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
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	Reserved
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(122)	LICENSE AND PERMIT DIVISION Manufacture and sale of native wine
5.1(123)	
5.2(123)	Annual production of a native distillery
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

#### PERSONAL IMPORTATION OF ALCOHOLIC LIQUOR, WINE, AND BEER

- 9.1(123) Tax liability
- 9.2(123) Personal importation in excess of the amounts provided—waiver

# 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 cases10.31(17A)Emergency adjudicative proceedings

# CHAPTERS 11 to 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 penalties16.106(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)

- 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