

Senate File 2469

S-5211

1 Amend Senate File 2469 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 123.3, subsection 40, paragraph c, Code
5 2026, is amended to read as follows:

6 c. Notwithstanding paragraph "e", the applicant is a citizen
7 of the United States and a resident of this state, or licensed
8 to do business in this state in the case of a corporation.
9 Notwithstanding paragraph "e", in the case of a partnership,
10 only one general partner need be a resident of this state. The
11 residency requirements of this paragraph do not apply to an
12 applicant for a class "A" wine permit issued to a nonnative
13 wine manufacturer pursuant to section 123.176A.

14 Sec. 2. Section 123.23, subsection 1, Code 2026, is amended
15 to read as follows:

16 1. Any manufacturer, distiller, or importer of alcoholic
17 liquors ~~shipping, selling, or having~~ alcoholic liquors brought
18 into this state for resale by the ~~state~~ department shall, as
19 a condition precedent to the privilege of so trafficking in
20 alcoholic liquors in this state, annually make application for
21 and hold a distiller's certificate of compliance which shall
22 be issued by the director for that purpose. ~~No~~ A brand of
23 alcoholic liquor brought into this state shall not be sold
24 by the department ~~in this state~~ unless the manufacturer,
25 distiller, or importer, ~~and all other persons participating~~
26 ~~in the distribution of that brand in this state~~ have has
27 obtained a certificate. The certificate of compliance shall
28 expire at the end of one year from the date of issuance and
29 shall be renewed for a like period upon application to the
30 director unless otherwise suspended or revoked for cause.
31 Each completed application for a certificate of compliance
32 or renewal shall be submitted electronically, or in a manner
33 prescribed by the director, and shall be accompanied by a fee
34 of two hundred dollars payable to the department. However,
35 this subsection need not apply to a manufacturer, distiller, or

SF 2469.4201 (1) 91

(amending this SF 2469 to CONFORM to HF 2780)

1 importer who ~~ships or~~ sells in this state no more than eleven
2 gallons or its case equivalent during any fiscal year as a
3 result of "special orders" which might be placed, as defined
4 and allowed by departmental rules adopted under [this chapter](#).

5 Sec. 3. Section 123.23, subsection 5, Code 2026, is amended
6 by striking the subsection.

7 Sec. 4. Section 123.30, subsection 5, paragraph a, Code
8 2026, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (4) A social district, if the holder of
10 the retail alcohol license is a participating licensee within a
11 social district and in compliance with the ordinance adopted
12 under section 414.34.

13 Sec. 5. Section 123.46, subsection 2, Code 2026, is amended
14 to read as follows:

15 2. a. A person shall not use or consume alcoholic liquor,
16 wine, or beer upon the public streets or highways. A person
17 shall not use or consume alcoholic liquor in any public
18 place except premises covered by a retail alcohol license.
19 A person shall not possess or consume alcoholic liquors,
20 wine, or beer on public school property or while attending a
21 public or private school-related function. A person shall not
22 be intoxicated in a public place. A person violating this
23 subsection is guilty of a simple misdemeanor.

24 b. Notwithstanding paragraph "a", a person may possess
25 or consume alcoholic liquor, wine, or beer upon the public
26 streets, highways, or public places within a social district
27 if the possession or consumption complies with the ordinance
28 adopted under section 414.34.

29 Sec. 6. Section 123.135, subsections 1, 2, and 3, Code 2026,
30 are amended to read as follows:

31 1. A manufacturer, brewer, bottler, importer, or vendor
32 of beer, or any agent thereof, desiring to ~~ship or sell beer,~~
33 ~~or~~ have beer brought into this state for resale by a class
34 "A" beer permittee, shall first make application for and be
35 issued a brewer's certificate of compliance by the director

1 for that purpose. The certificate of compliance expires at
2 the end of one year from the date of issuance and shall be
3 renewed for a like period upon application to the director
4 unless otherwise revoked for cause. Each completed application
5 for a certificate of compliance or renewal of a certificate
6 shall be submitted electronically, or in a manner prescribed
7 by the director, and shall be accompanied by a fee of two
8 hundred dollars payable to the department. Each holder of a
9 certificate of compliance shall furnish the information in
10 a manner the director requires. The holder of a brewer's
11 certificate of compliance may also hold a class "A" beer
12 permit.

