

House Study Bill 643 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF COMMERCE/ALCOHOLIC
BEVERAGES DIVISION BILL)

A BILL FOR

1 An Act relating to alcoholic beverage control and matters under
2 the purview of the alcoholic beverages division of the
3 department of commerce.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.3, Code 2018, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8A. "*Brewpub*" means a commercial
4 establishment authorized to sell beer at retail for consumption
5 on or off the premises that is operated by a person who holds a
6 class "C" liquor control license or a class "B" beer permit and
7 who also holds a special class "A" beer permit that authorizes
8 the holder to manufacture and sell beer pursuant to this
9 chapter.

10 Sec. 2. Section 123.3, subsection 5, Code 2018, is amended
11 to read as follows:

12 5. "*Alcoholic liquor*" ~~or "*intoxicating liquor*"~~ means the
13 varieties of liquor defined in [subsections 3 and 43](#) which
14 contain more than five percent of alcohol by weight, beverages
15 made as described in [subsection 7](#) which beverages contain more
16 than five percent of alcohol by weight or six and twenty-five
17 hundredths percent of alcohol by volume but which are not
18 wine as defined in [subsection 47](#) or high alcoholic content
19 beer as defined in [subsection 19](#), and every other liquid or
20 solid, patented or not, containing spirits and every beverage
21 obtained by the process described in [subsection 47](#) containing
22 more than seventeen percent alcohol by weight or twenty-one
23 and twenty-five hundredths percent of alcohol by volume, and
24 susceptible of being consumed by a human being, for beverage
25 purposes. Alcohol manufactured in this state for use as fuel
26 pursuant to an experimental distilled spirits plant permit or
27 its equivalent issued by the federal bureau of alcohol, tobacco
28 and firearms is not an "*alcoholic liquor*".

29 Sec. 3. Section 123.3, subsection 9, Code 2018, is amended
30 to read as follows:

31 9. "*Broker*" means a person who represents or promotes
32 alcoholic liquor within the state on behalf of the holder of a
33 distiller's certificate of compliance ~~through an agreement with~~
34 ~~the distiller, and whose name is disclosed on a distiller's~~
35 ~~current certificate of compliance as its representative in~~

1 ~~the state, a manufacturer's license, or a class "A" native~~
2 distilled spirits license. An employee of the holder of
3 a distiller's certificate of compliance, a manufacturer's
4 license, or a class "A" native distilled spirits license is not
5 a broker.

6 Sec. 4. Section 123.4, Code 2018, is amended to read as
7 follows:

8 **123.4 Alcoholic beverages division created.**

9 An alcoholic beverages division is created within the
10 department of commerce to administer and enforce the laws of
11 this state concerning ~~beer, wine, and alcoholic liquor~~ beverage
12 control.

13 Sec. 5. Section 123.9, subsections 5, 6, and 7, Code 2018,
14 are amended to read as follows:

15 5. To grant and issue beer permits, wine permits, ~~special~~
16 ~~permits~~, liquor control licenses, and other licenses; and to
17 suspend or revoke all such permits and licenses for cause under
18 this chapter.

19 6. To license, inspect, and control the manufacture of
20 ~~beer, wine, and alcoholic liquors~~ beverages and regulate the
21 entire ~~beer, wine, and liquor~~ alcoholic beverage industry in
22 the state.

23 7. To accept ~~intoxicating~~ alcoholic liquors ordered
24 delivered to the alcoholic beverages division pursuant to
25 chapter 809A, and offer for sale and deliver the ~~intoxicating~~
26 alcoholic liquors to class "E" liquor control licensees,
27 unless the administrator determines that the ~~intoxicating~~
28 alcoholic liquors may be adulterated or contaminated. If
29 the administrator determines that the ~~intoxicating~~ alcoholic
30 liquors may be adulterated or contaminated, the administrator
31 shall order their destruction.

