts, ch 119, §2; 2018 Acts, ch 1026, §38; 2018 Acts, ch 1060, §8; 2018 Acts, ch 1096, §2, 6; 2022 Acts, ch 1099, §24, 88; 2023 Acts, ch 19, §2372

Referred to in §123.10, 123.26, 123.28  
Subsection 1 amended

### 123.23 Distiller's certificate of compliance — injunction — penalty.

1. Any manufacturer, distiller, or importer of alcoholic liquors shipping, selling, or having alcoholic liquors brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the director for that purpose. No brand of alcoholic liquor shall be sold by the department in this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the director unless otherwise suspended or revoked for cause. Each completed application for a certificate of compliance or renewal shall be submitted electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of two hundred dollars payable to the department. However, [this subsection](#) need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of "special orders" which might be placed, as defined and allowed by departmental rules adopted under [this chapter](#).

2. At the time of applying for a certificate of compliance, each applicant shall submit to the department electronically, or in a manner prescribed by the director, the name and address of its authorized agent for service of process which shall remain effective until changed for another, and a list of names and addresses of all representatives, employees, or attorneys whom the applicant has appointed in the state of Iowa to represent it for any purpose. The listing shall be amended by the certificate holder as necessary to keep the listing current with the department.

3. The director and the attorney general are authorized to require any certificate holder or person listed as the certificate holder's representative, employee, or attorney to disclose such financial and other records and transactions as may be considered relevant in discovering violations of [this chapter](#) or of rules and regulations of the department under [this chapter](#) or of any other provision of law by any person.

4. Any violation of the requirements of [this chapter](#) or rules adopted pursuant to [this chapter](#) shall subject the holder of a distiller's certificate of compliance to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty, suspension of the certificate, or revocation of the certificate, after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#). However, willful failure to comply with requirements which may be imposed under [subsection 3](#) is grounds for suspension or revocation of the certificate of compliance only.

5. [This section](#) shall not require the listing of those persons who are employed on premises where alcoholic liquors are manufactured, processed, bottled, or packaged in Iowa or persons who are thereafter engaged in the transporting of such alcoholic liquors to the department.

6. The attorney general may also proceed pursuant to the provisions of [section 714.16](#) in order to gain compliance with [subsection 3](#) of [this section](#) and may obtain an injunction prohibiting any further violations of [this chapter](#) or other provisions of law. Any violation of that injunction shall be punished as contempt of court pursuant to [chapter 665](#) except that the maximum fine that may be imposed shall not exceed fifty thousand dollars.

[C73, 75, 77, 79, 81, §123.19]



85 Acts, ch 32, §15; 86 Acts, ch 1237, §6; 93 Acts, ch 91, §3; 2013 Acts, ch 35, §2; 2015 Acts, ch 30, §204

C2016, §123.23

2017 Acts, ch 119, §3; 2018 Acts, ch 1060, §9; 2019 Acts, ch 113, §5; 2022 Acts, ch 1099, §7, 15; 2023 Acts, ch 19, §2373

Referred to in §123.32, 123.35

Subsections 1, 2, 3, and 5 amended

### **123.24 Alcoholic liquor sales by the department — dishonored payments — liquor prices.**

1. The department shall sell alcoholic liquor at wholesale only. The department shall sell alcoholic liquor to class “E” retail alcohol licensees only. The department shall offer the same price on alcoholic liquor to all class “E” retail alcohol licensees without regard for the quantity of purchase or the distance for delivery.

2. The price of alcoholic liquor sold by the department shall consist of the following:

a. The manufacturer’s price.

b. A markup of up to fifty percent of the wholesale price paid by the department for the alcoholic liquor. The department may increase the markup on selected kinds of alcoholic liquor sold by the department if the average return to the department on all sales of alcoholic liquor does not exceed the wholesale price paid by the department and the fifty percent markup.

c. A split case charge in an amount determined by the department when alcoholic liquor is sold in quantities which require a case to be split.

d. A bottle surcharge in an amount sufficient, when added to the amount not refunded to class “E” retail alcohol licensees pursuant to [section 455C.2](#), to pay the costs incurred by the department for collecting and properly disposing of the liquor containers. The amount collected pursuant to this paragraph, in addition to any amounts not refunded to class “E” retail alcohol licensees pursuant to [section 455C.2](#), shall be deposited in the beer and liquor control fund established under [section 123.17](#).

3. a. The department may accept from a class “E” retail alcohol licensee electronic funds transferred by automated clearing house, wire transfer, or another method deemed acceptable by the director, in payment of alcoholic liquor. If a payment is subsequently dishonored, the department shall cause a notice of nonpayment and penalty to be served upon the class “E” retail alcohol licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored payment is not made within ten days of the service of notice, the licensee’s retail alcohol license may be suspended under [section 123.39](#). The notice of nonpayment and penalty shall be in a form prescribed by the director, and shall be sent by certified mail.

b. If upon notice and hearing under [section 123.39](#) and pursuant to the provisions of [chapter 17A](#) concerning a contested case hearing, the director determines that the class “E” retail alcohol licensee failed to satisfy the obligation for which the payment was issued within ten days after the notice of nonpayment and penalty was served on the licensee as provided in paragraph “a” of [this subsection](#), the director may suspend the licensee’s class “E” retail alcohol license for a period not to exceed ten days.

4. The director may refuse to sell alcoholic liquor to a class “E” retail alcohol licensee who tenders a payment which is subsequently dishonored until the outstanding obligation is satisfied.

[C35, §1921-f20, 1921-f41; C39, §1921.020, 1921.041; C46, 50, 54, 58, 62, 66, 71, §123.20, 123.41; C73, 75, 77, 79, 81, §123.24; 81 Acts, ch 56, §1]

86 Acts, ch 1246, §734; 87 Acts, ch 22, §1, 2; 88 Acts, ch 1158, §29; 88 Acts, ch 1241, §5; 92 Acts, ch 1242, §24; 93 Acts, ch 91, §4, 5; 2013 Acts, ch 35, §21; 2019 Acts, ch 113, §6 – 8; 2022 Acts, ch 1099, §25, 88; 2023 Acts, ch 19, §2374

Referred to in §123.176

Section amended

### **123.25 Consumption on premises.**

An officer, clerk, agent, or employee of the department employed in a state-owned warehouse under [this chapter](#) shall not allow any alcoholic beverage to be consumed on the

premises, nor shall a person consume any alcoholic liquor on the premises except for testing or sampling purposes only.

[C35, §1921-f23; C39, §1921.023; C46, 50, 54, 58, 62, 66, 71, §123.23; C73, 75, 77, 79, 81, §123.25]

86 Acts, ch 1122, §8; 86 Acts, ch 1246, §735; 2018 Acts, ch 1060, §10; 2023 Acts, ch 19, §2375  
Section amended

### 123.26 Restrictions on sales — seals — labeling.

Alcoholic liquor shall not be sold by a class “E” retail alcohol licensee except in a sealed container with identifying markers as prescribed by the director and affixed in the manner prescribed by the director, and no such container shall be opened upon the premises of a state warehouse. The department shall cooperate with the department of natural resources so that only one identifying marker or mark is needed to satisfy the requirements of [this section](#) and [section 455C.5, subsection 1](#). Possession of alcoholic liquors which do not carry the prescribed identifying markers is a violation of [this chapter](#) except as provided in [section 123.22](#).

[C35, §1921-f24; C39, §1921.024; C46, 50, 54, 58, 62, 66, 71, §123.24; C73, 75, 77, 79, 81, §123.26]

86 Acts, ch 1246, §736; 87 Acts, ch 22, §3; 2022 Acts, ch 1099, §26, 88; 2023 Acts, ch 19, §2376

Referred to in [§123.28](#)  
Section amended

### 123.27 Sales and deliveries prohibited.

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

1. After the closing hour as established by the director.
2. On any legal holiday except those designated by the director.
3. During other periods or days as designated by the director.

[C35, §1921-f25; C39, §1921.025; C46, 50, 54, 58, 62, 66, 71, §123.25; C73, 75, 77, 79, 81, §123.27; 81 Acts, ch 6, §11]

85 Acts, ch 32, §20; 86 Acts, ch 1122, §9; 86 Acts, ch 1246, §737; 89 Acts, ch 161, §3; 2019 Acts, ch 113, §9; 2023 Acts, ch 19, §2377

Section amended

### 123.28 Restrictions on transportation.

1. It is lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to a state warehouse or depot established by the department or from one such place to another and, when so permitted by [this chapter](#), it is lawful for the department, a common carrier, or other person to transport, carry, or convey alcoholic liquor sold from a state warehouse, depot, or point of purchase by the state to any place to which the liquor may be lawfully delivered under [this chapter](#).

2. The department shall deliver alcoholic liquor purchased by class “E” retail alcohol licensees. Class “E” retail alcohol licensees may deliver alcoholic liquor purchased by class “C”, class “D”, or class “F” retail alcohol licensees, and class “C”, class “D”, or class “F” retail alcohol licensees may transport alcoholic liquor purchased from class “E” retail alcohol licensees.

3. A common carrier or other person shall not break or open or allow to be broken or opened a container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed.

4. [This section](#) does not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to [section 123.22](#) and individual bottles or containers bearing the identifying mark prescribed in [section 123.26](#) which have been opened previous to the commencement of the transportation.

5. **This section** does not affect the right of a retail alcohol license holder to purchase, possess, or transport alcoholic liquors subject to **this chapter**.

[C35, §1921-f26; C39, §1921.026; C46, 50, 54, 58, 62, 66, 71, §123.26; C73, 75, 77, 79, 81, §123.28; 81 Acts, ch 6, §12]

84 Acts, ch 1275, §1; 85 Acts, ch 196, §1; 86 Acts, ch 1020, §1; 86 Acts, ch 1246, §738; 87 Acts, ch 170, §1; 95 Acts, ch 48, §1; 2017 Acts, ch 119, §4; 2018 Acts, ch 1060, §11; 2019 Acts, ch 113, §10; 2022 Acts, ch 1099, §27, 88; 2023 Acts, ch 19, §2378

See also §321.284

Subsections 1 and 2 amended

### **123.29 Patent and proprietary products and sacramental wine.**

1. **This chapter** does not prohibit the sale of patent and proprietary medicines, tinctures, food products, extracts, toiletries, perfumes, and similar products, which are not susceptible of use as a beverage, but which contain alcoholic liquor, wine, or beer as one of their ingredients. These products may be sold through ordinary wholesale and retail businesses without a license or permit issued by the department.

2. **This chapter** does not prohibit a member of the clergy of any religious denomination which uses vinous liquor in its sacramental ceremonies from purchasing, receiving, possessing, and using vinous liquor for sacramental purposes.

[C24, 27, 31, §2171; C35, §1921-f27, 2171; C39, §1921.027, 2171; C46, 50, 54, 58, 62, 66, 71, §123.27, 134.1; C73, 75, 77, 79, 81, §123.29]

85 Acts, ch 32, §21; 86 Acts, ch 1246, §739, 740; 89 Acts, ch 161, §4 – 6; 93 Acts, ch 91, §6; 2023 Acts, ch 19, §2379

Subsection 1 amended

### **123.30 Retail alcohol licenses — classes.**

1. *a.* A retail alcohol license may be issued to any person who is of good moral character as defined by **this chapter**.

*b.* As a condition for issuance of a retail alcohol license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff or deputy sheriff; members of the department of public safety; representatives of the department and of the department of inspections, appeals, and licensing; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of **this chapter** or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under **section 421.17** or a warrant is required for inspection of private records, a private business office, or attached living quarters. Persons who are not certified peace officers shall limit the scope of their inspections of licensed premises to the regulatory authority under which the inspection is conducted. All persons who enter upon a licensed premises to conduct an inspection shall present appropriate identification to the owner of the establishment or the person who appears to be in charge of the establishment prior to commencing an inspection; however, this provision does not apply to undercover criminal investigations conducted by peace officers.

*c.* As a further condition for the issuance of a class “E” retail alcohol license, the applicant shall post a bond in a sum of not less than five thousand nor more than fifteen thousand dollars as determined on a sliding scale established by the department; however, a bond shall not be required if all purchases of alcoholic liquor from the department by the licensee are made by means that ensure that the department will receive full payment in advance of delivery of the alcoholic liquor.

*d.* A class “E” retail alcohol license may be issued to a city council for premises located within the limits of the city if there are no class “E” retail alcohol licensees operating within the limits of the city and no other applications for a class “E” license for premises located within the limits of the city at the time the city council’s application is filed. If a class “E” retail alcohol license is subsequently issued to a private person for premises located within the limits of the city, the city council shall surrender its license to the department within one year

of the date that the class “E” retail alcohol licensee begins operating, liquidate any remaining assets connected with the liquor store, and cease operating the liquor store.

2. A retail alcohol license shall not be issued for premises which do not constitute a safe and proper place or building and which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the director in the form of a living quarters permit.

3. Retail alcohol licenses issued under [this chapter](#) shall be of the following classes:

a. Class “B”.

(1) (a) A class “B” retail alcohol license may be issued and shall authorize the holder to purchase wine from a class “A” wine permittee only and beer from a class “A” beer permittee only, and to sell wine and beer in original unopened containers at retail to patrons for consumption off the licensed premises.

(b) The holder of a class “B” retail alcohol license may sell wine to class “C”, special class “C”, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period.

(c) The holder of a class “B” retail alcohol license may sell beer to class “C”, special class “C”, special class “C” retail native license, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division.

(2) A special class “B” retail native wine license shall authorize the holder to purchase wine from a native winery holding a class “A” wine permit and to sell native wine only at retail for consumption off the licensed premises.

b. Class “C”.

(1) (a) A class “C” retail alcohol license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business.

(b) The holder of a class “C” retail alcohol license shall be authorized to purchase alcoholic beverages as follows:

(i) Alcoholic liquors in original unopened containers from class “E” retail alcohol licensees only.

(ii) Wine from class “A” wine permittees.

(iii) Wine from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(iv) Beer from class “A” beer permittees.

(v) Beer from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph subdivision.

(c) The holder of a class “C” retail alcohol license shall be authorized to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, alcoholic liquor, wine, and beer in original unopened containers may also be sold for consumption off the premises. In addition, mixed drinks or cocktails may also be sold for consumption off the premises subject to the requirements of [section 123.49](#), [subsection 2](#), paragraph “d”.

(d) The holder of a class “C” retail alcohol license may also hold a special class “A” beer permit for the premises licensed under a class “C” retail alcohol license for the purpose of operating a brewpub pursuant to [this chapter](#).

(2) (a) A special class “C” retail alcohol license may be issued to a commercial establishment.

(b) The holder of a special class “C” retail alcohol license shall be authorized to purchase alcoholic beverages as follows:

(i) Wine from class “A” wine permittees.

(ii) Wine from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(iii) Beer from class “A” beer permittees.

(iv) Beer from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph subdivision.

(c) The holder of a special class “C” retail alcohol license shall be authorized to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, wine and beer in original unopened containers may also be sold for consumption off the premises.

(d) The holder of a special class “C” retail alcohol license may also hold a special class “A” beer permit for the premises licensed under a special class “C” retail alcohol license for the purpose of operating a brewpub pursuant to [this chapter](#).

(e) The license issued to holders of a special class “C” retail alcohol license shall clearly state on its face that the license is limited.

(3) A special class “C” retail native wine license shall authorize the holder to sell beer and native wine as provided in [section 123.31C](#).

c. Class “D”.

(1) A class “D” retail alcohol license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages to passengers for consumption only on trains, watercraft as described in [this section](#), or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under [chapter 99F](#), the owner shall obtain a separate class “D” retail alcohol license for each excursion gambling boat operating in the waters of this state.

(2) A class “D” retail alcohol licensee who operates a train or a watercraft intrastate only, or an excursion gambling boat licensed under [chapter 99F](#), shall be authorized to purchase alcoholic beverages as follows:

(a) Alcoholic liquors in original unopened containers from class “E” retail alcohol licensees only.

(b) Wine from class “A” wine permittees.

(c) Wine from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(d) Beer from class “A” beer permittees.

(e) Beer from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division.

d. Class “E”.

(1) A class “E” retail alcohol license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the department only, wine from a class “A” wine permittee only, and beer from a class “A” beer permittee only; to sell alcoholic liquor, wine, and beer in original unopened containers at retail to patrons for consumption off the licensed premises; and to sell alcoholic liquor and high alcoholic content beer at wholesale to other retail alcohol licensees, provided the holder has filed with

the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) A holder of a class “E” retail alcohol license may hold other retail alcohol licenses, but the premises licensed under a class “E” retail alcohol license shall be separate from other licensed premises, though the separate premises may have a common entrance.

(3) The holder of a class “E” retail alcohol license may sell wine to class “C”, special class “C”, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period.

(4) The holder of a class “E” retail alcohol license may sell beer to class “C”, special class “C”, special class “C” retail native license, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph.

(5) The department may issue a class “E” retail alcohol license for premises covered by a retail alcohol license for on-premises consumption under any of the following circumstances:

(a) If the premises are in a county having a population under nine thousand five hundred in which no other class “E” retail alcohol license has been issued by the department, and no other application for a class “E” retail alcohol license has been made within the previous twelve consecutive months.

(b) If, notwithstanding any provision of [this chapter](#) to the contrary, the premises covered by a retail alcohol license is a grocery store that is at least five thousand square feet.

e. Class “F”.

(1) A class “F” retail alcohol license may be issued to a club and shall authorize the holder to sell alcoholic beverages to bona fide members and their guests by the individual drink for consumption on the premises only.

(2) The holder of a class “F” retail alcohol license shall be authorized to purchase alcoholic beverages as follows:

(a) Alcoholic liquors in original unopened containers from class “E” retail alcohol licensees only.

(b) Wine from class “A” wine permittees.

(c) Wine from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four—hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period.

(d) Beer from class “A” beer permittees.

(e) Beer from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division.

4. Notwithstanding any provision of [this chapter](#) to the contrary, a person holding a retail alcohol license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee’s agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of [this subsection](#) is subject to the requirements of [sections 321.284 and 321.284A](#). A person holding a retail alcohol license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to carry an open container of wine from the person’s licensed premises into another immediately adjacent

licensed premises that is covered by a license or permit that authorizes the consumption of wine, a temporarily closed public right-of-way, or a private place.

[C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.30]

85 Acts, ch 32, §22; 86 Acts, ch 1246, §741, 742; 87 Acts, ch 22, §4 – 6; 88 Acts, ch 1088, §2, 3; 88 Acts, ch 1241, §6, 7; 90 Acts, ch 1175, §6; 91 Acts, ch 203, §1; 93 Acts, ch 91, §7, 8; 2009 Acts, ch 41, §263; 2009 Acts, ch 74, §1; 2010 Acts, ch 1193, §111, 140; 2011 Acts, ch 17, §6; 2013 Acts, ch 30, §22; 2014 Acts, ch 1092, §28; 2016 Acts, ch 1008, §3; 2017 Acts, ch 29, §38, 39; 2017 Acts, ch 119, §5, 19, 40; 2018 Acts, ch 1060, §12; 2018 Acts, ch 1172, §54 – 60; 2019 Acts, ch 113, §11 – 13; 2020 Acts, ch 1114, §10, 11, 16; 2021 Acts, ch 155, §2; 2022 Acts, ch 1099, §1, 6; 2023 Acts, ch 19, §1875, 2380, 2381; 2023 Acts, ch 48, §1; 2023 Acts, ch 157, §2 – 4

Referred to in §12.43, 123.31, 123.33, 123.36, 123.43, 123.43A, 123.45, 123.95, 123.127, 123.138, 123.175, 123.176

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsections 1 and 2 amended

Subsection 3, paragraph a, subparagraph (1), subparagraph division (c) amended

Subsection 3, paragraph b, subparagraph (2), NEW subparagraph division (d) and former subparagraph division (d) redesignated as (e)

Subsection 3, paragraph b, NEW subparagraph (3)

Subsection 3, paragraph d, subparagraphs (1), (4) and (5) amended

### 123.31 Retail alcohol licenses — application.

1. A person applying for a retail alcohol license shall submit a completed application electronically, or in a manner prescribed by the director, which shall set forth under oath the following:

- a. The name and place of residence of the applicant.
- b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.
- c. The location of the premises where the applicant intends to operate.
- d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.
- e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the license, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.
- f. Whether any person specified in paragraph “b” has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.
- g. Any other information as required by the director.

2. The retail alcohol license shall only be issued to an applicant who establishes all of the following:

- a. That the applicant has submitted a completed application as required by [subsection 1](#).
- b. That the applicant is a person of good moral character as provided in [section 123.3, subsection 40](#).
- c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.
- d. That the premises where the applicant intends to use the license conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building and that the applicant shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the director in the form of a living quarters permit.
- e. That the applicant gives consent to a person, pursuant to [section 123.30, subsection 1](#), to enter upon the premises without a warrant during the business hours of the applicant to

inspect for violations of the provisions of [this chapter](#) or ordinances and regulations that local authorities may adopt.

[C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.31]

93 Acts, ch 91, §9; 2000 Acts, ch 1201, §2; 2011 Acts, ch 17, §7; 2013 Acts, ch 35, §3; 2017 Acts, ch 119, §6; 2019 Acts, ch 113, §14; 2022 Acts, ch 1099, §2, 6; 2023 Acts, ch 19, §2382 – 2384

Referred to in [§123.32](#), [123.35](#)

Subsection 1, unnumbered paragraph 1 amended

Subsection 1, paragraphs e and g amended

Subsection 2, paragraph d amended

### **123.31A Authority under class “B”, class “C”, special class “C”, and class “E” retail alcohol license.**

1. The holder of a class “B”, class “C”, special class “C”, or class “E” retail alcohol license shall be allowed to sell beer and wine to consumers at retail for consumption off the premises. The sales made pursuant to [this section](#) shall be made in original containers except as provided in [subsection 3](#).

2. Every person holding a class “B”, class “C”, special class “C”, or class “E” retail alcohol license having more than one place of business where beer and wine is sold which places do not constitute a single premises within the meaning of [section 123.3](#), [subsection 29](#), shall be required to have a separate license for each separate place of business, except as otherwise provided by [this chapter](#).

3. Subject to the rules of the department, sales made pursuant to [this section](#) may be made in a container other than the original container only if all of the following requirements are met:

a. The beer or wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale.

b. The person transferring the beer or wine from the original container to the container to be sold shall be eighteen years of age or older.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the department that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer or wine has been tampered with or the sealed container has otherwise been reopened.

4. A container of beer or wine other than the original container that is sold and sealed in compliance with the requirements of [subsection 3](#) and the department’s rules shall not be deemed an open container subject to the requirements of [sections 321.284](#) and [321.284A](#) if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

5. a. The holder of a class “C” or special class “C” retail alcohol license, or the licensee’s agents or employees, shall not sell beer or wine to other retail alcohol license holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment.

b. A holder of any retail alcohol permit shall not sell wine except wine which is purchased from a person holding a class “A” wine permit and on which the tax imposed by [section 123.183](#) has been paid.