13 2. At the time of applying for a certificate of compliance,
14 each applicant shall file with the department electronically,
15 or in a manner prescribed by the director, a list of all class
16 "A" beer permittees with whom it intends to do business and
17 ~~shall designate~~ a designation of the geographic area in which
18 its products are to be distributed by such permittee. The
19 listing of class "A" beer permittees and geographic area as
20 filed with the department shall be amended by the holder of
21 a certificate of compliance as necessary to keep the listing
22 current with the department.

23 3. All class "A" beer permit holders shall sell only those
24 brands of beer brought into the state which are manufactured,
25 brewed, bottled, shipped, or imported by a person holding a
26 current certificate of compliance. Any employee or agent
27 working for or representing the holder of a certificate of
28 compliance within this state shall submit electronically, or in
29 a manner prescribed by the director, the employee's or agent's
30 name and address with the department.

31 Sec. 7. Section 123.173, subsection 2, Code 2026, is amended
32 to read as follows:

33 2. A class "A" wine permit allows the holder to manufacture
34 and sell, or sell at wholesale, in this state, wine. The
35 holder of a class "A" wine permit may manufacture in this state

SF 2469.4201 (1) 91

(amending this SF 2469 to CONFORM to HF 2780)

1 wine having an alcoholic content greater than seventeen percent
2 by weight or twenty-one and twenty-five hundredths percent of
3 alcohol by volume for shipment outside this state. ~~All~~ Except
4 as provided in section 123.176A, all class "A" premises shall
5 be located within the state.

6 Sec. 8. Section 123.175, subsection 2, paragraph c, Code
7 2026, is amended to read as follows:

8 c. That the applicant is a ~~citizen~~ resident of the state
9 of Iowa or, if a corporation, that the applicant is authorized
10 to do business in the state. This paragraph does not apply if
11 the applicant is the state of Iowa or a state agency as defined
12 in [section 669.2](#). The residency requirement of this paragraph
13 does not apply to a nonnative wine manufacturer under section
14 123.176A.

15 Sec. 9. NEW SECTION. 123.176A Nonnative wine manufacturers.

16 1. As used in this section, "*nonnative wine manufacturer*"
17 means a person who processes the fruit, vegetables, dandelions,
18 clover, honey, or any combination of these ingredients, by
19 fermentation into wines on a premises located outside of this
20 state.

21 2. A nonnative wine manufacturer licensed or permitted
22 pursuant to laws regulating alcoholic beverages in another
23 state may apply for and be issued a class "A" wine permit, as
24 provided in section 123.175, without being a resident of this
25 state.

26 3. A nonnative wine manufacturer holding a class "A" wine
27 permit may sell, or sell at wholesale, in this state, wine
28 that the nonnative wine manufacturer has itself manufactured
29 by fermentation on its out-of-state licensed or permitted
30 premises, provided the wine is properly registered with the
31 alcohol and tobacco tax and trade bureau of the United States
32 department of the treasury. Pursuant to section 123.177, such
33 sales shall only be made to persons holding a class "A" wine
34 permit or to persons holding a retail alcohol license.

35 4. A nonnative wine manufacturer shall not sell in this

1 state wine fermented by another manufacturer.

2 5. A nonnative wine manufacturer may ship wine in closed
3 containers to individual purchasers within this state by
4 obtaining a wine direct shipper permit pursuant to section
5 123.187.

6 6. A nonnative wine manufacturer that holds a class "A" wine
7 permit shall be deemed to have consented to the jurisdiction
8 of the department or any other agency or court in this state
9 concerning enforcement of this chapter and any related laws,
10 rules, or regulations. A permit holder shall allow the
11 department to perform an audit of manufacturing and sales
12 records upon request.

13 7. A violation of this section shall subject the permit
14 holder to the general penalties provided in this chapter and
15 shall constitute grounds for imposition of a civil penalty or
16 suspension or revocation of the permit pursuant to section
17 123.39.

18 Sec. 10. Section 123.177, subsection 2, Code 2026, is
19 amended to read as follows:

20 2. A class "A" wine permit holder may purchase and resell
21 only those brands of wine brought into the state which are
22 manufactured, fermented, bottled, shipped, or imported by a
23 person holding a certificate of compliance issued pursuant to
24 section 123.180.

