

123.45 General limitations on business interests — licensing of native breweries.

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. 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.

b. 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 a class "C" retail alcohol license or a special class "C" retail alcohol license, both as defined in [section 123.30](#), for the same premises licensed under a class "A" beer permit where the manufacturing of beer occurs. A native brewery may be granted not more than two class "C" retail alcohol licenses or two special class "C" retail alcohol licenses. A native brewery may be issued a class "C" retail alcohol license or a special class "C" retail alcohol license 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.

c. 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 a five-day class "C" or five-day special class "C" retail alcohol license as described in [section 123.34](#) for premises other than the premises licensed under a class "A" beer permit where the manufacturing of beer occurs. A native brewery may be granted not more than six five-day class "C" or five-day special class "C" retail alcohol licenses during a calendar year. A native brewery may be

issued a five-day class “C” or five-day special class “C” retail alcohol license regardless of whether the native brewery 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](#); [2024 Acts, ch 1087, §4](#)

Referred to in [§123.130](#)
Subsection 3 amended