2022 Acts, ch 1099, §3, 6; 2023 Acts, ch 19, §2385 – 2387

Subsection 3, unnumbered paragraph 1 amended

Subsection 3, paragraph d amended

Subsection 4 amended

### **123.31B Authority under special class “B” retail native wine license.**

1. A person holding a special class “B” retail native wine license may sell native wine only at retail for consumption off the premises. Native wine shall be sold for consumption off the premises in original containers.



2. A special class “B” retail native wine licensee having more than one place of business where wine is sold shall obtain a separate license for each place of business.

[2022 Acts, ch 1099, §4, 6](#)

**123.31C Authority under special class “C” retail native wine license.**

1. A person holding a special class “C” retail native wine license may sell beer and native wine only at retail for consumption on or off the premises. Sales of beer and native wine for consumption off the premises made pursuant to [this section](#) shall be made in original containers except as provided in [subsection 5](#).

2. A special class “C” retail native wine licensee having more than one place of business where wine is sold and served shall obtain a separate permit for each place of business.

3. A person holding a special class “C” retail native wine license may purchase wine for resale only from a native winery holding a class “A” wine permit.

4. A person holding a special class “C” retail native wine license may purchase beer as follows:

a. From class “A” beer permittees.

b. From class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by [this subsection](#).

5. Subject to the rules of the department, sales made pursuant to [this section](#) may be made in a container other than the original container only if all of the following requirements are met:

a. The beer or native wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means.

b. The person transferring the beer or native wine from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the department that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer or native wine has been tampered with or the sealed container has otherwise been reopened.

6. A container of beer or native wine other than the original container that is sold and sealed in compliance with the requirements of [subsection 5](#) and the rules of the department shall not be deemed an open container subject to the requirements of [sections 321.284 and 321.284A](#) if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

[2023 Acts, ch 157, §5](#)

Referred to in [§123.30](#)

NEW section

**123.32 Action by local authorities and department on applications for retail alcohol licenses, native distilled spirits licenses, and wine and beer permits.**

1. *Filing of application.*

a. A completed application for a retail alcohol license as provided in [section 123.31](#), except a class “D” retail alcohol license, shall be filed with the appropriate city council if the premises for which the license is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license is sought are located outside the corporate limits of a city.

b. A completed application for a class “D” retail alcohol license and for any of the following certificates, licenses, or permits shall be submitted to the department electronically, or in a manner prescribed by the director, which shall proceed in the same manner as in the case of an application approved by local authorities:

(1) A certificate of compliance as provided in [sections 123.23, 123.135, and 123.180](#).

- (2) A class “D” retail alcohol license as provided in [section 123.31](#).
- (3) A manufacturer’s license as provided in [section 123.41](#).
- (4) A broker’s permit as provided in [section 123.42](#).
- (5) A class “A” native distilled spirits license as provided in [section 123.43](#).
- (6) A class “A” or special class “A” beer permit as provided in [section 123.127](#).
- (7) A charity beer, spirits, and wine special event license as provided in [section 123.173A](#).
- (8) A class “A” wine permit as provided in [section 123.175](#).
- (9) A wine direct shipper’s permit as provided in [section 123.187](#).
- (10) A wine carrier permit as provided in [section 123.188](#).

2. *Action by local authorities.* The local authority shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the department. There is no limit upon the number of retail alcohol licenses which may be approved for issuance by local authorities.

3. *Licensed premises for local events.* A local authority may define, by motion of the local authority, licensed premises which shall be used by holders of retail alcohol licenses at festivals, fairs, or celebrations which are sponsored or authorized by the local authority. The licensed premises defined by motion of the local authority shall be used by the holders of five-day or fourteen-day class “C”, special class “C”, class “D”, or class “F” retail alcohol licenses.

4. *Security employee training.* A local authority, as a condition of obtaining and holding a license for on-premises consumption, may require a designated security employee as defined in [section 123.3](#) to be trained and certified in security methods. The training shall include but is not limited to de-escalation techniques, anger management techniques, civil rights or unfair practices awareness as provided in [section 216.7](#), recognition of fake or altered identification, information on laws applicable to the serving of alcohol at a licensed premises, use of force and techniques for safely removing patrons, and instruction on the proper physical restraint methods used against a person who has become combative.

5. *Occupancy rates.* A local authority located in a county with a population that exceeds three hundred thousand persons, as a condition of obtaining and holding a license for on-premises consumption, shall require the applicant or licensee to provide, and update if necessary, the occupancy rate of the licensed premises.

6. *Action by director.*

a. Upon receipt of an application having been disapproved by the local authority, the director shall notify the applicant that the applicant may appeal the disapproval of the application to the director. The applicant shall be notified by certified mail or personal service, and the application, the fee, and any bond shall be returned to the applicant.

b. Upon receipt of an application having been approved by the local authority, the department shall make an investigation as the director deems necessary to determine that the applicant complies with all requirements for holding a license, and may require the applicant to appear to be examined under oath to demonstrate that the applicant complies with all of the requirements to hold a license. If the director requires the applicant to appear and to testify under oath, a record shall be made of all testimony or evidence and the record shall become a part of the application. The director may appoint a member of the department or may request an administrative law judge of the department of inspections, appeals, and licensing to receive the testimony under oath and evidence, and to issue a proposed decision to approve or disapprove the application for a license. The director may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license. If the application is approved by the director, the license shall be issued. If the application is disapproved by the director, the applicant shall be so notified by certified mail or personal service and the appropriate local authority shall be notified electronically, or in a manner prescribed by the director.

7. *Appeal to director.* An applicant for a retail alcohol license may appeal from the local authority’s disapproval of an application for a license to the director. In the appeal the applicant shall be allowed the opportunity to demonstrate in an evidentiary hearing conducted pursuant to [chapter 17A](#) that the applicant complies with all of the requirements

for holding the license. The director may appoint a member of the department or may request an administrative law judge from the department of inspections, appeals, and licensing to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license. The director may affirm, reverse, or modify the proposed decision. If the director determines that the applicant complies with all of the requirements for holding a license, the director shall order the issuance of the license. If the director determines that the applicant does not comply with the requirements for holding a license, the director shall disapprove the issuance of the license.

8. *Judicial review.* The applicant or the local authority may seek judicial review of the action of the director in accordance with the terms of the Iowa administrative procedure Act, [chapter 17A](#). Notwithstanding the terms of the Iowa administrative procedure Act, [chapter 17A](#), petitions for judicial review may be filed in the district court of the county where the premises covered by the application are situated.

9. *Suspension by local authority.* A retail alcohol licensee whose license has been suspended or revoked or a civil penalty imposed by a local authority for a violation of [this chapter](#) or suspended by a local authority for violation of a local ordinance may appeal the suspension, revocation, or civil penalty to the director. The director may appoint a member of the department or may request an administrative law judge from the department of inspections, appeals, and licensing to hear the appeal which shall be conducted in accordance with [chapter 17A](#) and to issue a proposed decision. The director may review the proposed decision upon the motion of a party to the appeal or upon the director's own motion in accordance with [chapter 17A](#). Upon review of the proposed decision, the director may affirm, reverse, or modify the proposed decision. A retail alcohol licensee or a local authority aggrieved by a decision of the director may seek judicial review of the decision pursuant to [chapter 17A](#).

[C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.32]

85 Acts, ch 32, §23; 86 Acts, ch 1246, §743; 88 Acts, ch 1088, §4; 89 Acts, ch 161, §7; 90 Acts, ch 1177, §1; 91 Acts, ch 97, §22; 93 Acts, ch 91, §10 – 12; 2000 Acts, ch 1201, §3; 2003 Acts, ch 44, §114; 2003 Acts, ch 143, §3, 17; 2005 Acts, ch 13, §2; 2008 Acts, ch 1166, §1; 2009 Acts, ch 137, §1; 2010 Acts, ch 1031, §83; 2013 Acts, ch 35, §4; 2016 Acts, ch 1008, §4; 2017 Acts, ch 119, §7, 41; 2018 Acts, ch 1060, §13; 2019 Acts, ch 113, §15; 2020 Acts, ch 1114, §1; 2022 Acts, ch 1099, §28, 88; 2023 Acts, ch 19, §1876, 1877, 2388, 2389; 2023 Acts, ch 66, §24

Referred to in [§123.39](#), [331.303](#)

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsection 1, paragraph b, unnumbered paragraph 1 amended

Subsections 2, 6, 7, 8, and 9 amended

### 123.33 Records.

Every holder of a license or permit under [this chapter](#) shall maintain records, in printed or electronic format, which include income statements, balance sheets, purchase and sales invoices, purchase and sales ledgers, and any other records as the director may require. The records required and the premises of the licensee or permittee shall be accessible and open to inspection pursuant to [section 123.30, subsection 1](#), during normal business hours of the licensee or permittee.

[C35, §1921-f22; C39, §1921.022; C46, 50, 54, 58, 62, 66, 71, §123.22; C73, 75, 77, 79, 81, §123.33]

85 Acts, ch 196, §2; 88 Acts, ch 1241, §8; 2013 Acts, ch 35, §5; 2017 Acts, ch 119, §8; 2018 Acts, ch 1060, §14; 2023 Acts, ch 19, §2390

Section amended

### 123.34 Seasonal, fourteen-day, and five-day licenses — fees.

1. a. The director may issue eight-month seasonal class “C”, special class “C”, class “D”, and class “F” retail alcohol licenses.

b. The fee for an eight-month seasonal license issued pursuant to [this subsection](#) shall be fifty percent of the license fee for that class of license.

2. a. The director may issue fourteen-day class “C”, special class “C”, class “D”, and class “F” retail alcohol licenses.

b. A fourteen-day retail alcohol license, if granted, is valid for fourteen consecutive days.

c. The fee for a fourteen-day retail alcohol license is one-quarter of the annual fee for that class of retail alcohol license.

3. a. The director may issue five-day class “C”, special class “C”, class “D”, and class “F” retail alcohol licenses.

b. A five-day retail alcohol license is valid for five consecutive days.

c. The fee for the five-day retail alcohol license is one-eighth of the annual fee for that class of license.

4. A refund of fees paid shall not be made for seasonal licenses, or for fourteen-day or five-day retail alcohol licenses. In addition, a seasonal, fourteen-day, or five-day license shall not be renewed.

[C35, §1921-f27, 1921-f100; C39, §1921.027, 1921.100; C46, 50, 54, 58, 62, 66, 71, §123.27, 124.6; C73, 75, 77, 79, 81, §123.34; 81 Acts, ch 55, §2]

85 Acts, ch 32, §24; 86 Acts, ch 1237, §7; 90 Acts, ch 1177, §2, 3; 91 Acts, ch 97, §23; 2016 Acts, ch 1008, §5; 2017 Acts, ch 119, §9; 2018 Acts, ch 1060, §15; 2019 Acts, ch 113, §16; 2022 Acts, ch 1099, §29, 88; 2023 Acts, ch 19, §2391 – 2393; 2023 Acts, ch 66, §25

Subsection 1, paragraph a amended

Subsection 2, paragraph a amended

Subsection 3, paragraphs a and c amended

### 123.35 Expiration of licenses, permits, and certificates of compliance — automatic renewals.

1. Except as otherwise provided by [this chapter](#), all licenses, permits, and certificates of compliance, unless sooner suspended or revoked, expire one year from date of issuance.

2. Notwithstanding [section 123.31](#) and any other provision of [this chapter](#) to the contrary, a class “E” retail alcohol license shall automatically renew without the endorsement of a local authority or approval by the director upon collection of the annual fee by the department, provided all of the following conditions are met since the preceding license was issued:

a. The licensee has given written consent to the department to have the license automatically renewed as provided in [this section](#).

b. The license has not been suspended or revoked.

c. A civil penalty has not been imposed against the licensee.

d. An administrative proceeding is not pending against the licensee to suspend or revoke the license or to impose a civil penalty under [this chapter](#).

e. The licensee has not submitted payment for alcoholic liquor to the department that was subsequently dishonored.

f. The licensee and all persons associated with the licensee as described in [section 123.3, subsection 40](#), paragraph “e”, have not been convicted of a violation of [this chapter](#).

g. The licensed premises constitutes a safe and proper place or building and conforms with all applicable federal, state, and local laws, orders, ordinances, rules, resolutions, and health and fire regulations.

h. A local authority has not notified the department, in a manner established by the department and made available to local authorities, that automatic renewal should not occur and that further review of the licensee by the department and the applicable local authority is warranted.

3. Notwithstanding [sections 123.23](#), [123.135](#), [123.180](#), and any other provision of [this chapter](#) to the contrary, a distiller’s, brewer’s, or vintner’s certificate of compliance shall automatically renew without approval by the director upon collection of the annual fee by the department, provided all of the following conditions are met since the preceding certificate was issued:

a. The certificate holder has given written consent to the department to have the certificate automatically renewed as provided in [this section](#).

b. The certificate has not been suspended or revoked.

c. A civil penalty has not been imposed against the certificate holder.

d. An administrative proceeding is not pending against the certificate holder to suspend or revoke the certificate or to impose a civil penalty under [this chapter](#).

e. The certificate holder and all persons associated with the certificate holder as described in [section 123.3, subsection 40](#), paragraph “e”, have not been convicted of a violation of [this chapter](#).

4. Notwithstanding [section 123.187](#) and any other provision of [this chapter](#) to the contrary, a wine direct shipper’s permit shall automatically renew without approval by the director upon collection of the annual fee by the department, provided all of the following conditions are met since the preceding permit was issued:

a. The permittee has given written consent to the department to have the permit automatically renewed as provided in [this section](#).

b. The permit has not been suspended or revoked.

c. A civil penalty has not been imposed against the permittee.

d. An administrative proceeding is not pending against the permittee to suspend or revoke the permit or to impose a civil penalty under [this chapter](#).

e. The permittee has filed all required reports and remitted all wine gallonage tax owed pursuant to [section 123.183](#).

f. The permittee and all persons associated with the permittee as described in [section 123.3, subsection 40](#), paragraph “e”, have not been convicted of a violation of [this chapter](#).

[2022 Acts, ch 1099, §30, 88; 2023 Acts, ch 19, §2394 – 2399](#)

Subsection 2, unnumbered paragraph 1 amended

Subsection 2, paragraphs a, e, and h amended

Subsection 3, unnumbered paragraph 1 amended

Subsection 3, paragraph a amended

Subsection 4, unnumbered paragraph 1 amended

Subsection 4, paragraph a amended

### **123.36 Retail alcohol license fees.**

1. The following fees shall be paid to the department annually for retail alcohol licenses issued under [section 123.30](#):

a. Class “B” retail alcohol license fees shall be determined as follows:

(1) For premises located within the corporate limits of a city with a population of two thousand five hundred or less, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, seventy-five dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, one hundred fifty dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, two hundred fifty dollars.

(d) For a premises with a square footage over five thousand, three hundred fifty dollars.

(2) For premises located within the corporate limits of a city with a population of more than two thousand five hundred but less than fifteen thousand, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, one hundred fifty dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, two hundred fifty dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, three hundred fifty dollars.

(d) For a premises with a square footage over five thousand, five hundred dollars.

(3) For premises located within the corporate limits of a city with a population of fifteen thousand or more, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, two hundred fifty dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, three hundred fifty dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, five hundred dollars.

(d) For a premises with a square footage over five thousand, seven hundred fifty dollars.

(4) For premises located outside the corporate limits of any city, a fee equal to that charged to a premises with the same square footage in the incorporated city located nearest the premises to be licensed. If there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if the premises is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

b. Special class “B” retail native wine license fees shall be one hundred twenty-five dollars.

c. Class “C” retail alcohol license fees shall be determined as follows:

(1) Commercial establishments located within the corporate limits of cities of two thousand five hundred population or less, five hundred fifty dollars.

(2) Commercial establishments located within the corporate limits of cities of over two thousand five hundred and less than fifteen thousand population, nine hundred dollars.

(3) Commercial establishments located within the corporate limits of cities of fifteen thousand population and over, one thousand two hundred fifty dollars.

(4) Commercial establishments located outside the corporate limits of any city, a fee equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if a commercial establishment is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

d. Special class “C” retail alcohol license fees shall be determined as follows:

(1) Commercial establishments located within the corporate limits of cities of two thousand five hundred population or less, one hundred fifty dollars.

(2) Commercial establishments located within the corporate limits of cities of over two thousand five hundred and less than fifteen thousand population, three hundred dollars.

(3) Commercial establishments located within the corporate limits of cities of fifteen thousand population and over, four hundred fifty dollars.

(4) Commercial establishments located outside the corporate limits of any city, a fee equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if a commercial establishment is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

e. Special class “C” retail native wine license fees shall be one hundred twenty-five dollars.

f. Class “D” retail alcohol license fees shall be determined as follows:

(1) For watercraft, one hundred fifty dollars.

(2) For trains, five hundred dollars.

(3) For air common carriers, each company shall pay five hundred dollars.

g. Class “E” retail alcohol license fees shall be determined as follows:

(1) For premises located within the corporate limits of a city with a population of two thousand five hundred or less, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, seven hundred fifty dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, one thousand five hundred dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, two thousand five hundred dollars.

(d) For a premises with a square footage over five thousand, three thousand five hundred dollars.

(2) For premises located within the corporate limits of a city with a population of more than two thousand five hundred but less than fifteen thousand, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, one thousand five hundred dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, two thousand five hundred dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, three thousand five hundred dollars.

(d) For a premises with a square footage over five thousand, five thousand dollars.

(3) For premises located within the corporate limits of a city with a population of fifteen thousand or more, a fee determined as follows:

(a) For a premises with a square footage of one thousand five hundred or less, two thousand five hundred dollars.

(b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, three thousand five hundred dollars.

(c) For a premises with a square footage of more than two thousand but not more than five thousand, five thousand dollars.

(d) For a premises with a square footage over five thousand, seven thousand five hundred dollars.

(4) For premises located outside the corporate limits of any city, a fee equal to that charged to a premises with the same square footage in the incorporated city located nearest the premises to be licensed. If there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if the premises is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city.

h. Class “F” retail alcohol license fees shall be six hundred dollars, except that for class “F” licenses in cities of less than two thousand population, and for clubs of less than two hundred fifty members, the license fee shall be four hundred dollars; however, the fee shall be two hundred dollars for any club which is a post, branch, or chapter of a veterans organization chartered by the Congress of the United States, if the club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than a total of fifty-two days in a year, and if the application for a license states that the club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than a total of fifty-two days in a year.

2. The department shall credit all fees to the beer and liquor control fund. The department shall remit to the appropriate local authority a sum equal to sixty-five percent of the fees collected for each class “B”, class “C”, or class “F” license except special class “C” licenses or class “E” licenses, covering premises located within the local authority’s jurisdiction. The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class “C” license covering premises located within the local authority’s jurisdiction. Those fees collected for each class “E” retail alcohol license shall be credited to the beer and liquor control fund.

3. There is imposed a surcharge on the fee for each class “C”, special class “C”, or class “F” retail alcohol license equal to thirty percent of the scheduled license fee. The surcharges collected under [this subsection](#) shall be deposited in the beer and liquor control fund, and notwithstanding [subsection 2](#), no portion of the surcharges collected under [this subsection](#) shall be remitted to the local authority.

[C35, §1921-f28; C39, §1921.028; C46, 50, 54, 58, 62, 66, 71, §123.38; C73, 75, 77, 79, 81, §123.36]

83 Acts, ch 123, §59, 209; 84 Acts, ch 1275, §2; 84 Acts, ch 1312, §6; 85 Acts, ch 32, §26 – 29; 86 Acts, ch 1246, §744; 87 Acts, ch 22, §7, 8; 88 Acts, ch 1241, §9 – 11; 90 Acts, ch 1089, §1; 90 Acts, ch 1175, §7; 91 Acts, ch 245, §1; 93 Acts, ch 91, §14; 94 Acts, ch 1023, §85; 2011 Acts, ch 17, §8; 2017 Acts, ch 119, §42, 43; 2018 Acts, ch 1060, §16; 2019 Acts, ch 113, §17 – 19; 2020 Acts, ch 1063, §53; 2021 Acts, ch 155, §3; 2022 Acts, ch 1099, §8, 15; 2023 Acts, ch 19, §2400, 2401; 2023 Acts, ch 157, §6

Referred to in §331.427

Subsection 1, unnumbered paragraph 1 amended

Subsection 1, NEW paragraph e and former paragraphs e – g redesignated as f – h

Subsection 2 amended

### 123.37 Exclusive power to license and levy taxes — disputed taxes.

1. The power to establish licenses and permits and levy taxes as imposed in [this chapter](#) is vested exclusively with the state. Unless specifically provided, a local authority shall not

require the obtaining of a special license or permit for the sale of alcoholic beverages at any establishment, or require the obtaining of a license by any person as a condition precedent to the person's employment in the sale, serving, or handling of alcoholic beverages within an establishment operating under a license or permit.

2. The director may compromise and settle doubtful and disputed claims for taxes imposed under [this chapter](#) or for taxes of doubtful collectibility, notwithstanding [section 7D.9](#). The director may enter into informal settlements pursuant to [section 17A.10](#) to compromise and settle doubtful and disputed claims for taxes imposed under [this chapter](#). The director may make a claim under a licensee's or permittee's penal bond for taxes of doubtful collectibility. Whenever a compromise or settlement is made, the director shall make a complete record of the case showing the tax assessed, reports and audits, if any, the licensee's or permittee's grounds for dispute or contest, together with all evidence of the dispute or contest, and the amounts, conditions, and settlement or compromise of the dispute or contest.

3. A licensee or permittee who disputes the amount of tax imposed must pay all tax and penalty pertaining to the disputed tax liability prior to appealing the disputed tax liability to the director.

4. The director shall adopt rules establishing procedures for payment of disputed taxes imposed under [this chapter](#). If it is determined that the tax is not due in whole or in part, the department shall promptly refund the part of the tax payment which is determined not to be due.

[C73, 75, 77, 79, 81, §123.37]

85 Acts, ch 32, §30; 88 Acts, ch 1153, §2; 89 Acts, ch 252, §1; 93 Acts, ch 91, §15; 94 Acts, ch 1023, §9; 2007 Acts, ch 22, §35; 2018 Acts, ch 1060, §17; 2023 Acts, ch 19, §2402

Subsections 2 – 4 amended

### **123.38 Nature of permit or license — surrender — transfer.**

1. A retail alcohol license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the director may in the director's discretion allow the executor or administrator of the estate of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it.

2. a. Any licensee or permittee, or the executor or administrator of the estate of a licensee or permittee, or any person duly appointed by the court to take charge of and administer the property or assets of the licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the department. When a license or permit is surrendered, the department shall notify the local authority, and the department or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the department or the local authority for the license or permit as follows:

(1) If a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee.

(2) If surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee.

(3) If surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee.

