Analysis, p. 1

ALCOHOLIC BEVERAGES DIVISION[185]

Created within the Department of Commerce by 1986 Iowa Acts, Senate File 2175. Formerly Beer and Liquor Control Department[150]

CHAPTER 1

ORGANIZATION AND OPERATION

- 1.1(123,17A) Purpose
- 1.2(123,17A) Scope and rules
- 1.3(123,17A) Duties of the division
- 1.4(123,17A) Organization
- 1.5(123,17A) Central offices
- 1.6(123,17A) Matters applicable to all proceedings

CHAPTER 2

AGENCY PROCEDURE FOR RULE MAKING

| 2.1(17A) | Applicability |
|----------|--|
| 2.2(17A) | Advice on possible rules before notice of proposed rule adoption |
| 2.3(17A) | Public rule-making docket |
| 2.4(17A) | Notice of proposed rule making |
| 2.5(17A) | Public participation |

- 2.6(17A) Regulatory analysis
- 2.7(17A,25B) Fiscal impact statement
- 2.8(17A) Time and manner of rule adoption
- 2.9(17A) Variance between adopted rule and published notice of proposed rule adoption
- 2.10(17A) Exemptions from public rule-making procedures
- 2.11(17A) Concise statement of reasons
- 2.12(17A) Contents, style, and form of rule
- 2.13(17A) Agency rule-making record
- 2.14(17A) Filing of rules
- 2.15(17A) Effectiveness of rules prior to publication
- 2.16(17A) General statements of policy
- 2.17(17A) Review by agency of rules

CHAPTER 3

DECLARATORY ORDERS

- 3.1(17A) Petition for declaratory order
- 3.2(17A) Notice of petition
- 3.3(17A) Intervention
- 3.4(17A) Briefs
- 3.5(17A) Inquiries
- 3.6(17A) Service and filing of petitions and other papers
- 3.7(17A) Consideration
- 3.8(17A) Action on petition
- 3.9(17A) Refusal to issue order
- 3.10(17A) Contents of declaratory order—effective date
- 3.11(17A) Copies of orders
- 3.12(17A) Effect of a declaratory order

CHAPTER 4

LIQUOR LICENSES—BEER PERMITS—WINE PERMITS

- 4.1(123) Definitions
- 4.2(123) General requirements

| 4.3(123) | Local ordinances permitted | |
|---------------|---|--|
| 4.4(123) | Licensed premises | |
| 4.5(123) | Mixed drinks or cocktails not for immediate consumption | |
| 4.6(123) | Filling and selling of beer in a container other than the original container by class | |
| | "C" beer permit holders | |
| 4.7(123) | Improper conduct | |
| 4.8(123) | Violation by agent, servant or employee | |
| 4.9(123) | Gambling evidence | |
| 4.10 and 4.11 | Reserved | |
| 4.12(123) | Display of license, permit, or signs | |
| 4.13(123) | Outdoor service | |
| 4.14(123) | Revocation or suspension by local authority | |
| 4.15(123) | Suspension of liquor control license, wine permit, or beer permit | |
| 4.16(123) | Cancellation of beer permits—refunds | |
| 4.17(123) | Prohibited storage of alcoholic beverages and wine | |
| 4.18(123) | Transfer of license or permit to another location | |
| 4.19(123) | Execution and levy on alcoholic liquor, wine, and beer | |
| 4.20(123) | Liquor store checks accepted | |
| 4.21(123) | Where retailers must purchase wine | |
| 4.22(123) | Liquor on licensed premises | |
| 4.23(123) | Liquor on unlicensed places | |
| 4.24(123) | Alcoholic liquor and wine on beer permit premises | |
| 4.25(123) | Age requirements | |
| 4.26(123) | Timely filed status | |
| 4.27(123) | Effect of suspension | |
| 4.28(123) | Use of establishment during hours alcoholic liquor, wine, and beer cannot be | |
| | consumed | |
| 4.29 | Reserved | |
| 4.30(123) | Persons producing fuel alcohol | |
| 4.31(123) | Storage of beer | |
| 4.32(123) | Delivery of alcoholic liquor | |
| 4.33(123) | Delivery of beer and wine | |
| 4.34(123) | Determination of population | |
| 4.35(123) | Minors in licensed establishments | |
| 4.36(123) | Sale of alcoholic liquor and wine stock when licensee or permittee sells business | |
| 4.37(123) | Business as usual on election days | |
| 4.38(123) | Sunday sale of wine | |
| 4.39 | Reserved | |
| 4.40(123) | Warehousing of beer and wine | |
| 4.41(123) | Vending machines to dispense alcoholic beverages prohibited | |
| | CHAPTER 5 | |
| | LICENSE AND PERMIT DIVISION | |
| 5.1(123) | Manufacture and sale of native wine | |
| 5.2 | Reserved | |
| 5.3(123) | Licensed manufacturers and wholesalers | |
| 5.4(123) | Investigation before issuing license or permit | |
| 5.5 | Reserved | |
| 5.6(123) | Living quarters permit | |
| 5.7(123) | Change of ownership of a licensed premises, new license or permit required | |
| 5.8(123) | Dramshop liability insurance requirements | |
| 5.9(123) | Surety bond requirements | |
| | ~ | |

