

FEB 15 2006
STATE GOVERNMENT

HOUSE FILE 2404
BY DE BOEF and CARROLL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to wine, including the allowable alcohol content
2 of wine and inspection of certain wine permittees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2404

1 Section 1. Section 123.3, subsections 5 and 37, Code
2 Supplement 2005, are amended to read as follows:

3 5. "Alcoholic liquor" or "intoxicating liquor" means the
4 varieties of liquor defined in subsections 3 and 33 which
5 contain more than five percent of alcohol by weight, beverages
6 made as described in subsection 7 which beverages contain more
7 than five percent of alcohol by weight but which are not wine
8 as defined in subsection 37, and every other liquid or solid,
9 patented or not, containing spirits and every beverage
10 obtained by the process described in subsection 37 containing
11 more than ~~seventeen~~ twenty-four percent alcohol by weight, and
12 susceptible of being consumed by a human being, for beverage
13 purposes. Alcohol manufactured in this state for use as fuel
14 pursuant to an experimental distilled spirits plant permit or
15 its equivalent issued by the federal bureau of alcohol,
16 tobacco and firearms is not an "alcoholic liquor".

17 37. "Wine" means any beverage containing more than five
18 percent but not more than ~~seventeen~~ twenty-four percent of
19 alcohol by weight obtained by the fermentation or other wine-
20 making processing of the natural sugar contents of fruits or
21 other agricultural products but excluding any product
22 containing alcohol derived from malt or by the distillation
23 process from grain, cereal, molasses or cactus.

24 Sec. 2. Section 123.56, subsection 6, Code 2005, is
25 amended to read as follows:

26 6. For the purposes of this section, "manufacturer"
27 includes only those persons who process in Iowa the fruit,
28 vegetables, dandelions, clover, honey, or any combination of
29 these ingredients, by fermentation or other wine-making
30 processing into wines.

31 Sec. 3. Section 123.173, subsection 2, Code 2005, is
32 amended to read as follows:

33 2. A class "A" wine permit allows the holder to
34 manufacture and sell, or sell at wholesale, in this state,
35 wine as defined in section 123.3, subsection 37. The holder

1 of a class "A" wine permit may manufacture in this state wine
2 having an alcoholic content greater than seventeen twenty-four
3 percent by weight for shipment outside this state. All class
4 "A" premises shall be located within the state. A class "B"
5 or class "B" native wine permit allows the holder to sell wine
6 at retail for consumption off the premises. A class "B" or
7 class "B" native wine permittee who also holds a class "E"
8 liquor control license may sell wine to class "A", class "B",
9 and class "C" liquor control licensees for resale for
10 consumption on the premises. Such wine sales shall be in
11 quantities of less than one case of any wine brand but not
12 more than one such sale shall be made to the same liquor
13 control licensee in a twenty-four-hour period. A class "B" or
14 class "B" native wine permittee shall not sell wine to other
15 class "B", or class "B" native wine permittees. A class "C"
16 native wine permit allows the holder to sell wine for
17 consumption on or off the premises.

18 Sec. 4. Section 123.182, unnumbered paragraph 2, Code
19 2005, is amended to read as follows:

20 The label on a bottle or other container in which wine is
21 offered for sale in this state, which label represents the
22 alcoholic content of the wine as being in excess of seventeen
23 twenty-four percent by weight, is conclusive evidence of the
24 alcoholic content of that wine.

25 Sec. 5. Section 137F.1, subsection 9, Code 2005, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. c. A premises covered by a class "A" wine
28 permit or a "B" wine permit as provided in chapter 123.

29 EXPLANATION

30 This bill concerns the allowable alcohol content of wine,
31 the permissible methods of making wine, and the inspection of
32 premises of certain wine permittees.

33 This bill changes the definition of wine for purposes of
34 the alcoholic beverage control Code chapter to allow wine
35 containing up to 24 percent alcohol. In addition, the bill

1 allows the alcohol content of wine to be obtained by wine-
2 making processes other than fermentation. Current law defines
3 wine as containing only up to 17 percent alcohol.

4 The bill also provides that a premises covered by a class
5 "A" or class "B" wine permit is not considered a food
6 processing plant for purposes of Code chapter 137F related to
7 the inspection of food establishments and food processing
8 plants.

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