(4) No refund shall be made for any retail alcohol license, wine permit, or beer permit surrendered more than nine months after issuance.

b. For purposes of [this subsection](#), any portion of license or permit fees used for the purposes authorized in [section 331.424, subsection 1](#), paragraph "a", subparagraphs (1) and (2), shall not be deemed received either by the department or by a local authority.

c. No refund shall be made to any licensee or permittee upon the surrender of the license



or permit if there is at the time of surrender a complaint filed with the department or local authority charging the licensee or permittee with a violation of [this chapter](#).

d. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in [this section](#). However, if the license or permit is revoked or suspended upon hearing, the licensee or permittee is not eligible for the refund of any portion of the license or permit fee.

3. The local authority may in its discretion authorize a licensee or permittee to transfer the license or permit from one location to another within the same incorporated city, or within a county outside the corporate limits of a city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law. All transfers authorized, and the particulars of same, shall be reported to the director by the local authority. The director may by rule establish a uniform transfer fee to be assessed by all local authorities upon licensees or permittees to cover the administrative costs of such transfers, such fee to be retained by the local authority involved.

[C35, §1921-f29, -f100; C39, §1921.029, 1921.100; C46, 50, 54, 58, 62, 66, 71, §123.29, 124.6; C73, 75, 77, 79, 81, §123.38]

[85 Acts, ch 32, §31](#); [95 Acts, ch 206, §5, 12](#); [2010 Acts, ch 1061, §162](#); [2016 Acts, ch 1008, §6](#); [2018 Acts, ch 1041, §39](#); [2018 Acts, ch 1060, §18](#); [2019 Acts, ch 59, §42, 43](#); [2021 Acts, ch 177, §79, 108](#); [2022 Acts, ch 1099, §31, 32, 88](#); [2023 Acts, ch 19, §2403 – 2406](#)

Subsection 1 amended

Subsection 2, paragraph a, unnumbered paragraph 1 amended

Subsection 2, paragraphs b and c amended

Subsection 3 amended

### **123.38A Confidential investigative records.**

In order to assure a free flow of information for accomplishing the purposes of [section 123.4](#) and [section 123.9, subsection 6](#), all complaint information, investigation files, audit files, and inspection files, other investigation reports, and other investigative information in the possession of the department or employees acting under the authority of the director under [this chapter](#) are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release before administrative or criminal charges are filed. However, investigative information in the possession of department employees under [this chapter](#) may be disclosed to the licensing authorities of a city or county within this state, in another state, the District of Columbia, or territory or county in which the licensee or permittee is licensed or permitted or has applied for a license or permit. In addition, the investigative information can be shared with any law enforcement agency or other state agency that also has investigative, regulatory, or enforcement jurisdiction authorized by law. Records received by the department for purposes of [this chapter](#) from other agencies which would be confidential if created by the department are considered confidential.

[2019 Acts, ch 113, §20](#); [2023 Acts, ch 19, §2407](#)

Section amended

### **123.39 Suspension or revocation of license or permit — civil penalty.**

1. a. (1) The director or the local authority may suspend a class “B”, special class “B” native wine, class “C”, special class “C”, class “E”, or class “F” retail alcohol license, or charity beer, spirits, and wine special event license for a period not to exceed one year, revoke the license, or impose a civil penalty not to exceed one thousand dollars per violation.

(2) The director may suspend a certificate of compliance, a class “D” retail alcohol license, a manufacturer’s license, a broker’s permit, a class “A” native distilled spirits license, a class “A” or special class “A” beer permit, a class “A” wine permit, a wine direct shipper’s permit, or a wine carrier permit for a period not to exceed one year, revoke the license, permit, or certificate, or impose a civil penalty not to exceed one thousand dollars per violation.

b. A license, permit, or certificate of compliance issued under [this chapter](#) may be suspended or revoked, or a civil penalty may be imposed for any of the following causes:

(1) Misrepresentation of any material fact in the application for the license, permit, or certificate.

(2) Violation of any of the provisions of [this chapter](#).

(3) Any change in the ownership or interest in the business operated under a retail alcohol license which change was not previously reported in a manner prescribed by the director within thirty days of the change and subsequently approved by the local authority, when applicable, and the department.

(4) An event which would have resulted in disqualification from receiving the license, permit, or certificate when originally issued.

(5) Any sale, hypothecation, or transfer of the license, permit, or certificate.

(6) The failure or refusal on the part of any license, permit, or certificate holder to render any report or remit any taxes to the department under [this chapter](#) when due.

c. A criminal conviction is not a prerequisite to suspension, revocation, or imposition of a civil penalty pursuant to [this section](#).

d. A local authority which acts pursuant to [this section](#), [section 123.32](#), or [section 123.50](#) shall notify the department in writing of the action taken, and shall notify the license or permit holder of the right to appeal a suspension, revocation, or imposition of a civil penalty to the department.

e. Before suspension, revocation, or imposition of a civil penalty by the director, the license, permit, or certificate holder shall be given written notice and an opportunity for a hearing. The director may appoint a member of the department or may request an administrative law judge from the department of inspections, appeals, and licensing to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the director's own motion, the director may review the proposed decision in accordance with [chapter 17A](#). Upon review of the proposed decision, the director may affirm, reverse, or modify the proposed decision. A license, permit, or certificate holder aggrieved by a decision of the director may seek judicial review of the director's decision in accordance with [chapter 17A](#).

f. Civil penalties imposed and collected by the local authority under [this section](#) shall be retained by the local authority. Civil penalties imposed and collected by the department under [this section](#) shall be credited to the general fund of the state pursuant to [section 123.17, subsection 10](#).

2. Local authorities may suspend any retail alcohol license for a violation of any ordinance or regulation adopted by the local authority. Local authorities may adopt ordinances or regulations for the location of the premises of retail alcohol licensed establishments and local authorities may adopt ordinances, not in conflict with [this chapter](#) and that do not diminish the hours during which alcoholic beverages may be sold or consumed at retail, governing any other activities or matters which may affect the retail sale and consumption of alcoholic beverages and the health, welfare and morals of the community involved.

3. When a retail alcohol license is suspended after a hearing as a result of violations of [this chapter](#) by the licensee or the licensee's agents or employees, the premises which were licensed by the license shall not be relicensed for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days have elapsed since the commencement of the suspension, whichever occurs first. However, [this section](#) does not prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract had exercised the person's rights under [chapter 656](#) and sold the property to a different person who is not related to the previous licensee by marriage or within the third degree of consanguinity or affinity and if the previous licensee does not have a financial interest in the business of the new applicant.

4. If the cause for suspension is a first offense violation of [section 123.49, subsection 2](#),

paragraph “h”, the director or local authority shall impose a civil penalty in the amount of five hundred dollars in lieu of suspension of the license or permit.

[C35, §1921-f32, 1921-f126; C39, §1921.032, 1921.129; C46, 50, 54, 58, 62, §123.32, 124.34; C66, 71, §123.32, 123.102, 124.34; C73, 75, 77, 79, 81, §123.39]

85 Acts, ch 32, §32; 88 Acts, ch 1241, §12; 93 Acts, ch 91, §16, 17; 94 Acts, ch 1017, §2; 2000 Acts, ch 1154, §12; 2002 Acts, ch 1119, §128; 2018 Acts, ch 1060, §19 – 21; 2019 Acts, ch 113, §21, 22; 2022 Acts, ch 1099, §33 – 35, 88; 2023 Acts, ch 19, §1878, 2408; 2023 Acts, ch 66, §26

Referred to in §123.23, 123.24, 123.41, 123.42, 123.43, 123.46A, 123.50, 123.135, 123.173A, 123.180, 123.186, 123.187, 123.188

See Code editor’s note on simple harmonization at the beginning of this Code volume

Subsections 1, 3, and 4 amended

### 123.40 Effect of revocation.

Any retail alcohol licensee, wine permittee, or beer permittee whose license or permit is revoked under [this chapter](#) shall not thereafter be permitted to hold a retail alcohol license, wine permit, or beer permit in the state of Iowa for a period of two years from the date of revocation. A spouse or business associate holding ten percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a retail alcohol license, wine permit, or beer permit, and no retail alcohol license, wine permit, or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two years from the date of revocation. If a license or permit is revoked, the premises which had been covered by the license or permit shall not be relicensed for one year.

[C35, §1921-f32, 1921-f123; C39, §1921.032, 1921.125; C46, 50, 54, 58, 62, 66, 71, §123.32, 124.30; C73, 75, 77, 79, 81, §123.40]

85 Acts, ch 32, §33; 2022 Acts, ch 1099, §36, 88

Referred to in §123.3, 123.50, 123.56

### 123.41 Manufacturer’s license — alcoholic liquor.

1. Each completed application to obtain or renew a manufacturer’s license shall be submitted to the department electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of three hundred dollars payable to the department. The director may in accordance with [this chapter](#) grant and issue to a manufacturer a manufacturer’s license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the department and to customers outside of the state.

2. As a condition precedent to the approval and granting of a manufacturer’s license, an applicant shall file with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and a statement under oath that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer’s license from the department.

4. A person who holds a manufacturer’s license shall file with the department, on or before the fifteenth day of each calendar month, all documents filed by the manufacturer with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

5. Any violation of the requirements of [this chapter](#) or rules adopted pursuant to [this chapter](#) shall subject the license holder to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty, suspension of the license,

or revocation of the license after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#).

[C35, §1921-f36; C39, §1921.036; C46, 50, 54, 58, 62, 66, 71, §123.36; C73, 75, 77, 79, 81, §123.41]

2011 Acts, ch 30, §3; 2013 Acts, ch 35, §6; 2014 Acts, ch 1026, §26; 2018 Acts, ch 1060, §22; 2019 Acts, ch 113, §23 – 25; 2022 Acts, ch 1099, §9, 15; 2023 Acts, ch 19, §2409

Referred to in §123.32

Subsections 1 – 4 amended

### 123.42 Broker's permit.

1. Prior to representing or promoting alcoholic liquor products in the state, the broker shall submit a completed application to the department electronically, or in a manner prescribed by the director, for a broker's permit. The director may in accordance with [this chapter](#) issue a broker's permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of [this chapter](#).

2. At the time of applying for a broker's permit, each applicant shall submit to the department a list of names and addresses of all manufacturers, distillers, and importers whom the applicant has been appointed to represent in the state of Iowa for any purpose. The listing shall be amended by the broker as necessary to keep the listing current with the department.

3. A broker's permit is valid throughout the state, and a broker who represents more than one certificate or license holder is required to obtain only one broker's permit.

4. The annual fee for a broker's permit is twenty-five dollars.

5. An employee of a broker is not required to apply for or hold a broker's permit.

6. The holder of a distiller's certificate of compliance, a manufacturer's license, or a class "A" native distilled spirits license is not required to appoint a broker to represent its alcoholic liquor products in the state.

7. Any violation of the requirements of [this chapter](#) or the rules adopted pursuant to [this chapter](#) shall subject the permit holder to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty, suspension of the permit, or revocation of the permit after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#).

[C35, §1921-f37; C39, §1921.037; C46, 50, 54, 58, 62, 66, 71, §123.37; C73, 75, 77, 79, 81, §123.42]

94 Acts, ch 1017, §3; 2013 Acts, ch 35, §7; 2018 Acts, ch 1060, §23 – 25; 2019 Acts, ch 113, §26, 27; 2023 Acts, ch 19, §2410

Referred to in §123.32

Subsections 1 and 2 amended

### 123.43 Class "A" native distilled spirits license — application and issuance — fees.

1. A person applying for a class "A" native distilled spirits license shall submit an application electronically, or in a manner prescribed by the director, which shall set forth under oath the following:

a. The name and place of residence of the applicant.

b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.

c. The location of the premises where the applicant intends to operate.

d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.

e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the license, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.

f. Whether any person specified in paragraph "b" has ever been convicted of any offense

against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.

g. Any other information as required by the director.

2. Except as otherwise provided in [this chapter](#), the director shall issue a class “A” native distilled spirits license to any applicant who establishes all of the following:

a. That the applicant has submitted a completed application as required by [subsection 1](#).

b. That the applicant is a person of good moral character as provided in [section 123.3](#), [subsection 40](#).

c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.

d. That the applicant has filed with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor.

e. That the premises where the applicant intends to use the license conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building.

f. That the applicant gives consent to a person, pursuant to [section 123.30](#), [subsection 1](#), to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of [this chapter](#) or ordinances and regulations that local authorities may adopt.

3. A class “A” native distilled spirits license for a native distillery shall be issued and renewed annually upon payment of a fee of three hundred dollars.

4. A violation of the requirements of [this chapter](#) shall subject the licensee to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#).

[2017 Acts, ch 119, §44; 2018 Acts, ch 1060, §26; 2019 Acts, ch 113, §28; 2022 Acts, ch 1099, §10, 15; 2023 Acts, ch 19, §2411 – 2414](#)

Referred to in [§123.32](#), [123.43A](#)

Subsection 1, unnumbered paragraph 1 amended

Subsection 1, paragraphs e and g amended

Subsection 2, unnumbered paragraph 1 amended

Subsection 2, paragraph d amended

### **123.43A Native distilleries.**

1. Subject to rules of the department, a native distillery holding a class “A” native distilled spirits license issued pursuant to [section 123.43](#) may sell or offer for sale native distilled spirits. As provided in [this section](#), sales of native distilled spirits manufactured on the premises may be made at retail for off-premises consumption when sold on the premises of the native distillery that manufactures native distilled spirits. All sales intended for resale in this state shall be made through the state’s wholesale distribution system.

2. A native distillery shall not sell more than nine liters per person per day, of native distilled spirits on the premises of the native distillery. However, a native distillery shall not directly ship native distilled spirits for sale at retail. The native distillery shall maintain records of individual purchases of native distilled spirits at the native distillery for three years.

3. A native distillery shall not sell native distilled spirits other than as permitted in [this chapter](#) and shall not allow native distilled spirits sold for consumption off the premises to be consumed upon the premises of the native distillery. However, native distilled spirits may be tasted pursuant to the rules of the department on the premises where fermented, distilled, or matured, when no charge is made for the tasting.

4. The sale of native distilled spirits to the department for wholesale disposition and sale by the department shall be subject to the requirements of [this chapter](#) regarding such disposition and sale.

5. A native distillery issued a class “A” native distilled spirits license shall file with the department, on or before the fifteenth day of each calendar month, all documents filed by

the native distillery with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports.

6. Notwithstanding any provision of [this chapter](#) to the contrary or the fact that a person is the holder of a class “A” native distilled spirits license, a native distillery may be granted a class “C” retail alcohol license as defined in [section 123.30](#). A native distillery may be granted not more than two class “C” retail alcohol licenses. A manufacturer of native distilled spirits may be issued a class “C” retail alcohol license regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native wine pursuant to a class “A” wine permit.

7. A native distillery may sell the native distilled spirits it manufactures to customers outside the state.

2010 Acts, ch 1031, §84; 2010 Acts, ch 1193, §40; 2011 Acts, ch 17, §9; 2011 Acts, ch 30, §4; 2015 Acts, ch 53, §1; 2016 Acts, ch 1008, §7; 2017 Acts, ch 119, §45; 2019 Acts, ch 113, §29; 2019 Acts, ch 160, §1; 2020 Acts, ch 1114, §12, 16; 2021 Acts, ch 133, §1; 2022 Acts, ch 1099, §37, 38, 88; 2023 Acts, ch 19, §2415

Subsections 1, 3, 4, and 5 amended

#### **123.44 Gifts prohibited.**

A manufacturer or broker shall not give away alcoholic liquor at any time in connection with the manufacturer’s or broker’s business except for testing or sampling purposes only. A manufacturer, distiller, vintner, brewer, broker, wholesaler, or importer, organized as a corporation pursuant to the laws of this state or any other state, who deals in alcoholic beverages subject to regulation under [this chapter](#) shall not offer or give anything of value to a commission member, official or employee of the department under [this chapter](#), or directly or indirectly contribute in any manner any money or thing of value to a person seeking a public or appointive office or a recognized political party or a group of persons seeking to become a recognized political party.

[C35, §1921-f39; C39, §1921.039; C46, 50, 54, 58, 62, 66, 71, §123.39; C73, 75, 77, 79, 81, §123.44]

85 Acts, ch 32, §34; 94 Acts, ch 1017, §5; 2018 Acts, ch 1060, §27; 2023 Acts, ch 19, §2416

Section amended

#### **123.45 Limitations on business interests.**

1. Subject to such exceptions as otherwise authorized under [this chapter](#), a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, excluding an institutional investor, or any broker, employee, or agent of such a person, shall not do any of the following:

a. Directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages or food within the place of business of a licensee or permittee authorized under [this chapter](#) to sell at retail.

b. Directly or indirectly extend any credit for alcoholic beverages or beer or pay for any such license or permit.

c. Directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under [this chapter](#) to sell at retail, unless the licensee or permittee authorized under [this chapter](#) to sell at retail does not purchase or sell the alcoholic beverages of the person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages. However, the licensee or permittee authorized under [this chapter](#) to sell at retail may purchase and sell the wine of the person engaged in the business of manufacturing wine that is not native wine provided the licensed premises is the principal office, as defined in [section 490.140](#), of the person.

d. Hold a retail alcohol license unless the licensee holding a retail alcohol license does not purchase or sell the alcoholic beverages of the person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages. However, a person engaged in the business of manufacturing wine that is not native wine may purchase and sell the person’s wine under the authority of a special class “C” retail alcohol license and a class “B”

retail alcohol license provided the licensed premises is the principal office, as defined in [section 490.140](#), of the person.

2. Notwithstanding any provision of law to the contrary, a broker, employee, or agent of a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages may be a broker, employee, or agent of another person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages or a broker, employee, or agent of a business authorized under [this chapter](#) to sell alcoholic beverages at retail as long as the broker, employee, or agent is not an officer, owner, director, or employee in a position to exercise any control or influence over the types of sales or the purchasing of alcoholic beverages in either position of employment.

3. A person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, notwithstanding any other provision of [this chapter](#) or the fact that a person is the holder of a class “A” beer permit, 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, both as defined in [section 123.30](#), regardless of whether that person is also a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license or a manufacturer of native wine pursuant to a class “A” wine permit.

4. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of [this section](#) is guilty of a violation of [this section](#).

5. The exceptions established by [subsection 1](#) to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly, and shall not be construed to affect exceptions to the general prohibition against tied interests as otherwise authorized under [this chapter](#).

[C35, §1921-f40, 1921-f115; C39, §1921.040, 1921.117; C46, 50, 54, 58, 62, 66, 71, §123.40, 124.22; C73, 75, 77, 79, 81, §123.45; 81 Acts, ch 57, §1; 82 Acts, ch 1024, §2]

85 Acts, ch 32, §35; 88 Acts, ch 1241, §13; 91 Acts, ch 24, §1; 2015 Acts, ch 30, §42; 2019 Acts, ch 8, §2 – 4; 2019 Acts, ch 160, §2; 2020 Acts, ch 1063, §54, 55; 2021 Acts, ch 133, §2; 2022 Acts, ch 1099, §39, 40, 88; 2023 Acts, ch 157, §7

Referred to in [§123.130](#)

Subsection 3 amended

### **123.46 Consumption or intoxication in public places — notifications — chemical tests — expungement.**

1. As used in [this section](#) unless the context otherwise requires:

a. “Arrest” means the same as defined in [section 804.5](#) and includes taking into custody pursuant to [section 232.19](#).

b. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the commissioner of public safety.

c. “Peace officer” means the same as defined in [section 801.4](#).

2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place. A person violating [this subsection](#) is guilty of a simple misdemeanor.

3. A person shall not simulate intoxication in a public place. A person violating [this subsection](#) is guilty of a simple misdemeanor.

4. When a peace officer arrests a person on a charge of public intoxication under [this section](#), the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the commissioner of

public safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under [this subsection](#) is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

5. a. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates [this section](#) and refer the person to juvenile court.

b. A juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail.

6. Upon the expiration of two years following conviction for a violation of [this section](#) or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of [chapter 321](#) during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding [section 692.2](#), after receipt of notice from the clerk of the district court that a record of conviction has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files.

7. A person shall not be charged or prosecuted for a violation of [this section](#) if the person is immune from charge or prosecution pursuant to [section 701.12](#).

[C35, §1921-f42, 1921-f127; C39, §1921.042, 1921.132; C46, 50, 54, 58, 62, 66, 71, §123.42, 124.37; C73, 75, 77, 79, 81, §123.46]

85 Acts, ch 32, §36; 86 Acts, ch 1067, §1; 89 Acts, ch 225, §10; 92 Acts, ch 1231, §7; 2000 Acts, ch 1138, §1; 2010 Acts, ch 1044, §1, 2; 2010 Acts, ch 1071, §1; 2010 Acts, ch 1128, §1; 2011 Acts, ch 17, §10; 2016 Acts, ch 1058, §1; 2019 Acts, ch 140, §1; 2020 Acts, ch 1080, §1; 2022 Acts, ch 1099, §41, 88

Referred to in [§123.91](#), [125.34](#), [232.22](#), [232.52](#), [701.12](#), [901C.3](#)

#### **123.46A Delivery of alcoholic beverages by retailers.**

1. Licensees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home, another licensed premises if there is identical ownership of the premises by the licensee, or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's license. Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the retail alcohol license covering the premises to which the alcoholic beverages will be delivered. Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee who will receive the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee who fulfilled the order.

2. Licensees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the wine, beer, or mixed drinks or cocktails to a home or other designated location in this state only if the container other than the original container has been sold and securely sealed in compliance with [this chapter](#) or the rules of the department. Deliveries shall be limited to alcoholic beverages authorized by the licensee's license.

3. All deliveries of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be subject to the following requirements and restrictions:

a. Payment for the alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be received by the licensee at the time of order.



b. Orders for deliveries may be taken by the licensee between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week, notwithstanding any provision of [section 123.49, subsection 2](#), paragraph “b”, to the contrary.

c. Alcoholic liquor, wine, beer, or mixed drinks or cocktails delivered to a person shall be for personal use and not for resale.

d. Deliveries shall only be made to persons in this state who are twenty-one years of age or older.

e. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication.

f. Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Sunday on the same day the order for alcoholic liquor, wine, beer, or mixed drinks or cocktails is removed from the licensed premises.

g. Delivery of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be made by the licensee, the licensee’s employee, or a third party, provided the licensee has entered into a written agreement with the third party that authorizes the third party to act as an agent of the licensee for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. Each licensee shall submit to the department electronically, or in a manner prescribed by the director, a list of names and addresses of all third parties it has authorized to act as its agent for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. The licensee shall provide the department with amendments to the list as necessary to ensure the department possesses an accurate, current list.

h. Delivery personnel shall be twenty-one years of age or older.

i. Valid proof of the recipient’s identity and age shall be obtained at the time of delivery, and the signature of a person twenty-one years of age or older shall be obtained as a condition of delivery.

j. Licensees shall maintain records of deliveries which include the quantity delivered, the recipient’s name and address, and the signature of the recipient of the alcoholic liquor, wine, beer, or mixed drinks or cocktails. The records shall be maintained on the licensed premises for a period of three years.

