

FEB 28 2006  
Place On Calendar

HOUSE FILE 2563  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2404)

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 2563

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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H-8333

- 1 Amend House File 2563 as follows:  
2 1. Page 1, line 11, by striking the words  
3 "~~seventeen~~ twenty-four" and inserting the following:  
4 "seventeen".  
5 2. Page 1, line 11, by inserting after the word  
6 "weight" the following: "or twenty-one and twenty-  
7 five hundredths percent of alcohol by volume".  
8 3. Page 1, line 18, by striking the words  
9 "~~seventeen~~ twenty-four" and inserting the following:  
10 "seventeen".  
11 4. Page 1, line 19, by inserting after the word  
12 "weight" the following: "or twenty-one and twenty-  
13 five hundredths percent of alcohol by volume".  
14 5. Page 1, lines 19 and 20, by striking the words  
15 "or other wine-making processing".  
16 6. Page 1, by striking lines 24 through 30.  
17 7. Page 2, line 2, by striking the words  
18 "~~seventeen~~ twenty-four" and inserting the following:  
19 "seventeen".  
20 8. Page 2, line 3, by inserting after the word  
21 "weight" the following: "or twenty-one and twenty-  
22 five hundredths percent of alcohol by volume".  
23 9. Page 2, lines 22 and 23, by striking the words  
24 "~~seventeen~~ twenty-four" and inserting the following:  
25 "seventeen".  
26 10. Page 2, line 23, by inserting after the word  
27 "weight" the following: "or twenty-one and twenty-  
28 five hundredths percent of alcohol by volume".  
29 11. Title page, line 1, by striking the words  
30 "relating to" and inserting the following:  
31 "concerning".  
32 12. By renumbering as necessary.

By DE BOEF of Keokuk

H-8333 FILED MARCH 21, 2006