

3/4/96 Do Pass
S. 3/13/96 State Hood

FEB 26 1996
COMMERCE AND REGULATION

HOUSE FILE 2315
BY TYRRELL

(COMPANION TO LSB 4111SS
BY HUSAK)

Passed House, Date 3/13/96 Passed Senate, Date _____
Vote: Ayes 95 Nays 3 Vote: Ayes _____ Nays _____
Approved April 16, 1996

A BILL FOR

1 An Act authorizing small quantities of wine to be shipped in and
2 out of this state for consumption or use by persons twenty-one
3 years of age or older.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2315

H-5331

- 1 Amend House File 2315 as follows:
- 2 1. Page 1, line 14, by striking the figure
- 3 "422.43" and inserting the following: "422.43, use
- 4 tax under section 423.2,".
- 5 2. By renumbering as necessary.

By BRUNKHORST of Bremer

H-5331 FILED MARCH 12, 1996

Adopted 3-13-96 (P. 676)

HF 2315

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1 Section 1. NEW SECTION. 123.187 RECIPROCAL SHIPMENT OF
2 WINES.

3 1. "Equal reciprocal shipping privilege" means allowing
4 wineries located in this state to ship into another state,
5 wine, not for resale, but for consumption or use by a person
6 twenty-one years of age or older.

7 2. A winery licensed or permitted pursuant to laws
8 regulating alcoholic beverages in a state which affords this
9 state an equal reciprocal shipping privilege may ship into
10 this state by private common carrier, to a person twenty-one
11 years of age or older, not more than eighteen liters of wine
12 per calendar year, for consumption or use by the person. Such
13 wine shall not be resold. Shipment of wine pursuant to this
14 subsection is not subject to sales tax under section 422.43 or
15 the wine gallonage tax under section 123.183, and does not
16 require a refund value for beverage container control purposes
17 under chapter 455C.

18 3. The holder of a class "A" or "B" wine permit in this
19 state may ship out of this state by private common carrier, to
20 a person twenty-one years of age or older, not more than
21 eighteen liters of wine per calendar year, for consumption or
22 use by the person.

23 EXPLANATION

24 This bill provides that a winery licensed or permitted
25 pursuant to laws regulating alcoholic beverages in a state
26 which affords this state an equal reciprocal shipping
27 privilege may ship into this state by private common carrier,
28 to a person 21 years of age or older, not more than 18 liters
29 of wine per calendar year, for consumption or use by the
30 person. Such wine shall not be resold. Shipment of wine
31 pursuant to this bill is not subject to state sales tax or the
32 wine gallonage tax and does not require a refund value for
33 beverage container control purposes.

34 The bill provides that the holder of a class "A" or "B"
35 wine permit in this state may ship out of this state by

1 private common carrier, to a person 21 years of age or older,
2 not more than 18 liters of wine per calendar year, for
3 consumption or use by the person.

4 An equal reciprocal shipping privilege means allowing
5 wineries located in this state to ship into another state,
6 wine, not for resale, but for consumption or use by a person
7 21 years of age or older.

8 The bill provides that a private common carrier be used in
9 shipping wine into this state. The United States criminal
10 code, 18 U.S.C. § 1716, prohibits alcoholic beverages from
11 being shipped via the United States postal service.

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S - 3/14/96 Amend / Do Law W.S. 5412

HOUSE FILE 2315
BY TYRRELL

(COMPANION TO LSB 4111SS
BY HUSAK)

(As Amended and Passed by the House, March 13, 1996)

Passed House, ^(p. 1345) Date 4/3/96 Passed Senate, Date 3/25/96
Vote: Ayes 90 Nays 8 Vote: Ayes 43 Nays 3
Approved April 16, 1996

A BILL FOR

1 An Act authorizing small quantities of wine to be shipped in and
2 out of this state for consumption or use by persons twenty-one
3 years of age or older.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. NEW SECTION. 123.187 RECIPROCAL SHIPMENT OF
2 WINES.

3 1. "Equal reciprocal shipping privilege" means allowing
4 wineries located in this state to ship into another state,
5 wine, not for resale, but for consumption or use by a person
6 twenty-one years of age or older.

7 2. A winery licensed or permitted pursuant to laws
8 regulating alcoholic beverages in a state which affords this
9 state an equal reciprocal shipping privilege may ship into
10 this state by private common carrier, to a person twenty-one
11 years of age or older, not more than eighteen liters of wine
12 per calendar year, for consumption or use by the person. Such
13 wine shall not be resold. Shipment of wine pursuant to this
14 subsection is not subject to sales tax under section 422.43,
15 use tax under section 423.2, or the wine gallonage tax under
16 section 123.183, and does not require a refund value for
17 beverage container control purposes under chapter 455C.

18 3. The holder of a class "A" or "B" wine permit in this
19 state may ship out of this state by private common carrier, to
20 a person twenty-one years of age or older, not more than
21 eighteen liters of wine per calendar year, for consumption or
22 use by the person.

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HOUSE FILE 2315

S-5412

- 1 Amend House File 2315, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 12, by striking the words
- 4 "calendar year" and inserting the following: "month".
- 5 2. Page 1, line 21, by striking the words
- 6 "calendar year" and inserting the following: "month".

By COMMITTEE ON STATE GOVERNMENT
MICHAEL E. GRONSTAL, Chairperson

adopted 3/25/96 (P. 1005)

S-5412 FILED MARCH 19, 1996

SENATE AMENDMENT TO HOUSE FILE 2315

H-5569

- 1 Amend House File 2315, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 12, by striking the words
- 4 "calendar year" and inserting the following: "month".
- 5 2. Page 1, line 21, by striking the words
- 6 "calendar year" and inserting the following: "month".

RECEIVED FROM THE SENATE

H-5569 FILED MARCH 25, 1996

House Concurred
4-3-96 (P. 1344)

eighteen liters of wine per month, for consumption or use by the person.

HOUSE FILE 2315

AN ACT

AUTHORIZING SMALL QUANTITIES OF WINE TO BE SHIPPED IN AND OUT OF THIS STATE FOR CONSUMPTION OR USE BY PERSONS TWENTY-ONE YEARS OF AGE OR OLDER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 123.187 RECIPROCAL SHIPMENT OF WINES.

1. "Equal reciprocal shipping privilege" means allowing wineries located in this state to ship into another state, wine, not for resale, but for consumption or use by a person twenty-one years of age or older.

2. A winery licensed or permitted pursuant to laws regulating alcoholic beverages in a state which affords this state an equal reciprocal shipping privilege may ship into this state by private common carrier, to a person twenty-one years of age or older, not more than eighteen liters of wine per month, for consumption or use by the person. Such wine shall not be resold. Shipment of wine pursuant to this subsection is not subject to sales tax under section 422.43, use tax under section 423.2, or the wine gallonage tax under section 123.183, and does not require a refund value for beverage container control purposes under chapter 455C.

3. The holder of a class "A" or "B" wine permit in this state may ship out of this state by private common carrier, to a person twenty-one years of age or older, not more than

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2315, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 16, 1996

TERRY E. BRANSTAD
Governor

HF 2315