4. A violation of [this section](#) or any other provision of [this chapter](#) shall subject the licensee to the penalty provisions of [section 123.39](#). If the licensee, an employee of the licensee, or a person delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails for a third party acting on behalf of the licensee pursuant to a written agreement violates [this section](#), the licensee shall not be assessed a penalty under [section 123.39](#) if the licensee establishes all of the following:

a. The violation was committed off of the licensee’s premises after the liquor, wine, beer, or mixed drinks or cocktails was removed from the licensee’s premises in fulfillment of a delivery order.

b. (1) If the person who committed the violation is an employee of the licensee, that no other violation of [this section](#) was committed by any employee of the licensee within the two-year period immediately preceding the date of violation.

(2) If the person who committed the violation is a person delivering for a third party acting on behalf of the licensee, that no other violation of [this section](#) was committed by any person delivering for the same third party while the third party was acting on behalf of the licensee within the two-year period immediately preceding the date of violation.

5. Nothing in [this section](#) shall impact the direct shipment of wine as regulated by [section 123.187](#).

2011 Acts, ch 30, §5; 2019 Acts, ch 113, §64 – 66, 68; 2021 Acts, ch 99, §1 – 3; 2021 Acts, ch 155, §4, 5; 2021 Acts, ch 174, §11, 12, 36; 2022 Acts, ch 1099, §42, 88; 2023 Acts, ch 19, §2417, 2418; 2023 Acts, ch 66, §27

Referred to in [§123.49](#), [123.187](#)

See Code editor’s note on simple harmonization at the beginning of this Code volume

Subsection 2 amended

Subsection 3, paragraph g amended

**123.47 Persons under eighteen years of age, persons eighteen, nineteen, or twenty years of age, and persons twenty-one years of age and older.**

1. A person shall not sell, give, or otherwise supply any alcoholic beverage to any person knowing or having reasonable cause to believe that person to be under legal age.

2. *a.* Except for the purposes described in [subsection 3](#), a person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic beverage.

*b.* A person who violates [this subsection](#) commits the following:

(1) For a first offense, a simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 8](#).

(2) For a second or subsequent offense, a simple misdemeanor punishable by a fine of five hundred dollars.

*c.* [This subsection](#) shall not apply to any of the following:

(1) A landlord or manager of the property.

(2) A person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

3. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment by a retail alcohol licensee, or wine or beer permittee under [this chapter](#).

4. *a.* A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates [this section](#) regarding the purchase of, attempt to purchase, or consumption of any alcoholic beverage, or possessing or having control of any alcoholic beverage, commits the following:

(1) A simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 7](#).

(2) A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of [this section](#) shall choose between either completing a substance use disorder evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

(3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

*b.* The court may, in its discretion, order the person who is under legal age to perform community service work under [section 909.3A](#), of an equivalent value to the fine imposed under [this section](#).

*c.* If the person who commits a violation of [this section](#) is under the age of eighteen, the matter shall be disposed of in the manner provided in [chapter 232](#).

5. Except as otherwise provided in [subsections 7 and 8](#), a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of [this section](#) commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.

6. A person shall not be charged or prosecuted for a violation of [subsection 3 or 4](#) if the person is immune from charge or prosecution pursuant to [section 701.12](#).

7. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of [this section](#) which results in serious injury to any person commits an aggravated misdemeanor.

8. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of [this section](#) which results in the death of any person commits a class "D" felony.

9. Upon the expiration of two years following conviction for a violation of [subsection 3](#) or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of [chapter 321](#) during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding [section 692.2](#), after receipt of notice from the clerk of the district court that a record of conviction has been expunged for a violation of [subsection 3](#), the record of conviction shall be removed from the criminal history data files maintained by the department of public safety. An expunged conviction shall not be considered a prior offense for purposes of enhancement under [subsection 4](#) or under a local ordinance unless the new violation occurred prior to entry of the order of expungement.

[C35, §1921-f43; C39, §1921.043; C46, 50, 54, 58, 62, §123.43; C66, 71, §123.43, 125.33; C73, 75, 77, 79, 81, §123.47]

85 Acts, ch 32, §37; 92 Acts, ch 1231, §8; 94 Acts, ch 1105, §1; 94 Acts, ch 1172, §2; 95 Acts, ch 191, §3; 97 Acts, ch 126, §2; 99 Acts, ch 153, §1; 2005 Acts, ch 105, §1; 2010 Acts, ch 1071, §2; 2010 Acts, ch 1128, §2; 2014 Acts, ch 1096, §1 – 3; 2014 Acts, ch 1141, §19; 2018 Acts, ch 1060, §28 – 33; 2020 Acts, ch 1080, §2; 2022 Acts, ch 1099, §43, 88; 2023 Acts, ch 19, §70

Referred to in §123.47B, 135B.34, 135C.33, 137C.25C, 232.2, 232.19, 232.22, 232.52, 321.216B, 321.284, 321.284A, 701.12, 805.8C(7), 805.8C(8), 901C.3

Subsection 4, paragraph a, subparagraph (2) amended

**123.47A Persons age eighteen, nineteen, and twenty — penalty.** Repealed by 97 Acts, ch 126, §54.

**123.47B Parental and school notification — persons under eighteen years of age.**

1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered consuming or to be in possession of alcoholic liquor, wine, or beer in violation of [section 123.47](#) and refer the person to juvenile court.

2. If a person under the age of eighteen is discovered consuming or to be in possession of alcoholic liquor, wine, or beer, but the person is immune from prosecution under [section 701.12](#), a peace officer shall make a reasonable effort to identify the person and notify a juvenile court officer of such person's consumption or possession.

3. The juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the consumption or possession. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first-class mail.

90 Acts, ch 1251, §4; 95 Acts, ch 191, §4; 97 Acts, ch 126, §3; 2010 Acts, ch 1128, §3; 2014 Acts, ch 1096, §4; 2020 Acts, ch 1080, §3

Referred to in §232.147

**123.48 Seizure of false or altered driver's license or nonoperator's identification card.**

1. If a retail alcohol licensee or an employee of the licensee has a reasonable belief based on factual evidence that a driver's license as defined in [section 321.1](#), [subsection 20A](#), or nonoperator's identification card issued pursuant to [section 321.190](#) offered by a person who wishes to purchase an alcoholic beverage at the licensed premises is altered or falsified or belongs to another person, the licensee or employee may retain the driver's license or nonoperator's identification card. Within twenty-four hours, the license or card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the licensed premises is located. When the license or card is delivered to the appropriate law enforcement agency, the licensee shall file a written report of the circumstances under which the license or card was retained. The local law enforcement agency may investigate whether a violation of [section 321.216](#), [321.216A](#), or [321.216B](#) has occurred. If an investigation is not initiated or a probable cause is not established by the local law enforcement agency, the driver's license or nonoperator's identification card

shall be delivered to the person to whom it was issued. The local law enforcement agency may forward the license or card with the report to the department of transportation for investigation, in which case, the department may investigate whether a violation of [section 321.216](#), [321.216A](#), or [321.216B](#) has occurred. The department of transportation shall return the license or card to the person to whom it was issued if an investigation is not initiated or a probable cause is not established.

2. Upon taking possession of a driver's license or nonoperator's identification card as provided in [subsection 1](#), a receipt for the license or card with the date and hour of seizure noted shall be provided to the person from whom the license or card was seized.

3. A retail alcohol licensee or an employee of the licensee is not subject to criminal prosecution for, or to civil liability for damages alleged to have resulted from, the retention and delivery of a driver's license or a nonoperator's identification card which is taken pursuant to [subsections 1 and 2](#). [This section](#) shall not be construed to relieve a licensee or employee of the licensee from civil liability for damages resulting from the use of unreasonable force in obtaining the altered or falsified driver's license or nonoperator's identification card or the driver's license or nonoperator's identification card believed to belong to another person.

[94 Acts, ch 1105, §3](#); [96 Acts, ch 1090, §1](#); [98 Acts, ch 1073, §9, 12](#); [2016 Acts, ch 1073, §32](#); [2022 Acts, ch 1099, §44, 88](#)

#### **123.49 Miscellaneous prohibitions.**

1. A person shall not sell, dispense, or give to an intoxicated person, or one simulating intoxication, any alcoholic beverage.

a. A person other than a person required to hold a license or permit under [this chapter](#) who dispenses or gives an alcoholic beverage in violation of [this subsection](#) is not civilly liable to an injured person or the estate of a person for injuries inflicted on that person as a result of intoxication by the consumer of the alcoholic beverage.

b. The general assembly declares that [this subsection](#) shall be interpreted so that the holding of *Clark v. Mincks*, 364 N.W.2d 226 (Iowa 1985) is abrogated in favor of prior judicial interpretation finding the consumption of alcoholic beverages rather than the serving of alcoholic beverages as the proximate cause of injury inflicted upon another by an intoxicated person.

2. A person holding a retail alcohol license under [this chapter](#), and the person's agents or employees, shall not do any of the following:

a. Knowingly permit any gambling, except in accordance with [chapter 99B](#), [99D](#), [99F](#), or [99G](#), or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license.

b. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

c. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center.

d. (1) Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the department, and except mixed drinks or cocktails mixed on the premises for immediate consumption on the licensed premises or as otherwise provided by this paragraph "d". This prohibition does not apply to holders of a class "D" retail alcohol license or to alcoholic liquor delivered in accordance with [section 123.46A](#).

(2) Mixed drinks or cocktails mixed on the premises that are not for immediate consumption may be consumed on the licensed premises subject to the requirements of this subparagraph pursuant to rules adopted by the department. The rules shall provide that the mixed drinks or cocktails be stored, for no longer than seventy-two hours, in a labeled container in a quantity that does not exceed three gallons. The rules shall also provide that added flavors and other nonbeverage ingredients included in the mixed drinks

or cocktails shall not include hallucinogenic substances or added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine. The rules shall also require that the licensee keep records as to when the contents in a particular container were mixed and the recipe used for that mixture. In addition, mixed drinks or cocktails mixed on the premises pursuant to this subparagraph may be sold for consumption off the licensed premises as provided in and subject to the requirements of subparagraph (3).

(3) Mixed drinks or cocktails mixed on premises covered by a class “C” retail alcohol license for consumption off the licensed premises may be sold if the mixed drink or cocktail is immediately filled in a sealed container and is promptly taken from the licensed premises prior to consumption of the mixed drink or cocktail. A mixed drink or cocktail that is sold in a sealed container in compliance with the requirements of this subparagraph and rules adopted by the department shall not be deemed an open container subject to the requirements of [sections 321.284](#) and [321.284A](#) if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

(4) For purposes of this paragraph:

(a) “*Sealed container*” means a vessel containing a mixed drink or cocktail that is designed to prevent consumption without removal of a tamper-evident lid, cap, or seal. “*Sealed container*” does not include a container with a sipping hole or other opening for a straw, a cup made of plastic that is intended for one-time use, or a cup made of paper or polystyrene foam.

(b) “*Tamper-evident*” means a lid, cap, or seal that visibly demonstrates when a container has been opened.

e. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been so reused or adulterated.

f. (1) Employ a person under eighteen years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(2) This paragraph shall not apply if the employer has on file written permission from the parent, guardian, or legal custodian of a person sixteen or seventeen years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person sixteen or seventeen years of age shall not work in a bar as defined in [section 142D.2](#). The employer shall keep a copy of the written permission on file until the person is either eighteen years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold. If written permission is on file in accordance with this paragraph, a person sixteen or seventeen years of age may sell or serve alcoholic beverages in a restaurant as defined in [section 142D.2](#) during the hours in which the restaurant serves food.

(3) A person sixteen or seventeen years of age shall not sell or serve alcoholic beverages under this paragraph unless at least two employees eighteen years of age or older are physically present in the area where alcoholic beverages are sold or served.

(4) If a person employed under this paragraph reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee’s parent, guardian, or legal custodian and to the Iowa civil rights commission, which shall determine if any action is necessary or appropriate under [chapter 216](#).

(5) An employer that employs a person under this paragraph shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

(6) Prior to a person commencing employment under this paragraph, the employer shall notify the employer’s dramshop liability insurer, in a form and time period prescribed by the director, that the employer is employing a person under this paragraph.

g. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as permitted in [section 123.95](#). This paragraph

does not apply to the lodging quarters of a hotel or motel holding a retail alcohol license, or to holders of a class “D” retail alcohol license.

*h.* Sell, give, or otherwise supply any alcoholic beverage to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage.

*i.* In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee’s place of business.

*j.* Knowingly permit or engage in any criminal activity on the premises covered by the license. However, the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted in violation of this paragraph “j”. For purposes of this paragraph “j”, “premises” includes parking lots and areas adjacent to the premises of a retail alcohol licensee authorized to sell alcoholic beverages for consumption on the licensed premises and used by patrons of the retail alcohol licensee.

*k.* Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

3. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any retail alcohol licensee. If any person under legal age misrepresents the person’s age, and the licensee establishes that the licensee made reasonable inquiry to determine whether the prospective purchaser was over legal age, the licensee is not guilty of selling alcoholic beverages to a person under legal age.

[C35, §1921-f46, 1921-f114, 1921-g3; C39, §1921.046, 1921.115, 1921.116; C46, 50, 54, 58, 62, 66, 71, §123.46, 124.20, 124.21; C73, 75, 77, 79, 81, §123.49]

84 Acts, ch 1275, §3; 85 Acts, ch 32, §38 – 42; 86 Acts, ch 1002, §5; 86 Acts, ch 1211, §11; 89 Acts, ch 67, §26; 90 Acts, ch 1175, §8; 91 Acts, ch 245, §2, 3; 94 Acts, ch 1172, §4; 97 Acts, ch 126, §4; 2003 Acts, ch 178, §108, 121; 2003 Acts, ch 179, §142; 2004 Acts, ch 1155, §1; 2006 Acts, ch 1033, §1; 2010 Acts, ch 1128, §4; 2012 Acts, ch 1138, §22; 2017 Acts, ch 119, §10, 11; 2018 Acts, ch 1060, §34 – 36; 2019 Acts, ch 113, §30, 31, 67, 68; 2020 Acts, ch 1114, §13, 16; 2021 Acts, ch 155, §6 – 8; 2022 Acts, ch 1099, §45 – 50, 88; 2023 Acts, ch 19, §2419; 2023 Acts, ch 44, §1, 2; 2023 Acts, ch 64, §106; 2023 Acts, ch 66, §28; 2023 Acts, ch 92, §21

Referred to in §123.3, 123.30, 123.39, 123.46A, 123.50, 123.50A, 123.92, 602.6405, 805.8C(2)

Civil liability for dispensing or sale and service to intoxicated persons; see §123.92

For scheduled fines applicable to violations of subsection 2, paragraph h, see §805.8C(2)

Subsection 2, paragraphs a, d, and f amended

### 123.50 Criminal and civil penalties.

1. Any person who violates any of the provisions of [section 123.49](#), except [section 123.49, subsection 2](#), paragraph “h”, or who fails to affix upon sale, defaces, or fails to record a keg identification label or produce a record of keg identification labels pursuant to [section 123.138](#), shall be guilty of a simple misdemeanor. A person who violates [section 123.49, subsection 2](#), paragraph “h”, commits a simple misdemeanor punishable as a scheduled violation under [section 805.8C, subsection 2](#).

2. The conviction of any retail alcohol licensee for a violation of any of the provisions of [section 123.49](#), subject to [subsection 3](#) of [this section](#), is grounds for the suspension or revocation of the license by the department or the local authority. However, if any retail alcohol licensee is convicted of any violation of [section 123.49, subsection 2](#), paragraph “a” or “e”, or any retail alcohol licensee, excluding a special class “B” or class “D” retail alcohol licensee, is convicted of a violation of [section 123.49, subsection 2](#), paragraph “d”, the retail alcohol license shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license holder shall be forfeited to the department. However, the department shall retain only that portion of the bond equal to the amount the department determines the license holder owes the department.

3. If any retail alcohol licensee or employee of a licensee is convicted or found in violation

of [section 123.49, subsection 2](#), paragraph “h”, the director or local authority shall, in addition to criminal penalties fixed for violations by [this section](#), assess a civil penalty as follows:

a. A first violation shall subject the licensee to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under [section 123.39](#) shall result in automatic suspension of the license for a period of fourteen days.

b. A second violation within two years shall subject the licensee to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

c. A third violation within three years shall subject the licensee to a sixty-day suspension and a civil penalty in the amount of one thousand five hundred dollars.

d. A fourth violation within three years shall result in revocation of the license.

e. For purposes of [this subsection](#):

(1) The date of any violation shall be used in determining the period between violations.

(2) Suspension shall be limited to the specific license for the premises found in violation.

(3) Notwithstanding [section 123.40](#), revocation shall be limited to the specific license found in violation and shall not disqualify a licensee from holding a license at a separate location.

4. In addition to any other penalties imposed under [this chapter](#), the department shall assess a civil penalty up to the amount of five thousand dollars upon a class “E” retail alcohol licensee when the class “E” retail alcohol license is revoked for a violation of [section 123.59](#). Failure to pay the civil penalty as required under [this subsection](#) shall result in forfeiture of the bond to the department. However, the department shall retain only that portion of the bond equal to the amount the department determines the license holder owes the department.

5. If an employee of a retail alcohol licensee violates [section 123.49, subsection 2](#), paragraph “h”, the licensee shall not be assessed a penalty under [subsection 3](#), and the violation shall be deemed not to be a violation of [section 123.49, subsection 2](#), paragraph “h”, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to [subsection 3](#), if the employee holds a valid certificate of completion of the alcohol compliance employee training program pursuant to [section 123.50A](#) at the time of the violation, and if the violation involves selling, giving, or otherwise supplying any alcoholic beverage to a person between the ages of eighteen and twenty years of age. A violation involving a person under the age of eighteen years of age shall not qualify for the bar against assessment of a penalty pursuant to [subsection 3](#), for a violation of [section 123.49, subsection 2](#), paragraph “h”. A licensee may assert only once in a four-year period the bar under [this subsection](#) against assessment of a penalty pursuant to [subsection 3](#), for a violation of [section 123.49, subsection 2](#), paragraph “h”, that takes place at the same place of business location.

[C35, §1921-f46, 1921-f127; C39, §1921.046, 1921.132; C46, 50, 54, 58, 62, 66, 71, §123.46, 124.37; C73, 75, 77, 79, 81, §123.50]

84 Acts, ch 1275, §4; 84 Acts, ch 1292, §1; 85 Acts, ch 32, §43; 86 Acts, ch 1246, §745; 88 Acts, ch 1088, §6; 88 Acts, ch 1241, §14; 89 Acts, ch 252, §2; 93 Acts, ch 91, §18; 94 Acts, ch 1172, §5; 97 Acts, ch 126, §5, 6; 98 Acts, ch 1204, §1, 2; 2001 Acts, ch 137, §5; 2004 Acts, ch 1008, §1; 2007 Acts, ch 46, §1; 2011 Acts, ch 30, §6; 2013 Acts, ch 30, §23; 2014 Acts, ch 1026, §27; 2018 Acts, ch 1060, §37 – 39; 2019 Acts, ch 113, §32; 2022 Acts, ch 1099, §51, 52, 88; 2023 Acts, ch 19, §2420 – 2422; 2023 Acts, ch 66, §29 – 32

Referred to in §99B.3, 99B.55, 123.39, 123.141

License suspension upon revocation of gambling license or amusement device registration; §99B.3 and §99B.55

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsections 2 – 4 amended

### **123.50A Alcohol compliance employee training program.**

1. If sufficient funding is appropriated, the department shall develop an alcohol compliance employee training program, not to exceed two hours in length for employees and prospective employees of licensees and permittees, to inform the employees about state laws and regulations regarding the sale of alcoholic beverages to persons under legal age, and compliance with and the importance of laws regarding the sale of alcoholic beverages to persons under legal age. In developing the alcohol compliance employee training program, the department may consult with stakeholders who have expertise in the laws and regulations regarding the sale of alcoholic beverages to persons under legal age.

2. The alcohol compliance employee training program shall be made available to employees and prospective employees of licensees and permittees at no cost to the employee, the prospective employee, or the licensee or permittee, and in a manner which is as convenient and accessible to the extent practicable throughout the state so as to encourage attendance. Contingent upon the availability of specified funds for provision of the program, the department shall schedule the program on at least a monthly basis and the program shall be available at a location in at least a majority of counties.

3. Upon completion of the alcohol compliance employee training program, an employee or prospective employee shall receive a certificate of completion, which shall be valid for a period of two years, unless the employee or prospective employee is convicted of a violation of [section 123.49, subsection 2](#), paragraph “h”, in which case the certificate shall be void.

4. The department shall also offer periodic continuing employee training and recertification for employees who have completed initial training and received an initial certificate of completion as part of the alcohol compliance employee training program.

[2011 Acts, ch 30, §7](#); [2018 Acts, ch 1060, §40](#); [2023 Acts, ch 19, §2423](#)

Referred to in [§123.50](#)

Subsections 1, 2, and 4 amended

### **123.51 Advertisements for alcoholic liquor, wine, or beer.**

1. No signs or other matter advertising any brand of alcoholic liquor, beer, or wine shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer, or wine at retail. However, signs or other advertising matter may be erected or placed inside the premises, inside a fence or similar enclosure which wholly or partially surrounds the premises, or inside a window facing outward from the premises.

2. Violation of [this section](#) is a simple misdemeanor.

[C35, §1921-f47; C39, [§1921.047](#); C46, 50, 54, 58, 62, 66, 71, §123.47; C73, 75, 77, 79, 81, §123.51]

[85 Acts, ch 32, §44](#); [86 Acts, ch 1246, §746](#); [87 Acts, ch 22, §9](#); [2017 Acts, ch 119, §12](#)

### **123.52 Prohibited sale.**

No person not expressly authorized by [this chapter](#) to deal in alcoholic liquors shall within the state keep for sale or offer for sale anything which is capable of being mistaken for a package containing alcoholic liquor and is either labeled or branded with the name of any kind of alcoholic liquor, whether the same contains any alcoholic liquor or not.

[C35, §1921-f48; C39, [§1921.048](#); C46, 50, 54, 58, 62, 66, 71, §123.48; C73, 75, 77, 79, 81, §123.52]

**123.53 Beer and liquor control fund — allocations to substance abuse — use of civil penalties.** Transferred to [§123.17](#); [2015 Acts, ch 30, §204](#).

**123.54 Appropriations.** Transferred to [§123.18](#); [2015 Acts, ch 30, §204](#).

**123.55 Annual report.** Transferred to [§123.16](#); [2015 Acts, ch 30, §204](#).

### **123.56 Public safety nuisances — procedure.**

1. A public safety nuisance exists at a licensed premises for purposes of [this section](#) when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of the licensed premises commits any of the following acts on the licensed premises or in any parking lots or areas, including but not limited to public rights of way, adjacent to the licensed premises:

a. Unlawfully discharges a firearm or uses an offensive weapon, as defined in [section 724.1](#), regardless of whether it inflicts injury or death.

b. Assaults another person with a dangerous weapon as defined in [section 702.7](#) resulting in injury or death.

c. Engages in a riot as defined in [section 723.1](#) on at least three separate days within any twelve-month period in which a peace officer responded for purposes of dispersing the



participants in the riot. A person who willingly joins in or remains a part of a riot need not be the same person for each riot incident.