25 Sec. 11. Section 123.179, Code 2026, is amended to read as
26 follows:

27 **123.179 Wine permit and license fees.**

28 1. The annual permit fee for a class "A" wine permit ~~that~~
29 ~~is not issued to a native wine manufacturer~~ is seven hundred
30 fifty dollars, except the annual permit fee for a class "A"
31 wine permit issued to a native wine manufacturer as provided in
32 section 123.176 or a nonnative wine manufacturer as provided in
33 section 123.176A is one hundred dollars.

34 ~~2. The annual permit fee for a class "A" wine permit issued~~
35 ~~to a native wine manufacturer is one hundred dollars.~~

1 3. a. Except as provided in paragraph "b", all class
2 "A" wine permit holders shall sell only those brands of
3 wine brought into the state which are manufactured, bottled,
4 fermented, shipped, or imported by a person holding a
5 current vintner's certificate of compliance. An employee or
6 agent working for or representing the holder of a vintner's
7 certificate of compliance within this state shall register the
8 employee's or agent's name and address with the department
9 electronically, or register in a manner prescribed by the
10 director. ~~These names and addresses shall be filed with the~~
11 ~~department's copy of the certificate of compliance issued~~
12 ~~except that this provision does not require the listing of~~
13 ~~those persons who are employed on the premises of a bottling~~
14 ~~plant, or winery where wine is manufactured, fermented,~~
15 ~~or bottled in Iowa or the listing of those persons who are~~
16 ~~thereafter engaged in the transporting of the wine.~~

17 b. A class "A" wine permit holder may sell brands of wine
18 brought into the state which are not manufactured, bottled,
19 fermented, shipped, or imported by a person holding a current
20 vintner's certificate of compliance if the brands of wine were
21 purchased from a private sale pursuant to section 123.171,
22 subsection 4, or if authorized by the laws of another state.

23 Sec. 13. NEW SECTION. 414.34 Social districts.

24 1. As used in this section:

25 a. "Marked container" means a nonglass container that
26 identifies the retail alcohol licensee providing the alcoholic
27 liquor, beer, or wine in the container to the consumer within
28 the social district.

29 b. "Retail alcohol licensee" means the holder of a class "C"
30 or special class "C" license issued under section 123.30.

31 c. "Social district" means a defined area in which the
32 possession and consumption of alcoholic liquor, wine, and
33 beer is allowed on public streets, sidewalks, and other
34 public spaces within the boundaries of the district that are
35 consistent with this section.

1 2. A city may define an area by ordinance that designates a
2 social district for use by retail alcohol licensees.

3 3. An ordinance adopted pursuant to this section must
4 include all of the following:

5 a. A legal description or map of the district.

6 b. The days and hours the possession and consumption of
7 alcoholic liquor, wine, and beer are permitted on public
8 streets, sidewalks, and other public places within the
9 district.

10 c. Requirements for marked container use and identification.

11 d. Participation requirements for retail alcohol licensees
12 within the district.

13 e. Enforcement provisions and penalties for violations.

14 f. Procedures for the revocation or suspension of all of the
15 following:

16 (1) The participation of retail alcohol licensees for
17 violations.

18 (2) The social district itself for public safety concerns
19 or other matters.

20 4. An ordinance adopted by a city shall not be construed to
21 authorize any of the following:

22 a. Consumption of an alcoholic beverage in a motor vehicle
23 or on the public streets, sidewalks, and other public spaces
24 during the times when the ordinance is not in effect.

25 b. Possession or consumption of an alcoholic beverage in
26 a manner contrary to the provisions of chapter 123 except as
27 otherwise provided by an ordinance adopted pursuant to this
28 section.

29 c. A prohibition on any participating retail alcohol
30 licensee or other establishment located within the social
31 district from denying entry to the premises of the licensee or
32 establishment to persons who possess alcoholic beverages from
33 other participating retail alcohol licensees.>

34 2. Title page, by striking lines 1 through 4 and inserting
35 <An Act relating to alcoholic beverage control by providing

SF 2469.4201 (1) 91

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1 for certificates of compliance and the issuance of class "A"
2 wine permits to nonnative wine manufacturers, permitting cities
3 to create social districts for the consumption of alcoholic
4 beverages, and providing fees.>

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