CHAPTER 6 Reserved

CHAPTER 7

REPRESENTATIVES OF DISTILLERS, RECTIFIERS, MANUFACTURERS, BREWERS AND VINTNERS

- 7.1(123) Alcoholic liquor sales to the division—registration of agents
- 7.2(123) Salespersons—prohibited practices—penalties
- 7.3(123) Purchases
- 7.4(123) Infraction of rules

CHAPTER 8

TRANSPORTATION AND WAREHOUSE

- 8.1(123) Transportation of alcoholic liquor
- 8.2(123) Rules and regulations as between shippers and this division

CHAPTER 9

Reserved

CHAPTER 10

CONTESTED CASES

- 10.1(17A) Scope and applicability
- 10.2(17A) Definitions
- 10.3(17A) Time requirements
- 10.4(123,17A) Statute of limitations
- 10.5(17A) Requests for contested case proceeding
- 10.6(17A) Notice of hearing
- 10.7(17A) Presiding officer
- 10.8(17A) Waiver of procedures
- 10.9(17A) Telephone proceedings
- 10.10(17Å) Disqualification
- 10.11(17A) Consolidation—severance
- 10.12(17A) Pleadings
- 10.13(17A) Service and filing of pleadings and other papers
- 10.14(17A) Discovery
- 10.15(17A) Subpoenas
- 10.16(17A) Motions
- 10.17(17A) Continuances
- 10.18(17A) Withdrawals
- 10.19(17A) Intervention
- 10.20(17A) Hearing procedures
- 10.21(17A) Evidence
- 10.22(17A) Default
- 10.23(17A) Ex parte communication
- 10.24(17A) Recording costs
- 10.25(17A) Interlocutory appeals
- 10.26(17A) Final decision
- 10.27(17A) Appeals and review
- 10.28(17A) Applications for rehearing
- 10.29(17A) Stays of agency actions
- 10.30(17A) No factual dispute contested cases
- 10.31(17A) Emergency adjudicative proceedings

CHAPTER 11 Reserved

CHAPTER 12 FORMS

12.1(123,17A) Purpose and scope

12.2(123,17A) Specific forms

CHAPTER 13

Reserved

CHAPTER 14

PRIVATE WINE SALES

- 14.1(123) Wine definition
- 14.2(123) Bottle label requirements and registration
- 14.3 Reserved
- 14.4(123) Price postings by all holders of vintner's certificates of compliance
- 14.5(123) Price postings
- 14.6 Reserved
- 14.7(123) Supplier discrimination

CHAPTER 15

Reserved

CHAPTER 16

TRADE PRACTICES

| 16.1(123) | Definitions |
|-----------|--|
| 16.2(123) | Product displays |
| 16.3(123) | Retailer advertising utensils, consumer souvenirs, wearing apparel |
| 16.4(123) | Wine lists |
| 16.5(123) | Glassware |

- 16.6(123) Tapping accessories and coil cleaning service
- 16.7(123) Tasting
- 16.8(123) Sampling
- 16.9(123) Trade spending
- 16.10(123) Discounts prohibited
- 16.11(123) Combination packaging
- 16.12(123) Coupons
- 16.13(123) Advertising
- 16.14(123) Stocking and product rotation
- 16.15(123) Sponsorships and special events
- 16.16(123) Participation in seminars and retail association activities
- 16.17 Reserved
- 16.18(123) Record keeping
- 16.19 to 16.39 Reserved
- 16.40(123) Equipment, furnishings, fixtures
- 16.41(123) Interest in a retail establishment
- 16.42(123) Free warehousing prohibited
- 16.43(123) Extension of credit and prepaid accounts
- 16.44(123) Quota sales, tie-in sales
- 16.45 to 16.59 Reserved
- 16.60(123) Implied or express contracts prohibited
- 16.61 to 16.74 Reserved

| 16.75(123) | Commercial bribery |
|-----------------|--|
| 16.76 to 16.89 | Reserved |
| 16.90(123) | Consignment sales |
| 16.91 to 16.104 | Reserved |
| 16.105(123) | Industry member, retailer—subject to penalties |
| 16.106(123) | Contested case—burden |
| | |

CHAPTER 17

CLASS "E" LIQUOR CONTROL LICENSES

- 17.1(123) Definitions
- 17.2 and 17.3 Reserved
- 17.4(123) Square footage to be stated under oath on application
- 17.5(123) Authority to sell and to deliver to consumers and licensees
- 17.6 Reserved
- 17.7(123) Advertising prohibitions
- 17.8(123) Class "E" liquor license fees

CHAPTER 18

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

- (Uni
- 18.1(123,22) Definitions
- 18.3(123,22) Requests for access to records
- 18.9(123,22) Disclosures without the consent of the subject
- 18.10(123,22) Routine use
- 18.11(123,22) Consensual disclosure of confidential records
- 18.12(123,22) Release to subject
- 18.13(123,22) Availability of records
- 18.14(123,22) Personally identifiable information
- 18.15(123,22) Other groups of records
- 18.16(123,22) Other records
- 18.17(123,22) Applicability

CHAPTER 19

WAIVERS FROM RULES

- 19.1(17A) Scope
- 19.2(17A) Division discretion
- 19.3(17A) Requester's responsibilities
- 19.4(17A) Notice
- 19.5(17A) Division's responsibilities
- 19.6(17A) Public availability
- 19.7(17A) Cancellation
- 19.8(17A) Violations
- 19.9(17A) Defense
- 19.10(17Å) Appeals