2. If the county attorney or city attorney for the county or city where the licensed premises is located has reason to believe a public safety nuisance that constitutes a serious threat to the public safety exists, the county attorney or city attorney, or an attorney acting at the direction of the county attorney or city attorney, may file a suit in equity in district court without bond seeking abatement of a public safety nuisance occurring at a premises licensed under [this chapter](#) pursuant to the requirements of [this section](#).

3. Upon filing a suit in equity in district court pursuant to [subsection 2](#), the county attorney or city attorney shall notify the director of the action. Upon receiving notice, the director shall issue an order reducing the hours during which alcoholic beverages may be sold or consumed at retail on the licensed premises to between 6:00 a.m. and 10:00 p.m. each day of the week during the pendency of the action in equity. The county attorney or city attorney shall notify the director of any final action or judgment entered resulting from the action.

4. In an action seeking abatement of a public safety nuisance as provided in [this section](#), evidence of other current violations of [this chapter](#) may be received by the court and considered in determining the remedial provisions of any abatement order. In addition, evidence of prior sanctions, violations of law, nuisance behavior, or general reputation relating to the licensed premises may be admissible in determining the reasonableness of remedial provisions of an abatement order. However, evidence of a prior conviction of the licensee, managers, employees, or contemporaneous patrons and guests is not necessary for purposes of considering or issuing an abatement order under [this section](#). In an action under [this section](#), the director may submit to the court a report as evidence on behalf of the department regarding the compliance history of the licensee or permittee for consideration by the court.

5. If the district court finds that a public safety nuisance exists, the court may enter judgment declaring the existence of the nuisance and order such remedial action as the court determines reasonable to abate the nuisance. The abatement order may take the form of an injunction. The duration of an abatement order may be up to two years. Remedial action may include but is not limited to temporary closure of the licensed premises, revocation of the license for such period of time as is consistent with [section 123.40](#), required change in business practice or operations, or posting of a bond. If a bond is ordered and posted, the bond shall be subject to forfeiture, in whole or in part, for any further actions contrary to the abatement order.

6. For purposes of [this section](#), “*licensed premises*” means a premises where alcoholic beverages are authorized to be sold for consumption on the licensed premises and where the serving of food is only incidental to the consumption of alcoholic beverages on the premises.

[2022 Acts, ch 1100, §1](#); [2023 Acts, ch 19, §2424](#); [2023 Acts, ch 66, §33](#)

Subsections 2 – 4 amended

### **123.57 Examination of accounts.**

The financial condition and transactions of all offices, departments, warehouses, and depots concerning the alcohol beverage control activities of the department shall be examined at least once each year by the state auditor and at shorter periods if requested by the director, governor, commission, or the general assembly’s standing committees on government oversight.

[C35, §1921-f57; C39, §1921.057; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.57]

[86 Acts, ch 1246, §749](#); [2011 Acts, ch 30, §9](#); [2023 Acts, ch 19, §2425](#)

Section amended

### **123.58 Auditing.**

All provisions of [sections 11.6, 11.11, 11.14, 11.21, 11.31, and 11.41](#), relating to auditing of financial records of governmental subdivisions which are not inconsistent with [this chapter](#) are applicable to the department and its offices, warehouses, and depots under [this chapter](#).

[C35, §1921-f58; C39, §1921.058; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.58]

[86 Acts, ch 1246, §750](#); [89 Acts, ch 264, §4](#); [2011 Acts, ch 75, §34](#); [2023 Acts, ch 19, §2426](#)

Section amended

**123.59 Bootlegging — penalties.**

1. Any person who, acting individually, or through another acting for the person, keeps or carries on the person, or in a vehicle, or leaves in a place for another to secure, any alcoholic liquor, wine, or beer, with intent to sell or dispense the liquor, wine, or beer, in violation of law, or who, within this state, in any manner, directly or indirectly, solicits, takes, or accepts an order for the purchase, sale, shipment, or delivery of alcoholic liquor, wine, or beer in violation of law, or aids in the delivery and distribution of alcoholic liquor, wine, or beer so ordered or shipped, or who in any manner procures for, sells, or gives alcoholic liquor, wine, or beer to a person under legal age, for any purpose except as authorized and permitted in [this chapter](#), is a bootlegger.

2. A person who violates any of the provisions of [this section](#) commits the following:

a. For a first offense, a simple misdemeanor.

b. For a second or subsequent offense, a serious misdemeanor.

[C51, §924 – 928; R60, §1559, 1562, 1563, 1583, 1587; C73, §1523, 1540 – 1542, 1555; C97, §2382; SS15, §2382, 2461-a; C24, 27, 31, §1927; C35, §1921-f59, 1927; C39, §1921.059, 1927; C46, 50, 54, 58, 62, 66, 71, §123.59, 125.7; C73, 75, 77, 79, 81, §123.59]

[85 Acts, ch 32, §50](#); [85 Acts, ch 67, §16](#); [2018 Acts, ch 1096, §3, 6](#)

Referred to in [§123.50](#), [123.70](#)

**123.60 Nuisances.**

The premises where the unlawful manufacture or sale, or keeping with intent to sell, use or give away, of alcoholic liquors, wine, or beer is carried on, and any vehicle or other means of conveyance used in transporting liquor, wine, or beer in violation of law, and the furniture, fixtures, vessels and contents, kept or used in connection with such activities are nuisances and shall be abated as provided in [this chapter](#).

[C51, §935; R60, §1564; C73, §1543; C97, §2384; C24, 27, 31, §1929; C35, §1921-f60, 1929; C39, §1921.060, 1929; C46, 50, 54, 58, 62, 66, 71, §123.60, 125.9; C73, 75, 77, 79, 81, §123.60]

[85 Acts, ch 32, §51](#)

Referred to in [§123.61](#), [123.88](#)

Nuisances in general, [chapter 657](#)

**123.61 Penalty.**

Any person who erects, establishes, or uses any premises for any of the purposes prohibited in [section 123.60](#), is guilty of nuisance and shall be subject to the general penalties provided by [this chapter](#).

[C51, §935; R60, §1564; C73, §1543; C97, §2384; C24, 27, 31, §1930; C35, §1921-f61, 1930; C39, §1921.061, 1930; C46, 50, 54, 58, 62, 66, 71, §123.61, 125.10; C73, 75, 77, 79, 81, §123.61]

**123.62 Injunction.**

Actions to enjoin nuisances shall be brought in equity in the name of the state by the county attorney who shall prosecute the same to judgment.

[R60, §1564; C73, §1543; C97, §2405, 2406; S13, §2406; SS15, §2405; C24, 27, 31, §2017; C35, §1921-f62, 2017; C39, §1921.062, 2017; C46, 50, 54, 58, 62, 66, 71, §123.62, 128.1; C73, 75, 77, 79, 81, §123.62]

Referred to in [§331.756\(24\)](#)

**123.63 Temporary writ.**

In an action to enjoin a nuisance, the court shall, upon the presentation of a petition, allow a temporary writ of injunction without bond, if the petitioner provides evidence to the satisfaction of the court, in the form of affidavits, depositions, oral testimony, or otherwise, that the nuisance complained of exists.

[R60, §1564; C73, §1543; C97, §2405; SS15, §2405; C24, 27, 31, §2018; C35, §1921-f63, 2018; C39, §1921.063, 2018; C46, 50, 54, 58, 62, 66, 71, §123.63, 128.2; C73, 75, 77, 79, 81, §123.63]

[2021 Acts, ch 80, §58](#)

**123.64 Notice.**

Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at the defendant's instance the writ as petitioned for shall be granted as a matter of course.

[C97, §2405; SS15, §2405; C24, 27, 31, §2019; C35, §1921-f64, 2019; C39, §1921.064, 2019; C46, 50, 54, 58, 62, 66, 71, §123.64, 128.3; C73, 75, 77, 79, 81, §123.64]  
[90 Acts, ch 1168, §26](#)

**123.65 Scope of injunction.**

When an injunction has been granted, it shall be binding upon the defendant throughout the state and any violation of the provisions of [this chapter](#) anywhere within the state shall be punished as a contempt as provided in [section 123.68](#).

[C97, §2405; SS15, §2405; C24, 27, 31, §2020; C35, §1921-f65, 2020; C39, §1921.065, 2020; C46, 50, 54, 58, 62, 66, 71, §123.65, 128.4; C73, 75, 77, 79, 81, §123.65]  
[2021 Acts, ch 80, §59](#)

**123.66 Trial of action.**

Any action brought to enjoin a nuisance or to establish a violation of the injunction shall be accorded priority over other business pending before the district court.

[C97, §2406; S13, §2406; C24, 27, 31, §2021; C35, §1921-f66, 2021; C39, §1921.066, 2021; C46, 50, 54, 58, 62, 66, 71, §123.66, 128.5; C73, 75, 77, 79, 81, §123.66]  
[2021 Acts, ch 80, §60](#)

**123.67 General reputation.**

In all actions to enjoin a nuisance or to establish a violation of the injunction, evidence of the general reputation of the premises described in the petition or information shall be admissible for the purpose of proving the existence of the nuisance or the violation of the injunction.

[C97, §2406; S13, §2406; C24, 27, 31, §2022; C35, §1921-f67, 2022; C39, §1921.067, 2022; C46, 50, 54, 58, 62, 66, 71, §123.67, 128.6; C73, 75, 77, 79, 81, §123.67]

**123.68 Contempt.**

In the case of a violation of any injunction granted under the provisions of [this chapter](#), the court may summarily try and punish the defendant pursuant to the general penalties provided by [this chapter](#). The proceedings shall be commenced by filing with the clerk of the court an information under oath setting out the alleged facts constituting such violation, upon which the court shall cause a warrant to issue under which the defendant shall be arrested.

[C97, §2407; SS15, §2407; C24, 27, 31, §2027; C35, §1921-f68, 2027; C39, §1921.068, 2027; C46, 50, 54, 58, 62, 66, 71, §123.68, 128.13; C73, 75, 77, 79, 81, §123.68]  
Referred to in [§123.65](#)

**123.69 Trial of contempt action.**

The trial shall be as in equity and may be had upon depositions, or either party may demand the production and oral examination of the witnesses.

[C97, SS15, §2407; C24, 27, 31, §2028; C35, §1921-f69, 2028; C39, §1921.069, 2028; C46, 50, 54, 58, 62, 66, 71, §123.69, 128.14; C73, 75, 77, 79, 81, §123.69]

**123.70 Injunction against bootlegger.**

A bootlegger as defined in [section 123.59](#) may be restrained by injunction from doing or continuing to do any of the acts prohibited herein, and all the proceedings for injunctions, temporary and permanent, and for punishments for violation of the same as prescribed herein, shall be applicable to such person, and the fact that an offender has no known or permanent place of business, or base of supplies, or quits the business after the

commencement of an action, shall not prevent a temporary or permanent injunction, as the case may be, from issuing.

[S13, §2461-b; C24, 27, 31, §2031; C35, §1921-f71, 2031; C39, §1921.071, 2031; C46, 50, 54, 58, 62, 66, 71, §123.71, 128.17; C73, 75, 77, 79, 81, §123.70]

[2015 Acts, ch 30, §43](#)

#### **123.71 Conditions on injunction proceeding.**

A bootlegger injunction proceeding, as provided in [this chapter](#), shall not be maintained unless it is shown to the court that efforts in good faith have been made to discover the base of supplies or place where the defendant charged as a bootlegger conducts an unlawful business or receives or manufactures the alcoholic liquor, wine, or beer, which the defendant is charged with bootlegging.

[C27, 31, §2031-a1; C35, §1921-f72, 2031-a1; C39, §1921.072, 2031.1; C46, 50, 54, 58, 62, 66, 71, §123.72, 128.18; C73, 75, 77, 79, 81, §123.71]

[85 Acts, ch 32, §52](#)

#### **123.72 Order of abatement of nuisance.**

If the existence of a nuisance is established in a civil or criminal action, an order of abatement shall be entered as a part of the judgment in the case. The order shall direct the confiscation of all alcoholic liquor, wine, or beer by the state; the removal from the premises involved of all fixtures, furniture, vessels, or movable property used in any way in conducting the unlawful business; the sale of all removed property as well as any vehicle or other means of conveyance which has been abated, the sale to be conducted in the manner provided for the sale of chattels under execution; and the effective closing of the premises against use for the purpose of manufacture, sale, or consumption of alcoholic liquor, wine, or beer for a period of one year, unless sooner released by the court.

[C51, §935; R60, §1559; C73, §1523, 1543; C97, §2408; C24, 27, 31, §2032; C35, §1921-f73, 2032; C39, §1921.073, 2032; C46, 50, 54, 58, 62, 66, 71, §123.73, 128.19; C73, 75, 77, 79, 81, §123.72]

[85 Acts, ch 32, §53](#)

#### **123.73 Use of abated premises.**

If any person uses a premises closed pursuant to an abatement order in violation of such order the person shall be punished for contempt as provided in [this chapter](#).

[C97, §2408; C24, 27, 31, §2033; C35, §1921-f74, 2033; C39, §1921.074, 2033; C46, 50, 54, 58, 62, 66, 71, §123.74, 128.20; C73, 75, 77, 79, 81, §123.73]

#### **123.74 Fees.**

For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as the officer would for levying upon and selling like property on execution; and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court.

[C97, §2408; C24, 27, 31, §2034; C35, §1921-f75, 2034; C39, §1921.075, 2034; C46, 50, 54, 58, 62, 66, 71, §123.75, 128.21; C73, 75, 77, 79, 81, §123.74]

#### **123.75 Proceeds of sale.**

The proceeds of the sale of personal property in abatement proceedings shall be applied first in payment of the costs of the action and abatement, and second to the satisfaction of any fine and costs adjudged against the proprietor of the premises and keeper of said nuisance, and the balance, if any, shall be paid to the defendant.

[C97, §2409; C24, 27, 31, §2035; C35, §1921-f76, 2035; C39, §1921.076, 2035; C46, 50, 54, 58, 62, 66, 71, §123.76, 128.22; C73, 75, 77, 79, 81, §123.75]

#### **123.76 Abatement of nuisance.**

If the owner of the abated premises appears and pays all costs of the proceeding and files a bond with sureties to be approved by the clerk in the full value of the property, to be

ascertained by the court, conditioned that the owner will immediately abate the nuisance and prevent the same from being established or kept on such premises within a period of one year thereafter, the court may order such premises to be delivered to the owner and cancel the order of abatement so far as it may relate to the property.

[C97, §2410; S13, §2410; C24, 27, 31, §2036; C35, §1921-f77, 2036; C39, §1921.077, 2036; C46, 50, 54, 58, 62, 66, 71, §123.77, 128.23; C73, 75, 77, 79, 81, §123.76]

Referred to in [§123.78, 602.8102\(30\)](#)

#### **123.77 Abatement before judgment.**

If the action is in equity and the owner of the premises pays the costs of the action and files the bond prior to the entry of judgment and the abatement order, such action shall be abated as to the premises only.

[C97, §2410; S13, §2410; C24, 27, 31, §2037; C35, §1921-f78, 2037; C39, §1921.078, 2037; C46, 50, 54, 58, 62, 66, 71, §123.78, 128.24; C73, 75, 77, 79, 81, §123.77]

Referred to in [§123.78](#)

#### **123.78 Existing liens.**

The release of the property under the provisions of either [section 123.76](#) or [123.77](#) shall not release it from any judgment lien, penalty, or liability, to which it may be subject by law.

[C97, §2410; S13, §2410; C24, 27, 31, §2038; C35, §1921-f79, 2038; C39, §1921.079, 2038; C46, 50, 54, 58, 62, 66, 71, §123.79, 128.25; C73, 75, 77, 79, 81, §123.78]

#### **123.79 Abatement bond a lien.**

Undertakings of bonds for abatement shall immediately after filing by the clerk of the district court be docketed and entered upon the lien index as required for judgments in civil cases, and from the time of such entries shall be liens upon real estate of the persons executing the same, with like effect as judgments in civil actions.

[C24, 27, 31, §2039; C35, §1921-f80, 2039; C39, §1921.080, 2039; C46, 50, 54, 58, 62, 66, 71, §123.80, 128.26; C73, 75, 77, 79, 81, §123.79]

Referred to in [§123.84, 602.8102\(30\)](#)

#### **123.80 Attested copies filed.**

Attested copies of such undertakings may be filed in the office of the clerk of the district court of the county in which the real estate is situated in the same manner and with like effect as attested copies of judgments, and shall be immediately docketed and indexed in the same manner.

[C24, 27, 31, §2040; C35, §1921-f81, 2040; C39, §1921.081, 2040; C46, 50, 54, 58, 62, 66, 71, §123.81, 128.27; C73, 75, 77, 79, 81, §123.80]

Referred to in [§602.8102\(30\)](#)

#### **123.81 Forfeiture of bond.**

If the owner of a property who has filed an abatement bond as provided in [this chapter](#) fails to abate the alcoholic liquor, wine, or beer nuisance on the premises covered by the bond, or fails to prevent the maintenance of any alcoholic liquor, wine, or beer nuisance on the premises at any time within a period of one year after entry of the abatement order, the court shall, after a hearing in which such fact is established, direct an entry of the violation of the terms of the owner's bond to be made on the record and the undertaking of the owner's bond shall be forfeited.

[C24, 27, 31, §2041; C35, §1921-f82, 2041; C39, §1921.082, 2041; C46, 50, 54, 58, 62, 66, 71, §123.82, 128.28; C73, 75, 77, 79, 81, §123.81]

[85 Acts, ch 32, §54](#); [2018 Acts, ch 1060, §42](#)

#### **123.82 Procedure.**

A proceeding to forfeit an abatement bond shall be commenced by filing with the clerk of the court, by the county attorney of the county where the bond is filed, an application under oath to forfeit such bond, setting out the alleged facts constituting the violation of the terms of the bond, upon which the court shall direct by order attached to such application that a

notice be issued by the clerk of the district court directed to the principal and sureties on the bond to appear at a certain date fixed to show cause why such bond should not be forfeited and judgment entered for the penalty fixed therein.

[C24, 27, 31, §2042; C35, §1921-f83, 2042; C39, §1921.083, 2042; C46, 50, 54, 58, 62, 66, 71, §123.83, 128.29; C73, 75, 77, 79, 81, §123.82]

Referred to in §123.83, 123.84

### **123.83 Method of trial.**

The trial of an action filed pursuant to [section 123.82](#) shall be to the court and as in equity, and be governed by the same rules of evidence as contempt proceedings.

[C24, 27, 31, §2043; C35, §1921-f84, 2043; C39, §1921.084, 2043; C46, 50, 54, 58, 62, 66, 71, §123.84, 128.30; C73, 75, 77, 79, 81, §123.83]

[2015 Acts, ch 30, §44](#)

### **123.84 Judgment.**

If the court after a hearing in an action filed pursuant to [section 123.82](#) finds an alcoholic liquor, wine, or beer nuisance has been maintained on the premises covered by the abatement bond and that alcoholic liquor, wine, or beer has been sold or kept for sale on the premises contrary to law within one year from the date of the giving of the bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of the bond against the principal and sureties on the bond. The lien on the real estate created pursuant to [section 123.79](#) shall be decreed foreclosed and the court shall provide for a special and general execution for the enforcement of the decree and judgment.

[C24, 27, 31, §2044; C35, §1921-f85, 2044; C39, §1921.085, 2044; C46, 50, 54, 58, 62, 66, 71, §123.85, 128.31; C73, 75, 77, 79, 81, §123.84]

[85 Acts, ch 32, §55; 2015 Acts, ch 30, §45; 2018 Acts, ch 1060, §43](#)

Referred to in §123.85

### **123.85 Appeal.**

Appeal from a judgment and decree entered pursuant to [section 123.84](#) may be taken as in equity cases and the cause be triable de novo except that if the state appeals it need not file an appeal or supersedeas bond.

[C24, 27, 31, §2045; C35, §1921-f86, 2045; C39, §1921.086, 2045; C46, 50, 54, 58, 62, 66, 71, §123.86, 128.32; C73, 75, 77, 79, 81, §123.85]

[2015 Acts, ch 30, §46](#)

### **123.86 County attorney to prosecute.**

It shall be the duty of the county attorney to prosecute in the name of the state all forfeitures of abatement bonds and the foreclosures of same.

[C24, 27, 31, §2047; C35, §1921-f87, 2047; C39, §1921.087, 2047; C46, 50, 54, 58, 62, 66, 71, §123.87, 128.34; C73, 75, 77, 79, 81, §123.86]

Referred to in §331.756(24)

### **123.87 Prompt service.**

It shall be a simple misdemeanor for any peace officer to delay service of original notices, writs of injunction, writs of abatement, or warrants for contempt in any equity case filed for injunction or abatement by the state.

[C24, 27, 31, §2049; C35, §1921-f88, 2049; C39, §1921.088, 2049; C46, 50, 54, 58, 62, 66, 71, §123.88, 128.36; C73, 75, 77, 79, 81, §123.87]

### **123.88 Evidence.**

On the issue whether a party knew or ought to have known of a nuisance described under [section 123.60](#), evidence of the general reputation of the place shall be admissible.

[C24, 27, 31, §2053; C35, §1921-f89, 2053; C39, §1921.089, 2053; C46, 50, 54, 58, 62, 66, 71, §123.89, 128.40; C73, 75, 77, 79, 81, §123.88]

[2015 Acts, ch 30, §47](#)

**123.89 Counts.**

Informations or indictments under [this chapter](#) may allege any number of violations of its provisions by the same party, but the several charges must be set out in separate counts, and the accused may be convicted and punished upon each one as on separate informations or indictments, and a separate judgment shall be rendered on each count under which there is a finding of guilty.

[C51, §931; R60, §1562; C73, §1540; C97, §2425; C24, 27, 31, §1953; C35, §1921-f90, 1953; C39, §1921.090, 1953; C46, 50, 54, 58, 62, 66, 71, §123.90, 126.8; C73, 75, 77, 79, 81, §123.89]

**123.90 Penalties generally.**

Unless other penalties are provided in [this chapter](#), any person, except a person under legal age, who violates any of the provisions of [this chapter](#), or who makes a false statement concerning any material fact in submitting an application for a permit or license, shall be guilty of a serious misdemeanor. Any person under legal age who violates any of the provisions of [this chapter](#) shall upon conviction be guilty of a simple misdemeanor.

