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	Reserved	
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	
5.1(100)	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(17A) 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) Interest in a retail establishment
- 16.3(123) Product displays
- 16.4(123) Equipment, furnishings, fixtures
- 16.5(123) Advertising
- 16.6(123) Glassware
- 16.7(123) Extension of credit and prepaid accounts
- 16.8(123) Quota sales, tie-in sales
- 16.9(123) Combination packaging
- 16.10(123) Tastings, samplings and trade spending
- 16.11(123) Tapping accessories and coil cleaning service
- 16.12(123) Wine lists
- 16.13(123) Retailer advertising utensils, consumer souvenirs, wearing apparel
- 16.14(123) Coupons
- 16.15(123) Stocking and product rotation
- 16.16(123) Participation in seminars and retail association activities
- 16.17(123) Sponsorships and special events
- 16.18(123) Commercial bribery
- 16.19(123) Consignment sales
- 16.20(123) Record keeping
- 16.21(123) Free warehousing prohibited
- 16.22(123) Implied or express contracts prohibited
- 16.23(123) Discounts prohibited
- 16.24(123) Industry member, retailer—subject to penalties
- 16.25(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)

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(17A) Appeals