[C35, §1921-f91, 1921-f127; C39, §1921.091, 1921.132; C46, 50, 54, 58, 62, 66, 71, §123.91, 124.37; C73, 75, 77, 79, 81, §123.90]

[2020 Acts, ch 1063, §56](#)

**123.91 Second and subsequent conviction.**

Unless otherwise provided by law, a person who has been convicted in a criminal action in any court of record of a violation of a provision of [this chapter](#), except for a violation of [section 123.46](#), or a provision of the laws of the United States or of any other state relating to alcoholic liquors, wine, or beer, and who is thereafter convicted of a subsequent criminal offense against any provision of [this chapter](#) is guilty of the following offenses:

1. For the second conviction, a serious misdemeanor.
2. For the third and each subsequent conviction, an aggravated misdemeanor.

[R60, §1561, 1563, 1577; C73, §1525, 1538, 1540, 1542, 1559; SS15, §2461-m; C24, 27, 31, 35, 39, §1964; C46, 50, 54, 58, 62, 66, 71, §126.19; C73, 75, 77, 79, 81, §123.91]

[85 Acts, ch 32, §56](#); [2018 Acts, ch 1060, §44](#); [2019 Acts, ch 59, §44](#); [2019 Acts, ch 140, §42](#)

**123.92 Civil liability for dispensing or sale and service of any alcoholic beverage (Dramshop Act) — liability insurance — underage persons.**

1. *a.* Subject to the limitation amount specified in paragraph “c”, if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for damages actually sustained, severally or jointly against any licensee or permittee, whether or not the license or permit was issued by the department or by the licensing authority of any other state, who sold and served any alcoholic beverage directly to the intoxicated person, provided that the person was visibly intoxicated at the time of the sale or service.

*b.* If the injury was proximately caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person.

*c.* The total amount recoverable by each plaintiff in any civil action for noneconomic damages for personal injury, whether in tort, contract, or otherwise, against a licensee or permittee, shall be limited to two hundred fifty thousand dollars for any injury or death of a person, unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained.

2. *a.* Every retail alcohol licensee, except a class “B”, special class “B”, or class “E” retail alcohol licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the department. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and

the insurer bases premium rates at the new location on the negative loss history of the previous licensee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee at that location during that thirty-month period of time.

b. A dramshop liability insurance policy may be written on an aggregate limit basis.

c. The purpose of dramshop liability insurance is to provide protection for members of the public who experience damages as a result of licensees serving patrons any alcoholic beverage to a point that reaches or exceeds the standard set forth in law for liability. Minimum coverage requirements for such insurance are not for the purpose of making the insurance affordable for all licensees regardless of claims experience. A dramshop liability insurance policy obtained by a licensee shall meet the minimum insurance coverage requirements as determined by the department and is a mandatory condition for holding a license.

3. a. Notwithstanding [section 123.49, subsection 1](#), any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee and who dispensed or gave any alcoholic beverage to the intoxicated underage person when the nonlicensee who dispensed or gave the alcoholic beverage to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave any alcoholic beverage to the underage person to a point where the nonlicensee knew or should have known that the underage person would become intoxicated.

b. If the injury was caused by an intoxicated person who is under legal age, a person who is not a licensee and who dispensed or gave the alcoholic beverage to the underage person may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the underage person.

c. For purposes of [this subsection](#), “dispensed” or “gave” means the act of physically presenting a receptacle containing any alcoholic beverage to the underage person whose actions or intoxication results in the sustaining of damages by another person. However, a person who dispenses or gives any alcoholic beverage to an underage person shall only be liable for any damages if the person knew or should have known that the underage person was under legal age.

[C73, §1557; C97, §2418; C24, 27, 31, 35, 39, §2055; C46, 50, 54, 58, 62, §129.2; C66, 71, §123.95, 129.2; C73, 75, 77, 79, 81, §123.92]

[85 Acts, ch 32, §57; 86 Acts, ch 1211, §12; 88 Acts, ch 1158, §30; 92 Acts, ch 1136, §1; 97 Acts, ch 126, §7; 2009 Acts, ch 128, §1; 2013 Acts, ch 124, §1; 2016 Acts, ch 1008, §9; 2018 Acts, ch 1060, §45 – 47; 2018 Acts, ch 1090, §1; 2018 Acts, ch 1172, §18, 51; 2022 Acts, ch 1099, §53, 54, 88; 2023 Acts, ch 19, §2427, 2428](#)

Referred to in [§123.3, 123.10, 123.95](#)

Minimum coverage requirements evaluation, see [§505.33](#)

Subsection 1, paragraph a amended

Subsection 2, paragraphs a and c amended

### **123.93 Limitation of action.**

Within six months of the occurrence of an injury, the injured person shall give written notice to the licensee or permittee or such licensee’s or permittee’s insurance carrier of the person’s intention to bring an action under [this section](#), indicating the time, place and circumstances causing the injury. Such six months’ period shall be extended if the injured party is incapacitated at the expiration thereof or unable, through reasonable diligence, to discover the name of the licensee, permittee, or person causing the injury or until such time as such incapacity is removed or such person has had a reasonable time to discover the name of the licensee, permittee or person causing the injury.

[C73, 75, 77, 79, 81, §123.93]



**123.94 Inurement of action prohibited.**

No right of action for contribution or indemnity shall accrue to any insurer, guarantor or indemnitor of any intoxicated person for any act of such intoxicated person against any licensee or permittee as defined in [this chapter](#).

[C73, 75, 77, 79, 81, §123.94]

**123.95 Premises must be licensed — exception as to conventions and social gatherings.**

1. A person shall not allow the dispensing or consumption of alcoholic liquor, except wines and beer, in any establishment unless the establishment is licensed under [this chapter](#) or except as otherwise provided in [this section](#).

2. *a.* The holder of an annual class “C” retail alcohol license may act as the agent of a private social host for the purpose of providing and serving alcoholic beverages as part of a food catering service for a private social gathering in a private place, provided the licensee has applied for and been granted a catering privilege by the department. The holder of an annual special class “C” retail alcohol license shall not act as the agent of a private social host for the purpose of providing and serving wine and beer as part of a food catering service for a private social gathering in a private place. An applicant for a class “C” retail alcohol license shall state on the application for the license that the licensee intends to engage in catering food and alcoholic beverages for private social gatherings and the catering privilege shall be noted on the license.

*b.* The private social host or the licensee shall not solicit payment of any kind, including donations, for the food or alcoholic beverages from the guests, and the alcoholic beverages and food shall be served without cost to the guests.

*c.* [Section 123.92](#) does not apply to a retail alcohol licensee who acts in accordance with [this section](#) when the retail alcohol licensee is providing and serving food and alcoholic beverages as an agent of a private social host at a private social gathering in a private place which is not on the licensed premises.

*d.* A licensee who engages in catering food and alcoholic beverages for private social gatherings shall maintain a record on the licensed premises which includes the name and address of the host of the private social gathering, and the date for which catering was provided. The record maintained pursuant to [this section](#) shall be open to inspection pursuant to [section 123.30, subsection 1](#), during normal business hours of the licensee.

3. However, bona fide conventions or meetings may bring their own legal liquor onto the licensed premises if the liquor is served to delegates or guests without cost. All other provisions of [this chapter](#) shall be applicable to such premises. The provisions of [this section](#) shall have no application to private social gatherings of friends or relatives in a private home or private place which is not of a commercial nature nor where goods or services may be purchased or sold nor any charge or rent or other thing of value is exchanged for the use of such premises for any purpose other than for sleeping quarters.

[C66, 71, §123.96; C73, 75, 77, 79, 81, §123.95]

[85 Acts, ch 32, §58; 93 Acts, ch 91, §20; 2019 Acts, ch 113, §36; 2022 Acts, ch 1099, §55, 88; 2023 Acts, ch 19, §2429](#)

Referred to in [§7D.16, 123.49](#)

Subsection 2, paragraph a amended

**123.96 Reserved.****123.97 Covered into general fund.** Repealed by 2022 Acts, ch 1099, §87, 88.**123.98 Labeling shipments.**

1. It shall be unlawful for any common carrier or for any person to transport or convey by any means, whether for compensation or not, within this state, any alcoholic liquor, wine, or beer, unless the vessel or other package containing such alcoholic liquor, wine, or beer shall be plainly and correctly identified, showing the quantity and kind of alcoholic liquor, wine, or beer contained therein, the name of the party to whom they are to be delivered, and the name of the shipper, or unless such information is shown on a bill of lading or other document accompanying the shipment. No person shall be authorized to receive or keep such alcoholic

liquor, wine, or beer unless the same be marked or labeled as required by [this section](#). The violation of any provision of [this section](#) by any common carrier, or any agent or employee of any carrier, or by any person, shall be punished under the provisions of [this chapter](#).

2. Any alcoholic liquor, wine, or beer conveyed, carried, transported, or delivered in violation of [this section](#), whether in the hands of the carrier or someone to whom they shall have been delivered, shall be subject to seizure and condemnation, as alcoholic liquor, wine, or beer kept for illegal sale.

[C97, §2421; C24, 27, 31, 35, 39, §1936, 1938; C46, 50, 54, 58, 62, 66, 71, §125.16, 125.18; C73, 75, 77, 79, 81, §123.98]

[2018 Acts, ch 1060, §48](#)

### **123.99 False statements.**

A person commits a simple misdemeanor if the person, for the purpose of procuring the shipment, transportation, or conveyance of any alcoholic liquor, wine, or beer within this state in violation of [this chapter](#), does any of the following:

1. Makes to any person, company, corporation, or common carrier, or to any agent thereof, any false statements as to the character or contents of any box, barrel, or other vessel or package containing such alcoholic liquor, wine, or beer.

2. Refuses to give correct and truthful information as to the contents of any such box, barrel, or other vessel or package so sought to be transported or conveyed.

3. Falsely labels, brands, or marks a box, barrel, or other vessel or package in order to conceal the fact that the same contains alcoholic liquor, wine, or beer.

4. By any device or concealment procures or attempts to procure the conveyance or transportation of alcoholic liquor, wine, or beer.

[C97, §2420; C24, 27, 31, 35, 39, §1934; C46, 50, 54, 58, 62, 66, 71, §125.14; C73, 75, 77, 79, 81, §123.99]

[2013 Acts, ch 35, §25; 2018 Acts, ch 1060, §49; 2019 Acts, ch 59, §45](#)

### **123.100 Packages in transit.**

Any peace officer of the county under process or warrant to the peace officer directed shall have the right to open any box, barrel, or other vessel or package for examination, if the peace officer has reasonable ground for believing that it contains alcoholic liquor, wine, or beer, either before or while the same is being so transported or conveyed.

[C97, §2420; C24, 27, 31, 35, 39, §1935; C46, 50, 54, 58, 62, 66, 71, §125.15; C73, 75, 77, 79, 81, §123.100]

[2013 Acts, ch 35, §26; 2018 Acts, ch 1060, §50](#)

### **123.101 Record of shipments.**

It shall be the duty of all common carriers, or corporations, or persons who shall for hire carry any alcoholic liquor, wine, or beer into the state, or from one point to another within the state, for the purpose of delivery, and who shall deliver such alcoholic liquor, wine, or beer to any person, company, or corporation, to maintain a proper record of the name of the consignor of each shipment of alcoholic liquor, wine, or beer from where shipped, the date of arrival, the quantity and kind of alcoholic liquor, wine, or beer, so far as disclosed by lettering on the package or by the carrier's records, and to whom and where consigned, and the date delivered.

[SS15, §2421-b; C24, 27, 31, 35, 39, §1940; C46, 50, 54, 58, 62, 66, 71, §125.20; C73, 75, 77, 79, 81, §123.101]

[2013 Acts, ch 35, §27; 2018 Acts, ch 1060, §51](#)

Referred to in [§123.102](#)

**123.102 Inspection of shipping records.**

The records required by [section 123.101](#) shall, during business hours, be open to inspection by any peace or law enforcing officer. It is a simple misdemeanor to refuse such inspection.

[SS15, §2421-c, -d; C24, 27, 31, 35, 39, §1941; C46, 50, 54, 58, 62, 66, 71, §125.21; C73, 75, 77, 79, 81, §123.102]

[2013 Acts, ch 35, §28](#)

**123.103 Record and certification upon delivery.**

The full name and residence or place of business of the consignee of a shipment billed in whole or in part as alcoholic liquor, wine, or beer, shall be properly recorded at the time of delivery and the consignee shall certify that the alcoholic liquor, wine, or beer is for the consignee's own lawful purposes.

[SS15, §2421-b; C24, 27, 31, 35, 39, §1942; C46, 50, 54, 58, 62, 66, 71, §125.22; C73, 75, 77, 79, 81, §123.103]

[2013 Acts, ch 35, §29](#); [2018 Acts, ch 1060, §52](#)

Referred to in [§123.104](#)

**123.104 Unlawful delivery.**

It is a simple misdemeanor for any corporation, common carrier, person, or any agent or employee thereof:

1. To deliver any alcoholic liquor, wine, or beer to any person other than to the consignee.
2. To deliver any alcoholic liquor, wine, or beer without having the same properly recorded as provided in [section 123.103](#).

3. To deliver any alcoholic liquor, wine, or beer where there is reasonable ground to believe that such alcoholic liquor, wine, or beer is intended for unlawful use.

[SS15, §2421-c1; C24, 27, 31, 35, 39, §1943; C46, 50, 54, 58, 62, 66, 71, §125.23; C73, 75, 77, 79, 81, §123.104]

[2013 Acts, ch 35, §30](#); [2018 Acts, ch 1060, §53](#)

**123.105 Immunity from damage.**

In no case shall any corporation, common carrier, person, or the agent thereof, be liable in damages for complying with any requirements of [this chapter](#).

[SS15, §2421-c; C24, 27, 31, 35, 39, §1944; C46, 50, 54, 58, 62, 66, 71, §125.24; C73, 75, 77, 79, 81, §123.105]

**123.106 Federal statutes.**

The requirements of [this chapter](#) relative to the shipment and delivery of alcoholic liquor, wine, or beer and the records to be kept thereof shall be construed in harmony with federal statutes relating to interstate commerce in such liquor, wine, or beer.

[SS15, §2421-e; C24, 27, 31, 35, 39, §1945; C46, 50, 54, 58, 62, 66, 71, §125.25; C73, 75, 77, 79, 81, §123.106]

[2013 Acts, ch 35, §31](#); [2018 Acts, ch 1060, §54](#)

**123.107 Unnecessary allegations.**

1. In any indictment or information under [this chapter](#), it shall not be necessary:
  - a. To set out exactly the kind or quantity of alcoholic liquor, wine, or beer manufactured, sold, given in evasion of the statute, or kept for sale.

- b. To set out the exact time of manufacture, sale, gift, or keeping for sale.
  - c. To negative any exceptions contained in the statute creating or defining the offense, which may be proper ground of defense.

2. Proof of the violation by the accused of any provision of [this chapter](#), the substance of which violation is briefly set forth, within the time mentioned in the indictment or information, shall be sufficient to convict such person.

[R60, §1569; C73, §1549; C97, §2424; C24, 27, 31, 35, 39, §1952; C46, 50, 54, 58, 62, 66, 71, §126.7; C73, 75, 77, 79, 81, §123.107]

[2009 Acts, ch 41, §263](#); [2013 Acts, ch 35, §32](#); [2018 Acts, ch 1060, §55](#); [2019 Acts, ch 59, §46](#)

**123.108 Second conviction defined.**

The second or subsequent convictions provided for in [this chapter](#) shall be convictions on separate informations or indictments, and, unless shown in the information or indictment, the charge shall be held to be for a first offense.

[R60, §1562; C73, §1540; C97, §2425; C24, 27, 31, 35, 39, §1955; C46, 50, 54, 58, 62, 66, 71, §126.10; C73, 75, 77, 79, 81, §123.108]

**123.109 Record of conviction.**

On the trial of any cause in which the accused is charged with a second or subsequent offense, a duly authenticated copy of the former judgment in any court in which such conviction was had shall be competent evidence of such former conviction.

[SS15, §2461-n; C24, 27, 31, 35, 39, §1956; C46, 50, 54, 58, 62, 66, 71, §126.11; C73, 75, 77, 79, 81, §123.109]

**123.110 Proof of sale.**

It shall not be necessary in every case to prove payment in order to prove a sale within the meaning and intent of [this chapter](#).

[R60, §1569; C73, §1549; C97, §2424; C24, 27, 31, 35, 39, §1957; C46, 50, 54, 58, 62, 66, 71, §126.12; C73, 75, 77, 79, 81, §123.110]

**123.111 Purchaser as witness.**

The person purchasing any alcoholic liquor, wine, or beer sold in violation of [this chapter](#) shall in all cases be a competent witness to prove such sale.

[R60, §1569; C73, §1549; C97, §2424; C24, 27, 31, 35, 39, §1958; C46, 50, 54, 58, 62, 66, 71, §126.13; C73, 75, 77, 79, 81, §123.111]

[2013 Acts, ch 35, §33](#); [2018 Acts, ch 1060, §56](#)

**123.112 Peace officer as witness.**

Every peace officer shall give evidence, when called upon, of any facts within the peace officer's knowledge tending to prove a violation of the provisions of [this chapter](#).

[R60, §1578; C73, §1551; C97, §2428; S13, §2428; C24, 27, 31, 35, 39, §1959; C46, 50, 54, 58, 62, 66, 71, §126.14; C73, 75, 77, 79, 81, §123.112]

**123.113 Judgment lien.**

For all fines and costs assessed or judgments rendered of any kind against any person for a violation of any provision of [this chapter](#), or costs paid by the county on account of such violation, the personal and real property of the violator, whether exempt or not, except the homestead, as well as the premises and property, personal and real, occupied and used for the unlawful purpose, with the knowledge of the owner or the owner's agent, by the violator, shall be liable, and the same shall be a lien on such real estate until paid.

[R60, §1579; C73, §1552, 1558; C97, §2422; C24, 27, 31, 35, 39, §1960; C46, 50, 54, 58, 62, 66, 71, §126.15; C73, 75, 77, 79, 81, §123.113]

**123.114 Enforcement of lien.**

Costs paid by the county for the prosecution of actions or proceedings, civil or criminal, under [this chapter](#), as well as the fines inflicted or judgments rendered, may be enforced against the property upon which the lien attaches by execution, or by action against the owner of the property to subject it to the payment thereof.

[C73, §1558; C97, §2422; C24, 27, 31, 35, 39, §1961; C46, 50, 54, 58, 62, 66, 71, §126.16; C73, 75, 77, 79, 81, §123.114]

**123.115 Defense.**

In any prosecution under [this chapter](#) for the unlawful transportation of alcoholic liquor, wine, or beer it shall be a defense that the character and contents of the shipment or thing transported were not known to the accused or to the accused's agent or employee.

[C97, §2419; C24, §2059; C27, 31, 35, §1945-a2; C39, §1945.3; C46, 50, 54, 58, 62, 66, 71, §125.28; C73, 75, 77, 79, 81, §123.115]

[2013 Acts, ch 35, §34](#); [2018 Acts, ch 1060, §57](#)

**123.116 Right to receive alcoholic liquor, wine, or beer.**

The consignee of alcoholic liquor, wine, or beer shall, on demand of the carrier transporting such alcoholic liquor, wine, or beer, furnish the carrier, at the place of delivery, with legal proof of the consignee's legal right to receive such alcoholic liquor, wine, or beer at the time of delivery, and until such proof is furnished the carrier shall be under no legal obligation to make delivery nor be liable for failure to deliver.

[C24, §2061; C27, 31, 35, §1945-a4; C39, §1945.5; C46, 50, 54, 58, 62, 66, 71, §125.30; C73, 75, 77, 79, 81, §123.116]

[2013 Acts, ch 35, §35](#); [2018 Acts, ch 1060, §58](#)

**123.117 Delivery to sheriff.**

If such proof is not furnished the carrier within ten days after demand, the carrier may deliver such liquor, wine, or beer to the sheriff of the county embracing the place of delivery, and such delivery shall absolve the carrier from all liability pertaining to such liquor, wine, or beer.

[C24, §2062; C27, 31, 35, §1945-a5; C39, §1945.6; C46, 50, 54, 58, 62, 66, 71, §125.31; C73, 75, 77, 79, 81, §123.117]

[2013 Acts, ch 35, §36](#)

Referred to in [§331.653](#)

**123.118 Destruction.**

The sheriff shall, on receipt of such liquor, wine, or beer from the carrier, report the receipt to the district court of the sheriff's county, and the court shall proceed to summarily enter an order for the destruction or forfeiture to the state of such liquor, wine, or beer.

[C24, §2063; C27, 31, 35, §1945-a6; C39, §1945.7; C46, 50, 54, 58, 62, 66, 71, §125.32; C73, 75, 77, 79, 81, §123.118]

[2013 Acts, ch 35, §37](#)

Referred to in [§331.653](#)

**123.119 Evidence.**

In all actions, civil or criminal, under the provisions of [this chapter](#), the finding of alcoholic liquors or of instruments or utensils used in the manufacture of alcoholic liquors, or materials which are being used, or are intended to be used in the manufacture of alcoholic liquors, in the possession of or under the control of any person, under and by authority of a search warrant or other process of law, and which shall have been finally adjudicated and declared forfeited by the court, shall be competent evidence of maintaining a nuisance or bootlegging, or of illegal transportation of alcoholic liquors, as the case may be, by such person.

[C27, 31, 35, §1966-a1; C39, §1966.1; C46, 50, 54, 58, 62, 66, 71, §126.23; C73, 75, 77, 79, 81, §123.119]

[2018 Acts, ch 1060, §59](#)

**123.120 Attempt to destroy.**

The destruction of or attempt to destroy any liquid by any person while in the presence of peace officers or while a property is being searched by a peace officer, shall be competent evidence that such liquid is alcoholic liquor, wine, or beer and intended for unlawful purposes.

[C27, 31, 35, §1966-a3; C39, §1966.3; C46, 50, 54, 58, 62, 66, 71, §126.25; C73, 75, 77, 79, 81, §123.120]

[2013 Acts, ch 35, §38](#); [2018 Acts, ch 1060, §60](#)

**123.121 Venue.**

1. In any prosecution under [this chapter](#) for the unlawful sale of alcoholic liquor, wine, or beer, including a sale which requires a shipment or delivery of the alcoholic liquor, wine, or beer, shall be deemed to be made in the county in which the delivery is made by the carrier to the consignee, or the consignee's agent or employee.

2. In any prosecution under [this chapter](#) for the unlawful transportation of alcoholic liquor, wine, or beer, the offense shall be held to have been committed in any county in which such alcoholic liquor, wine, or beer is received for transportation, through which it is transported, or in which it is delivered.

[C97, §2419; C24, §1928, 2060; C27, 31, 35, §1928, 1945-a3; C39, §1928, 1945.4; C46, 50, 54, 58, 62, 66, 71, §125.8, 125.29; C73, 75, 77, 79, 81, §123.121]

[85 Acts, ch 32, §60; 2013 Acts, ch 35, §39; 2018 Acts, ch 1060, §61](#)

SUBCHAPTER II  
BEER PROVISIONS

**123.122 Beer certificate, permit, or license required — exception for personal use.**

1. A person shall not cause the manufacture, importation, or sale of beer in this state unless a certificate or permit as provided in [this subchapter](#), or a retail alcohol license as provided in [subchapter I of this chapter](#), is first obtained which authorizes that manufacture, importation, or sale.

2. Any person of legal age may manufacture beer for personal use without a class "A" beer permit, subject to the requirements of [this subsection](#). Such beer may be consumed on the premises or removed from the premises where it was manufactured only if the beer is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of [this chapter](#).

3. Except as otherwise provided in [this chapter](#), a person shall not import beer. However, an individual of legal age may import beer into the state without a certificate, permit, or license an amount of beer not to exceed four and one-half gallons per calendar month that the individual personally obtained outside the state or, in the case of beer personally obtained outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Beer imported pursuant to [this section](#) shall be for personal consumption in a private home or other private accommodation and only if the beer is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of [this chapter](#).

[C35, §1921-f96; C39, §1921.095; C46, 50, 54, 58, 62, 66, 71, §124.1; C73, 75, 77, 79, 81, §123.122]

[88 Acts, ch 1088, §7; 2015 Acts, ch 30, §48; 2015 Acts, ch 138, §26, 161, 162; 2019 Acts, ch 113, §37; 2022 Acts, ch 1099, §56, 88](#)

Referred to in [§123.10](#)

Charity beer, spirits, and wine special event license, see [§123.173A](#)

**123.123 Effect on liquor control licensees.** Repealed by 2022 Acts, ch 1099, §87, 88.

**123.124 Beer permits — classes.**

Permits for the manufacture and sale, or sale, of beer shall be known as class "A" and special class "A". A holder of a class "A" or special class "A" beer permit shall have the authority as provided in [section 123.130](#).

[C35, §1921-f98; C39, §1921.097; C46, 50, 54, 58, 62, 66, 71, §124.3; C73, 75, 77, 79, 81, §123.124]

[88 Acts, ch 1241, §15; 89 Acts, ch 221, §1; 92 Acts, ch 1003, §1; 94 Acts, ch 1017, §6; 2010 Acts, ch 1031, §89, 96; 2015 Acts, ch 53, §3; 2016 Acts, ch 1073, §33; 2017 Acts, ch 119, §20; 2022 Acts, ch 1099, §57, 88](#)

**123.125 Issuance of beer permits.**

The director shall issue class “A” and special class “A” beer permits and may suspend or revoke permits for cause as provided in [this chapter](#).

[C35, §1921-f98; C39, §1921.097; C46, 50, 54, 58, 62, 66, 71, §124.3; C73, 75, 77, 79, 81, §123.125]

[89 Acts, ch 221, §2](#); [2010 Acts, ch 1031, §90, 96](#); [2017 Acts, ch 119, §21](#); [2022 Acts, ch 1099, §58, 88](#); [2023 Acts, ch 19, §2430](#)

Section amended

**123.126 High alcoholic content beer — applicability.**

Unless otherwise provided by [this chapter](#), the provisions of [this chapter](#) applicable to beer shall also apply to high alcoholic content beer.

[2010 Acts, ch 1189, §42, 43](#)

**123.126A Canned cocktails — applicability — manufacture.**

1. Unless otherwise provided by [this chapter](#), the provisions of [this chapter](#) applicable to beer shall also apply to canned cocktails.

2. Notwithstanding any provision of [this chapter](#) to the contrary, a manufacturer of beer may obtain and possess alcoholic liquor from the department for the purpose of manufacturing canned cocktails.

[2019 Acts, ch 107, §3, 6](#); [2020 Acts, ch 1010, §1, 2](#); [2023 Acts, ch 19, §2431](#)

Subsection 2 amended

**123.127 Class “A” and special class “A” beer permit application and issuance.**

1. A person applying for a class “A” or special class “A” beer permit shall submit a completed application electronically, or in a manner prescribed by the director, which shall set forth under oath the following:

a. The name and place of residence of the applicant.

b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.

c. The location of the premises where the applicant intends to operate.

d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.

e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises.

f. Whether any person specified in paragraph “b” has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.

g. Any other information as required by the director.

2. The director shall issue a class “A” or special class “A” beer permit to any applicant who establishes all of the following:

a. That the applicant has submitted a completed application as required by [subsection 1.1](#).

b. That the applicant is a person of good moral character as provided in [section 123.3, subsection 40](#).

c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.

d. That the applicant has filed with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of beer.

e. That the premises where the applicant intends to use the permit conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building.

f. That the applicant gives consent to a person, pursuant to [section 123.30, subsection 1](#), to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of [this chapter](#) or ordinances and regulations that local authorities may adopt.

g. That the applicant has submitted a bond in the amount of ten thousand dollars in a manner prescribed by the director with good and sufficient sureties to be approved by the department conditioned upon compliance with [this chapter](#).

h. If the person is applying for a special class “A” beer permit, that the applicant holds or has applied for a class “C” or special class “C” retail alcohol license.

[C35, §1921-f102; C39, §1921.103; C46, 50, 54, 58, 62, 66, §124.8; C71, §124.8, 124.41; C73, 75, 77, 79, 81, §123.127]

88 Acts, ch 1241, §16; 89 Acts, ch 221, §3; 2003 Acts, ch 143, §6, 17; 2009 Acts, ch 41, §177; 2010 Acts, ch 1031, §91, 92, 96; 2013 Acts, ch 35, §8, 9; 2015 Acts, ch 53, §4; 2016 Acts, ch 1073, §34, 35; 2017 Acts, ch 119, §22; 2018 Acts, ch 1060, §62; 2019 Acts, ch 113, §38, 39; 2022 Acts, ch 1099, §59, 88; 2023 Acts, ch 19, §2432 – 2435

Referred to in [§123.32](#)

Subsection 1, unnumbered paragraph 1 amended

Subsection 1, paragraphs e and g amended

Subsection 2, unnumbered paragraph 1 amended

Subsection 2, paragraphs d and g amended

**123.128 Class “B” beer permit application.** Repealed by 2022 Acts, ch 1099, §5, 6.

**123.129 Class “C” beer permit application.** Repealed by 2022 Acts, ch 1099, §5, 6.

**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

**123.131 Authority under class “B” beer permit.** Repealed by 2022 Acts, ch 1099, §5, 6.

**123.132 Authority under class “C” beer permit.** Repealed by 2022 Acts, ch 1099, §5, 6.

**123.133 Sale on trains — bond.** Repealed by 2011 Acts, ch 17, §16.

**123.134 Beer permit fees.**

1. The annual permit fee for a class “A” beer permit is seven hundred fifty dollars.

2. The annual permit fee for a class “A” beer permit for a native brewery is three hundred dollars.

3. The annual permit fee for a special class “A” beer permit is three hundred dollars.

[C35, §1921-f117; C39, §**1921.119**; C46, 50, 54, 58, 62, 66, 71, §124.24; C73, 75, 77, 79, 81, §123.134]

[84 Acts, ch 1275, §5](#); [87 Acts, ch 22, §10](#); [88 Acts, ch 1241, §20](#); [89 Acts, ch 221, §5](#); [91 Acts, ch 245, §4](#); [2010 Acts, ch 1031, §94, 96](#); [2011 Acts, ch 17, §13](#); [2016 Acts, ch 1073, §42 – 44](#); [2017 Acts, ch 119, §29, 30](#); [2021 Acts, ch 155, §9](#); [2022 Acts, ch 1099, §11, 15](#)

**123.135 Brewer’s certificate of compliance — penalties.**

1. A manufacturer, brewer, bottler, importer, or vendor of beer, or any agent thereof, desiring to ship or sell beer, or have beer brought into this state for resale by a class “A” beer permittee, shall first make application for and be issued a brewer’s certificate of compliance by the director for that purpose. The certificate of compliance expires at the end of one year

from the date of issuance and shall be renewed for a like period upon application to the director unless otherwise revoked for cause. Each completed application for a certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of two hundred dollars payable to the department. Each holder of a certificate of compliance shall furnish the information in a manner the director requires.

2. At the time of applying for a certificate of compliance, each applicant shall file with the department a list of all class “A” beer permittees with whom it intends to do business and shall designate the geographic area in which its products are to be distributed by such permittee. The listing of class “A” beer permittees and geographic area as filed with the department shall be amended by the holder of a certificate of compliance as necessary to keep the listing current with the department.

3. All class “A” beer permit holders shall sell only those brands of beer which are manufactured, brewed, bottled, shipped, or imported by a person holding a current certificate of compliance. Any employee or agent working for or representing the holder of a certificate of compliance within this state shall submit electronically, or in a manner prescribed by the director, the employee’s or agent’s name and address with the department.

4. It shall be unlawful for any holder of a certificate of compliance or the holder’s agent, or any class “A” beer permit holder or the beer permit holder’s agent, to grant to any retail alcohol license holder, directly or indirectly, any rebates, free goods, or quantity discounts on beer which are not uniformly offered to all retail alcohol licensees.

5. Any violation of the requirements of [this chapter](#) or the rules adopted pursuant to [this chapter](#) shall subject the holder of a brewer’s certificate of compliance or a class “A” beer permit holder to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty, suspension of the certificate or permit, or revocation of the certificate or permit after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#).

[C73, 75, 77, 79, 81, §123.135]

89 Acts, ch 221, §6; 89 Acts, ch 252, §3; 2010 Acts, ch 1031, §95, 96; 2012 Acts, ch 1021, §38; 2013 Acts, ch 35, §12; 2015 Acts, ch 53, §9; 2016 Acts, ch 1073, §45; 2017 Acts, ch 119, §31; 2019 Acts, ch 113, §44, 45; 2022 Acts, ch 1099, §12, 15, 62, 88; 2023 Acts, ch 19, §2438

Referred to in [§123.32](#), [123.35](#)  
Subsections 1 – 3 amended

### **123.136 Barrel tax.**

1. In addition to the annual permit fee to be paid by all class “A” beer permittees under [this chapter](#) there shall be levied and collected from the permittees on all beer manufactured for sale or sold in this state at wholesale and on all beer imported into this state for sale at wholesale and sold in this state at wholesale, and from special class “A” beer permittees on all beer manufactured for consumption on the premises and on all beer sold at retail at the manufacturing premises for consumption off the premises pursuant to [section 123.130](#), [subsection 4](#), a tax of five and eighty-nine hundredths dollars for every barrel containing thirty-one gallons, and at a like rate for any other quantity or for the fractional part of a barrel. However, no tax shall be levied or collected on beer shipped outside this state by a class “A” beer permittee or special class “A” beer permittee or on beer sold to a class “A” beer permittee by a special class “A” beer permittee or another class “A” beer permittee.

2. All revenue derived from the barrel tax shall accrue to the state general fund.

3. All of the provisions of [this chapter](#) relating to the administration of the barrel tax on beer shall apply to [this section](#).

[C35, §1921-f118; C39, §1921.120; C46, 50, 54, 58, 62, 66, 71, §124.25; C73, 75, 77, 79, 81, §123.136]

86 Acts, ch 1246, §751; 89 Acts, ch 221, §7; 2015 Acts, ch 53, §10; 2016 Acts, ch 1073, §46; 2019 Acts, ch 119, §32; 2019 Acts, ch 113, §46

Referred to in [§123.130](#), [123.137](#), [123.142](#), [455C.2](#)

### **123.137 Report of barrel sales — penalty.**

1. A person holding a class “A” or special class “A” beer permit shall, on or before the tenth

day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a beer permit, make a report under oath to the department electronically, or in a manner prescribed by the director, showing the exact number of barrels of beer, or fractional parts of barrels, sold by the beer permit holder during the preceding calendar month. The report shall also state information the director requires, and beer permit holders shall at the time of filing a report pay to the department the amount of tax due at the rate fixed in [section 123.136](#).

2. A penalty of ten percent of the amount of the tax shall be added thereto if the report is not filed and the tax paid within the time required by [this section](#).

[C35, §1921-f119; C39, §1921.121; C46, 50, 54, 58, 62, 66, 71, §124.26; C73, 75, 77, 79, 81, §123.137]

89 Acts, ch 221, §8; 2013 Acts, ch 35, §13; 2015 Acts, ch 53, §11; 2016 Acts, ch 1073, §47; 2017 Acts, ch 119, §33; 2023 Acts, ch 19, §2439

Subsection 1 amended

### **123.138 Records required — keg identification label.**

1. Each class “A” or special class “A” beer permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the director and to other persons pursuant to [section 123.30, subsection 1](#). Each retail alcohol licensee as described in [section 123.30](#) shall keep proper records showing each purchase of beer made by the licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to [section 123.30, subsection 1](#), during normal business hours of the licensee.

2. *a.* Each retail alcohol licensee who sells beer for off-premises consumption shall affix to each keg of beer an identification label provided by the director. The label provided shall allow for its full removal when common external keg cleaning procedures are performed. For the purposes of [this subsection](#), “keg” means all durable and disposable containers with a liquid capacity of five gallons or more. Each retail alcohol licensee shall also keep a record of the identification label number of each keg of beer sold by the licensee with the name and address of the purchaser and the number of the purchaser’s driver’s license, nonoperator’s identification card, or military identification card, if the military identification card contains a picture and signature. This information shall be retained by the licensee for a minimum of ninety days. The records kept pursuant to [this subsection](#) shall be available for inspection by any law enforcement officer during normal business hours.

*b.* (1) The department shall provide the keg identification labels described in paragraph “*a*” and shall, prior to utilizing a label, notify licensed brewers and licensed beer importers of the type of label to be utilized. Each label shall contain a number and the following statement:

It is unlawful to sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person under legal age. Any person who defaces this label shall be guilty of criminal mischief punishable pursuant to [section 716.6](#).

(2) The identification label shall be placed on the keg at the time of retail sale. The licensee shall obtain the labels referred to in [this subsection](#) from the department. The cost of the labels to licensees shall not exceed the department’s cost of producing and distributing the labels. The moneys collected by the department relating to the sale of labels shall be credited to the beer and liquor control fund.

*c.* The provisions of [this subsection](#) shall be implemented uniformly throughout the state. The provisions of [this subsection](#) shall preempt any local county or municipal ordinance regarding keg registration or the sale of beer in kegs. In addition, a county or municipality

shall not adopt or continue in effect an ordinance regarding keg registration or the sale of beer in kegs.

[C35, §1921-f120; C39, §1921.122; C46, 50, 54, 58, 62, 66, 71, §124.27; C73, 75, 77, 79, 81, §123.138]

88 Acts, ch 1241, §21; 89 Acts, ch 221, §9; 2007 Acts, ch 46, §2; 2013 Acts, ch 35, §40; 2014 Acts, ch 1092, §29; 2015 Acts, ch 53, §12; 2016 Acts, ch 1073, §48; 2017 Acts, ch 119, §34; 2022 Acts, ch 1099, §63 – 66, 88; 2023 Acts, ch 19, §2440

Referred to in §123.50  
Section amended

**123.139 Separate locations — class “A” or special class “A” beer permit.**

A class “A” or special class “A” beer permittee having more than one place of business is required to have a separate beer permit for each separate place of business maintained by the permittee where beer is manufactured, stored, warehoused, or sold.

[C35, §1921-f121; C39, §1921.123; C46, 50, 54, 58, 62, 66, 71, §124.28; C73, 75, 77, 79, 81, §123.139]

89 Acts, ch 221, §10; 2015 Acts, ch 53, §13; 2016 Acts, ch 1073, §49; 2017 Acts, ch 119, §35; 2018 Acts, ch 1060, §65

**123.140 Separate locations — class “B” or “C” beer permit.** Repealed by 2022 Acts, ch 1099, §5, 6.

**123.141 Keeping liquor where beer is sold.**

No alcoholic liquor for beverage purposes shall be used, or kept for any purpose in the place of business of a special class “C” retail alcohol licensee, or on the premises of such special class “C” retail alcohol licensee, at any time. A violation of any provision of [this section](#) shall be grounds for suspension or revocation of the beer permit pursuant to [section 123.50, subsection 3](#). [This section](#) shall not apply in any manner or in any way to the premises of any hotel or motel for which a special class “C” retail alcohol license has been issued, other than that part of such premises regularly used by the hotel or motel for the principal purpose of selling beer or food to the general public, or to keep a pharmacy from having alcohol in stock for medicinal and compounding purposes.

[C35, §1921-g4; C39, §1921.126; C46, 50, 54, 58, 62, 66, 71, §124.31; C73, 75, 77, 79, 81, §123.141]

2011 Acts, ch 17, §14; 2016 Acts, ch 1073, §51; 2017 Acts, ch 29, §40; 2019 Acts, ch 160, §4; 2022 Acts, ch 1099, §67, 88

**123.142 Unlawful sale and importation.**

1. It is unlawful for the holder of a retail alcohol license issued under [this chapter](#) to sell beer, except beer brewed on the premises covered by a special class “A” beer permit or beer purchased from a person holding a class “A” beer permit issued in accordance with [this chapter](#), and on which the tax provided in [section 123.136](#) has been paid. However, [this section](#) does not apply to class “D” retail alcohol licensees as provided in [this chapter](#).

2. It shall be unlawful for any person not holding a class “A” beer permit to import beer into this state for the purpose of sale or resale.

[C35, §1921-f124; C39, §1921.127; C46, 50, 54, 58, 62, 66, 71, §124.32; C73, 75, 77, 79, 81, §123.142]

89 Acts, ch 221, §11; 2011 Acts, ch 17, §15; 2015 Acts, ch 53, §14; 2016 Acts, ch 1073, §52; 2017 Acts, ch 119, §36; 2022 Acts, ch 1099, §68, 88

**123.143 Distribution of funds — barrel tax fund created.**

The revenues obtained from permit fees and the barrel tax collected under the provisions of [this chapter](#) shall be distributed as follows:

1. All permit fees collected by the department under [this subchapter](#) shall accrue to the beer and liquor control fund, except as otherwise provided. All taxes collected by the department under [this subchapter](#) shall accrue to the state general fund, except as otherwise provided.

2. Barrel tax revenues collected on beer manufactured in this state from a class “A” beer permittee which owns and operates a native brewery shall be credited to the barrel tax fund hereby created in the office of the treasurer of state. In addition, barrel tax revenues collected on beer manufactured in this state from a special class “A” beer permittee which owns and operates a brewpub that is sold at retail at the manufacturing premises pursuant to [section 123.130, subsection 4](#), shall be credited to the barrel tax fund. Moneys deposited in the barrel tax fund shall not revert to the general fund of the state without a specific appropriation by the general assembly. Moneys in the barrel tax fund are appropriated to the economic development authority for purposes of [section 15E.117](#).

[C35, §1921-f125; C39, §1921.128; C46, 50, 54, 58, 62, 66, 71, §124.33; C73, 75, 77, 79, 81, §123.143]

83 Acts, ch 123, §60, 209; 84 Acts, ch 1312, §7; 85 Acts, ch 198, §2; 87 Acts, ch 95, §1; 2010 Acts, ch 1188, §29; 2011 Acts, ch 118, §85, 89; 2015 Acts, ch 30, §50; 2015 Acts, ch 53, §15; 2016 Acts, ch 1073, §53; 2017 Acts, ch 119, §37; 2019 Acts, ch 113, §47; 2022 Acts, ch 1099, §69, 70, 88; 2023 Acts, ch 13, §1; 2023 Acts, ch 19, §2441

Referred to in §15E.117

Subsections 1 and 2 amended

**123.144 Bottling beer.** Repealed by 2019 Acts, ch 113, §63. See [§123.122](#).

**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 five percent by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein.

[C35, §1921-f128; C39, §1921.133; C46, 50, 54, 58, 62, 66, 71, §124.38; C73, 75, 77, 79, 81, §123.145]

2013 Acts, ch 30, §24

**123.146 Importation of beer for personal use.** Repealed by 2019 Acts, ch 113, §63. See [§123.122](#).

**123.147 through 123.149** Reserved.

### SUBCHAPTER III SPECIAL PROVISIONS

**123.150 Sunday sales before New Year’s Day.** Repealed by 2022 Acts, ch 1099, §87, 88.

**123.151 and 123.152** Reserved.

### SUBCHAPTER IV WAREHOUSE PROJECT

**123.153 through 123.162** Repealed by 2011 Acts, ch 17, §16.

**123.163 through 123.170** Reserved.

### SUBCHAPTER V WINE PROVISIONS — CHARITY BEER, SPIRITS, AND WINE SPECIAL EVENTS

**123.171 Wine certificate, permit, or license required — exceptions for personal use.**

1. A person shall not cause the manufacture, importation, or sale of wine in this state

unless a certificate or permit as provided in [this subchapter](#), or a retail alcohol license as provided in [subchapter I of this chapter](#), is first obtained which authorizes that manufacture, importation, or sale.

2. Any person of legal age may manufacture wine for personal use without a class “A” wine permit, subject to the requirements of [this subsection](#). Such wine may be consumed on the premises or removed from the premises where it was manufactured only if the wine is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of [this chapter](#).

3. Notwithstanding [subsection 1](#), an individual of legal age may import into the state without a certificate, permit, or license an amount of wine not to exceed nine liters per calendar month that the individual personally obtained outside the state or, in the case of wine personally obtained outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Wine imported pursuant to [this subsection](#) shall be for personal consumption in a private home or other private accommodation and only if the wine is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of [this chapter](#).

[85 Acts, ch 32, §62; 2015 Acts, ch 30, §51; 2016 Acts, ch 1008, §10; 2018 Acts, ch 1096, §5, 6; 2022 Acts, ch 1099, §71, 88](#)

Referred to in [§123.10](#)

**123.172 Effect on liquor control licensees.** Repealed by 2022 Acts, ch 1099, §87, 88.

**123.173 Wine permit — class “A” — authority.**

1. Except as provided in [section 123.187](#), a permit exclusively for the manufacture and sale of wine shall be known as a class “A” wine permit.

2. A class “A” wine permit allows the holder to manufacture and sell, or sell at wholesale, in this state, wine. The holder of a class “A” wine permit may manufacture in this state wine having an alcoholic content greater than seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume for shipment outside this state. All class “A” premises shall be located within the state.

3. A class “A” wine permittee shall be required to deliver wine to a retail alcohol licensee, and a retail alcohol licensee shall be required to accept delivery of wine from a class “A” wine permittee, only at the licensed premises of the retail alcohol licensee. Except as specifically permitted by the department upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed retail alcohol licensee’s premises, or from one licensed retail alcohol licensee’s premises to another licensed retail alcohol licensee’s premises, even if there is common ownership of all of the premises by one retail alcohol licensee, is prohibited.

[85 Acts, ch 32, §64; 88 Acts, ch 1241, §22; 91 Acts, ch 203, §2, 3; 2003 Acts, ch 143, §7, 17; 2006 Acts, ch 1032, §2; 2010 Acts, ch 1031, §99; 2013 Acts, ch 35, §14; 2016 Acts, ch 1008, §11; 2018 Acts, ch 1060, §66; 2022 Acts, ch 1099, §72, 88; 2023 Acts, ch 19, §2442; 2023 Acts, ch 66, §34](#)

See Code editor’s note on simple harmonization at the beginning of this Code volume  
Subsection 3 amended

**123.173A Charity beer, spirits, and wine special event license.**

1. For purposes of [this section](#):

a. “*Authorized nonprofit entity*” includes a nonprofit entity which has a principal office in the state, a nonprofit corporation organized under [chapter 504](#), or a foreign corporation as defined in [section 504.141](#), whose income is exempt from federal taxation under section 501(c) of the Internal Revenue Code.

b. “*Charity auction*” means an auction conducted by an authorized nonprofit entity which includes beer, spirits, and wine.

c. “*Charity event*” means an event at which an authorized nonprofit entity may serve the event’s attendees beer, spirits, and wine for consumption on the premises of the event, regardless of whether the entity charges an admission fee to the event or otherwise collects the cost of the beer, spirits, and wine served from the event’s attendees.

d. “Charity special event” means a charity auction, charity event, or a combined charity auction and charity event.

2. Upon application to the department and receipt of a charity beer, spirits, and wine special event license, an authorized nonprofit entity may conduct a charity special event subject to the requirements of [this section](#).

3. A charity auction conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements:

a. The authorized nonprofit entity conducting the charity auction shall obtain the beer, spirits, and wine to be auctioned at the charity auction from an Iowa retail alcohol licensee, or may receive donations of beer, spirits, or wine to be auctioned at the charity auction from persons who purchased the donated beer, spirits, or wine from an Iowa retail alcohol licensee or an Iowa class “A” native distilled spirits licensee and who present a receipt documenting the purchase at the time the beer, spirits, or wine is donated. The authorized nonprofit entity conducting the charity auction shall retain a copy of the receipt for a period of one year from the date of the charity beer, spirits, and wine auction.

b. The beer, spirits, and wine sold at the charity auction shall be in original containers for consumption off of the premises where the charity auction is conducted. No other alcoholic beverage may be sold by the charity beer, spirits, and wine special event licensee at the charity auction. A purchaser of beer, spirits, or wine at a charity auction shall not take possession of the beer, spirits, or wine until the person is leaving the event. A purchaser of beer, spirits, or wine at a charity auction shall not open the container or consume or permit the consumption of the beer, spirits, or wine purchased on the premises where the charity auction is conducted. A purchaser of beer, spirits, or wine at a charity auction shall not resell the beer, spirits, or wine.

c. A retail alcohol licensee or class “A” native distilled spirits licensee shall not purchase beer, spirits, or wine at a charity auction. The charity auction may be conducted on a premises for which a class “B” or class “C” retail alcohol license has been issued, provided that the retail alcohol licensee does not participate in the charity auction, supply beer, spirits, or wine to be auctioned at the charity auction, or receive any of the proceeds of the charity auction.

4. A charity event conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements:

a. The charity event shall be conducted on a premises covered by a valid retail alcohol license issued by the department.

b. The authorized nonprofit entity conducting a charity event shall have a written agreement with the retail alcohol licensee covering the premises where the charity event is to be conducted specifying that that licensee shall act as the agent of the authorized nonprofit entity for the purpose of providing and serving alcoholic beverages to the attendees of the charity event.

c. The retail alcohol licensee covering the premises where the charity event is to be conducted shall supply all alcoholic beverages served to the attendees of the charity event.

d. Only those types of alcoholic beverages as are authorized to be sold by the retail alcohol license covering the premises where the charity event is to be conducted are to be served to the attendees of the charity event.

5. An application for a charity beer, spirits, and wine special event license to conduct a charity special event shall include all of the following information:

a. The date and time when the charity special event is to be conducted and the location of the premises in this state where the charity special event is to be physically conducted.

b. The retail alcohol license number issued by the department for the premises where a charity event is to be conducted, if applicable.

c. A certification that the objective of the charity special event is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity special event are to be expended for any of the purposes described in [section 423.3, subsection 78](#).

6. An authorized nonprofit entity shall be eligible to receive no more than two charity beer, spirits, and wine special event licenses during a calendar year and each charity beer, spirits,

and wine special event license shall be valid for a period not to exceed thirty-six consecutive hours.

7. Any violation of the requirements of [this chapter](#) or the rules adopted pursuant to [this chapter](#) shall subject the charity beer, spirits, and wine special event license holder to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty, suspension of the license, or revocation of the permit after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#).

[2010 Acts, ch 1031, §85](#); [2013 Acts, ch 51, §1](#); [2017 Acts, ch 119, §47](#); [2019 Acts, ch 113, §48, 49](#); [2022 Acts, ch 1099, §73, 88](#); [2023 Acts, ch 19, §2443 – 2445](#)

Referred to in [§123.32](#)

Subsection 2 amended

Subsection 4, paragraph a amended

Subsection 5, paragraph b amended

**123.173B Charity beer, spirits, and wine event permit.** Repealed by [2022 Acts, ch 1099, §87, 88](#).

#### **123.174 Issuance of wine permits.**

The director shall issue wine permits as provided in [this chapter](#), and may suspend or revoke a wine permit for cause as provided in [this chapter](#).

[85 Acts, ch 32, §65](#); [2003 Acts, ch 143, §8, 17](#); [2023 Acts, ch 19, §2446](#)

Section amended

#### **123.175 Class “A” wine permit application and issuance.**

1. A person applying for a class “A” wine permit shall submit a completed application electronically, or in a manner prescribed by the director, which shall set forth under oath the following:

- a. The name and place of residence of the applicant.
- b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business.
- c. The location of the premises where the applicant intends to operate.
- d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises.
- e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises.
- f. Whether any person specified in paragraph “b” has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory.
- g. Any other information as required by the director.

2. The director shall issue a class “A” wine permit to any applicant who establishes all of the following:

- a. That the applicant has submitted a completed application as required by [subsection 1.1](#).
- b. That the applicant is a person of good moral character as provided in [section 123.3, subsection 40](#).
- c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state.
- d. That the applicant has filed with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all the laws, rules, and regulations governing the manufacture and sale of wine.
- e. That the premises where the applicant intends to use the permit conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building.
- f. That the applicant gives consent to a person, pursuant to [section 123.30, subsection 1.1](#), to enter upon the premises without a warrant during the business hours of the applicant to



inspect for violations of the provisions of [this chapter](#) or ordinances and regulations that local authorities may adopt.

g. That the applicant has submitted a bond in the amount of five thousand dollars in a manner prescribed by the director with good and sufficient sureties to be approved by the department conditioned upon compliance with [this chapter](#).

85 Acts, ch 32, §66; 88 Acts, ch 1241, §23; 2003 Acts, ch 143, §9, 17; 2013 Acts, ch 35, §15, 16; 2017 Acts, ch 119, §13; 2018 Acts, ch 1060, §67; 2019 Acts, ch 113, §50, 51; 2022 Acts, ch 1099, §74 – 77, 88; 2023 Acts, ch 19, §2447 – 2450

Referred to in §123.32

Subsection 1, unnumbered paragraph 1 amended

Subsection 1, paragraphs e and g amended

Subsection 2, unnumbered paragraph 1 amended

Subsection 2, paragraphs d and g amended

### 123.176 Native wines.

1. Subject to rules of the department, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class “A” wine permit as required by [this chapter](#), may sell, keep, or offer for sale and deliver the wine. Notwithstanding [section 123.24, subsection 2](#), paragraph “b”, or any other provision of [this chapter](#), manufacturers of native wine may obtain and possess grape brandy from the department for the sole purpose of manufacturing wine.

2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class “A” or retail alcohol licensees as authorized by [sections 123.30](#) and [123.177](#). A manufacturer of native wines shall not sell the wines other than as permitted in [this chapter](#) and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted pursuant to the rules of the department on the premises where made, when no charge is made for the tasting.

3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside this state by obtaining a wine direct shipper permit pursuant to [section 123.187](#).

4. A class “A” wine permit issued for a native wine manufacturer shall only allow the native wine manufacturer to sell, keep, or offer for sale and deliver the manufacturer’s native wines as provided under [this section](#).

5. Notwithstanding any other provision of [this chapter](#), a person engaged in the business of manufacturing native wine may be granted a class “C” retail alcohol license or special class “C” retail native wine license as defined in [section 123.30](#). A manufacturer of native wine may be granted not more than two class “C” retail alcohol licenses or special class “C” retail native wine licenses. A manufacturer of native wine may be issued a class “C” retail alcohol license or special class “C” retail native wine license regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license.

6. Notwithstanding any other provision of [this chapter](#), a person employed by a manufacturer of native wine holding a class “A” wine permit may be employed by a brewery with a class “A” beer permit provided the person has no ownership interest in either licensed premises.

7. A manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing native wine, provided that such an alternating proprietorship arrangement is approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class “A” wine 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. Notwithstanding [subsection 5](#), not more than one class “C” retail alcohol license shall be issued to a premises with alternating proprietorships.

8. A manufacturer of native wines 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 wine premises operations and excise tax return reports.

9. For the purposes of [this section](#), “*manufacturer*” includes only those persons who process in Iowa the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines.

[C35, §1921-f56; C39, §**1921.056**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.56]

85 Acts, ch 32, §49; 85 Acts, ch 198, §1; 2003 Acts, ch 143, §4, 5, 17; 2009 Acts, ch 73, §1; 2011 Acts, ch 17, §11; 2011 Acts, ch 30, §8; 2015 Acts, ch 53, §2; 2016 Acts, ch 1008, §8; 2017 Acts, ch 119, §46; 2018 Acts, ch 1060, §41; 2019 Acts, ch 113, §33 – 35, 62; 2019 Acts, ch 160, §3 C2020, §123.176

2021 Acts, ch 133, §4; 2022 Acts, ch 1099, §78, 88; 2023 Acts, ch 19, §2451; 2023 Acts, ch 157, §9

Referred to in [§123.3](#)

Subsections 1, 2, 5, 7, and 8 amended

### **123.177 Authority under class “A” wine permit.**

1. A person holding a class “A” wine permit may manufacture and sell, or sell at wholesale, wine for consumption off the premises. Sales within the state may be made only to persons holding a class “A” wine permit and to persons holding a retail alcohol license. However, if the person holding the class “A” permit is a manufacturer of native wine, the person may sell only native wine to a person holding a retail alcohol license. A person holding a class “A” wine permit may sell wine to distributors outside of the state that are authorized by the laws of that jurisdiction to sell wine at wholesale. A class “A” wine permittee having more than one place of business shall obtain a separate permit for each place of business where wine is to be manufactured, stored, warehoused, or sold.

2. A class “A” wine permit holder may purchase and resell only those brands of wine which are manufactured, fermented, bottled, shipped, or imported by a person holding a certificate of compliance issued pursuant to [section 123.180](#).

85 Acts, ch 32, §68; 88 Acts, ch 1241, §25; 93 Acts, ch 91, §21; 2003 Acts, ch 143, §10, 17; 2017 Acts, ch 119, §14; 2018 Acts, ch 1060, §68; 2019 Acts, ch 113, §52; 2022 Acts, ch 1099, §79, 80, 88

Referred to in [§123.176](#)

**123.178 Authority under class “B” wine permit.** Repealed by 2022 Acts, ch 1099, §5, 6.

**123.178A Authority under class “B” native wine permit.** Repealed by 2022 Acts, ch 1099, §5, 6.

**123.178B Authority under class “C” native wine permit.** Repealed by 2022 Acts, ch 1099, §5, 6.

### **123.179 Wine permit and license fees.**

1. The annual permit fee for a class “A” wine permit that is not issued to a native wine manufacturer is seven hundred fifty dollars.

2. The annual permit fee for a class “A” wine permit issued to a native wine manufacturer is one hundred dollars.

3. The fee for a charity beer, spirits, and wine special event license is one hundred dollars.

85 Acts, ch 32, §70; 2003 Acts, ch 143, §13, 17; 2010 Acts, ch 1031, §86; 2013 Acts, ch 51, §2; 2019 Acts, ch 113, §53, 54; 2020 Acts, ch 1114, §3; 2022 Acts, ch 1099, §13, 15

### **123.180 Vintner’s certificate of compliance — wholesale and retail restrictions — penalties.**

1. A manufacturer, vintner, bottler, importer, or vendor of wine, or an agent thereof, desiring to ship, sell, or have wine brought into this state for sale at wholesale by a class “A” permittee shall first make application for and shall be issued a vintner’s certificate of compliance by the director for that purpose. The vintner’s certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for

a like period upon application to the director unless otherwise revoked for cause. Each completed application for a vintner's certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of two hundred dollars payable to the department. Each holder of a vintner's certificate of compliance shall furnish the information required by the director in the form the director requires. A vintner or wine bottler whose plant is located in Iowa and who otherwise holds a class "A" wine permit to sell wine at wholesale is exempt from the fee, but not the other terms and conditions. The holder of a vintner's certificate of compliance may also hold a class "A" wine permit.

2. At the time of applying for a vintner's certificate of compliance, each applicant shall file with the department a list of all class "A" wine permittees with whom it intends to do business. The listing of class "A" wine permittees as filed with the department shall be amended by the holder of the certificate of compliance as necessary to keep the listing current with the department.

3. All class "A" wine permit holders shall sell only those brands of wine which are manufactured, bottled, fermented, shipped, or imported by a person holding a current vintner's certificate of compliance. An employee or agent working for or representing the holder of a vintner's certificate of compliance within this state shall register the employee's or agent's name and address with the department. These names and addresses shall be filed with the department's copy of the certificate of compliance issued except that this provision does not require the listing of those persons who are employed on the premises of a bottling plant, or winery where wine is manufactured, fermented, or bottled in Iowa or the listing of those persons who are thereafter engaged in the transporting of the wine.

4. It is unlawful for a holder of a vintner's certificate of compliance or the holder's agent, or any class "A" wine permittee or the permittee's agent, to discriminate between class "B", special class "B", and class "E" retail alcohol licensees authorized to sell wine at retail.

5. It is unlawful for a holder of a vintner's certificate of compliance or the vintner's agent who is engaged in the business of selling wine to class "A" wine permittees to discriminate between class "A" wine permittees authorized to sell wine at wholesale.

6. Any violation of the requirements of [this chapter](#) or the rules adopted pursuant to [this chapter](#) shall subject the holder of a vintner's certificate of compliance or a class "A" wine permit holder to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty, suspension of the certificate or permit, or revocation of the certificate or permit after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#).

[85 Acts, ch 32, §71; 89 Acts, ch 161, §8; 89 Acts, ch 252, §4; 2012 Acts, ch 1021, §39; 2013 Acts, ch 35, §17; 2015 Acts, ch 53, §16; 2017 Acts, ch 119, §16; 2019 Acts, ch 113, §55, 56; 2022 Acts, ch 1099, §14, 15, 81, 88; 2023 Acts, ch 19, §2452](#)

Referred to in [§123.32, 123.35, 123.177](#)  
Subsections 1 – 3 amended

### **123.181 Prohibited credit sales.**

A class "A" wine permittee shall not sell wine on credit to a retail alcohol licensee for a period exceeding thirty days from date of delivery.

[85 Acts, ch 32, §72; 89 Acts, ch 252, §5; 2018 Acts, ch 1060, §69; 2022 Acts, ch 1099, §82, 83, 88](#)

### **123.182 Labels — point of origin — conclusive evidence.**

1. All imported bulk wines to be bottled and distributed in the state shall have the point of origin stated on the label. The print size for the point of origin shall be at least half the print size of the brand name on the label.

2. The label on a bottle or other container in which wine is offered for sale in this state, which label represents the alcoholic content of the wine as being in excess of seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, is conclusive evidence of the alcoholic content of that wine.

[85 Acts, ch 32, §73; 2006 Acts, ch 1032, §3](#)

**123.183 Wine gallonage tax and related funds.**

1. In addition to the annual permit fee to be paid by each class “A” wine permittee, a wine gallonage tax shall be levied and collected from each class “A” wine permittee on all wine manufactured for sale and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale. A wine gallonage tax shall also be levied and collected on the direct shipment of wine pursuant to [section 123.187](#). The rate of the wine gallonage tax is one dollar and seventy-five cents for each wine gallon. The same rate shall apply for the fractional parts of a wine gallon. The wine gallonage tax shall not be levied or collected on wine sold by one class “A” wine permittee to another class “A” wine permittee or on wine that is sold by a class “A” wine permittee to a distributor outside of the state.

2. a. Revenue collected from the wine gallonage tax on wine manufactured for sale and sold at wholesale in this state, and on wine subject to direct shipment as provided in [section 123.187](#) by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state, shall be deposited in the wine gallonage tax fund as created in [this section](#).

b. (1) A wine gallonage tax fund is created in the office of the treasurer of state.

(2) Moneys deposited in the fund are appropriated as follows:

(a) To the midwest grape and wine industry institute at Iowa state university of science and technology, two hundred fifty thousand dollars.

(b) To the economic development authority for purposes of [section 15E.117](#), the balance of moneys in the fund after the appropriation in subparagraph division (a).

(3) Moneys in the fund and moneys appropriated from the fund pursuant to subparagraph (2) are not subject to reversion under [section 8.33](#).

3. The revenue collected from the wine gallonage tax on wine imported into this state for sale at wholesale and sold in this state at wholesale, and on wine subject to direct shipment as provided in [section 123.187](#) by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in another state, shall be deposited in the beer and liquor control fund created in [section 123.17](#).

85 Acts, ch 32, §74; 85 Acts, ch 198, §4, 5; 86 Acts, ch 1246, §753; 87 Acts, ch 95, §2; 2001 Acts, ch 162, §1; 2002 Acts, ch 1050, §15; 2003 Acts, ch 143, §14, 17; 2005 Acts, ch 113, §1; 2007 Acts, ch 211, §41; 2010 Acts, ch 1193, §164; 2011 Acts, ch 118, §85, 89; 2011 Acts, ch 130, §29, 71; 2012 Acts, ch 1136, §26; 2017 Acts, ch 119, §17; 2019 Acts, ch 113, §57

Referred to in [§15E.117](#), [123.31A](#), [123.35](#), [123.184](#), [123.187](#)

**123.184 Report of gallonage sales — penalty.**

1. Each class “A” wine permit holder on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, shall make a report under oath to the department electronically, or in a manner prescribed by the director, showing the exact number of gallons of wine and fractional parts of gallons sold by that permit holder during the preceding calendar month. The report also shall state whatever reasonable additional information the director requires. The permit holder at the time of filing this report shall pay to the department the amount of tax due at the rate fixed in [section 123.183](#). A penalty of ten percent of the amount of the tax shall be assessed and collected if the report required to be filed pursuant to [this subsection](#) is not filed and the tax paid within the time required by [this subsection](#).

2. Each wine direct shipper license holder shall make a report under oath to the department electronically, or in a manner prescribed by the director, on or before the tenth day of the calendar months of June and December, showing the exact number of gallons of wine and fractional parts of gallons sold and shipped pursuant to [section 123.187](#) during the preceding six-month calendar period. The report shall also state whatever reasonable additional information the director requires. The license holder at the time of filing this report shall pay to the department the amount of tax due at the rate fixed in [section 123.183](#). A penalty of ten percent of this amount shall be assessed and collected if the report required

to be filed pursuant to [this subsection](#) is not filed and the tax paid within the time required by [this subsection](#).

85 Acts, ch 32, §75; 2013 Acts, ch 35, §18; 2015 Acts, ch 104, §1; 2023 Acts, ch 19, §2453

Referred to in §123.187

Section amended

**123.185 Records required.** Repealed by 2022 Acts, ch 1099, §87, 88.

**123.186 Federal regulations adopted as rules — penalties.**

1. The department shall adopt as rules the substance of the federal regulations [27 C.F.R. pt. 6](#), [27 C.F.R. pt. 8](#), [27 C.F.R. pt. 10](#), and [27 C.F.R. pt. 11](#).

2. The department shall adopt as rules the substance of [27 C.F.R. §6.88](#), to permit a manufacturer of alcoholic beverages, wine, or beer, or an agent of such manufacturer, to provide to a retailer without charge wine and beer coil cleaning services, including carbon dioxide filters and other necessary accessories to properly clean the coil and affix carbon dioxide filters. The rules shall provide that the manufacturer shall be responsible for paying the costs of any filters provided.

3. The department shall adopt as rules the substance of [27 C.F.R. §6.99](#) to permit, only with the explicit consent of the retailer, a manufacturer or a wholesaler of alcoholic liquor, wine, or beer to reset or rearrange another manufacturer's or wholesaler's alcoholic beverage products.

4. The department shall adopt as rules the substance of [27 C.F.R. §10.21](#) to prohibit a manufacturer or a wholesaler of alcoholic liquor, wine, or beer from offering or giving, directly or indirectly or through an affiliate, a retailer free trips, bonuses, or prizes based on sales of the manufacturer's or wholesaler's alcoholic beverage products.

5. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of a rule adopted pursuant to [this section](#) is guilty of a violation of [this section](#). A violation of [this section](#) shall subject the licensee or 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 license or permit pursuant to [section 123.39](#).

85 Acts, ch 32, §77; 2006 Acts, ch 1061, §1; 2007 Acts, ch 22, §36; 2018 Acts, ch 1060, §70; 2019 Acts, ch 113, §58; 2023 Acts, ch 19, §2454; 2023 Acts, ch 31, §1

Subsections 1 and 2 amended

NEW subsections 3 and 4 and former subsection 3 renumbered as 5

**123.187 Direct shipment of wine — permit 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 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 director, 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. A permit issued pursuant to [this section](#) may be renewed annually by submitting a renewal application with the director in a manner prescribed by the director, 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 director.

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 [section 123.188](#).

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 department 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 department 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 department to perform an audit of shipping records upon request.

6. 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; 2019 Acts, ch 113, §59, 60; 2022 Acts, ch 1099, §84, 85, 88; 2023 Acts, ch 19, §2455 – 2457

Referred to in §123.32, 123.35, 123.46A, 123.173, 123.176, 123.183, 123.184, 123.188

Subsection 2, paragraphs b and d amended

Subsection 3, paragraph c amended

Subsections 4 and 5 amended

### **123.188 Wine carrier — permit and requirements.**

1. A person desiring to deliver wine subject to direct shipment within this state pursuant to [section 123.187](#) shall submit an application for a wine carrier permit electronically, or in a manner prescribed by the director, which shall be accompanied by a fee in the amount of one hundred dollars.

2. The director may in accordance with [this chapter](#) issue a wine carrier permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of [this chapter](#).

3. A permit issued pursuant to [this section](#) may be renewed annually by submitting a renewal application with the director in a manner prescribed by the director, accompanied by the one hundred dollar permit fee.

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

a. 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.

b. A wine carrier 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.

c. 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 department on a monthly basis in a form and manner to be determined by the department.

5. 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](#).

[2019 Acts, ch 113, §61](#); [2020 Acts, ch 1063, §57](#); [2023 Acts, ch 19, §2458, 2459](#)

Referred to in [§123.32, 123.187](#)

Subsections 1 – 3 amended

Subsection 4, paragraph c amended