32 Sec. 6. Section 123.10, subsection 6, Code 2018, is amended
33 to read as follows:

34 6. Providing for the issuance and electronic distribution
35 of price lists which show the price to be paid by class "E"

1 liquor control licensees for each brand, class, or variety of
2 liquor kept for sale by the division, providing for the filing
3 or posting of prices charged in sales between class "A" beer
4 and class "A" wine permit holders and retailers, as provided
5 in [this chapter](#), and establishing or controlling the prices
6 based on minimum standards of fill, quantity, or alcoholic
7 content for each individual sale of ~~intoxicating liquor or~~
8 ~~beer~~ alcoholic beverages as deemed necessary for retail or
9 consumer protection. However, the division shall not regulate
10 markups, prices, discounts, allowances, or other terms of sale
11 at which alcoholic liquor may be purchased by the retail public
12 or liquor control licensees from class "E" liquor control
13 licensees or at which wine may be purchased and sold by class
14 "A" and retail wine permittees, or change, nullify, or vary the
15 terms of an agreement between a holder of a vintner certificate
16 of compliance and a class "A" wine permittee.

17 Sec. 7. Section 123.14, subsection 1, Code 2018, is amended
18 to read as follows:

19 1. The department of public safety is the primary ~~beer,~~
20 ~~wine, and liquor~~ alcoholic beverage control law enforcement
21 authority for this state.

22 Sec. 8. Section 123.22, subsection 2, Code 2018, is amended
23 to read as follows:

24 2. No person, acting individually or through another
25 acting for the person shall directly or indirectly, or upon
26 any pretense, or by any device, manufacture, sell, exchange,
27 barter, dispense, give in consideration of the purchase of any
28 property or of any services or in evasion of [this chapter](#),
29 or keep for sale, or have possession of any ~~intoxicating~~
30 alcoholic liquor, except as provided in [this chapter](#); or
31 own, keep, or be in any way concerned, engaged, or employed
32 in owning or keeping, any ~~intoxicating~~ alcoholic liquor with
33 intent to violate any provision of [this chapter](#), or authorize
34 or permit the same to be done; or manufacture, own, sell, or
35 have possession of any manufactured or compounded article,

1 mixture or substance, not in a liquid form, and containing
2 alcohol which may be converted into a beverage by a process
3 of pressing or straining the alcohol therefrom, or any
4 instrument intended for use and capable of being used in the
5 manufacture of ~~intoxicating~~ alcoholic liquor; or own or have
6 possession of any material used exclusively in the manufacture
7 of ~~intoxicating~~ alcoholic liquor; or use or have possession
8 of any material with intent to use it in the manufacture
9 of ~~intoxicating~~ alcoholic liquors; however, alcohol may be
10 manufactured for industrial and nonbeverage purposes by persons
11 who have qualified for that purpose as provided by the laws of
12 the United States and the laws of this state. Such alcohol, so
13 manufactured, may be denatured, transported, used, possessed,
14 sold, and bartered and dispensed, subject to the limitations,
15 prohibitions and restrictions imposed by the laws of the United
16 States and this state. Any person may manufacture, sell, or
17 transport ingredients and devices other than alcohol for the
18 making of homemade wine or beer.

19 Sec. 9. Section 123.23, subsections 1 and 5, Code 2018, are
20 amended to read as follows:

21 1. Any manufacturer, distiller, or importer of alcoholic
22 ~~beverages~~ liquors shipping, selling, or having alcoholic
23 ~~beverages~~ liquors brought into this state for resale by the
24 state shall, as a condition precedent to the privilege of
25 so trafficking in alcoholic liquors in this state, annually
26 make application for and hold a distiller's certificate
27 of compliance which shall be issued by the administrator
28 for that purpose. No brand of alcoholic liquor shall be
29 sold by the division in this state unless the manufacturer,
30 distiller, importer, and all other persons participating in
31 the distribution of that brand in this state have obtained a
32 certificate. The certificate of compliance shall expire at the
33 end of one year from the date of issuance and shall be renewed
34 for a like period upon application to the administrator unless
35 otherwise suspended or revoked for cause. Each application

1 for a certificate of compliance or renewal shall be submitted
2 electronically, or in a manner prescribed by the administrator,
3 and shall be accompanied by a fee of fifty dollars payable to
4 the division. However, **this subsection** need not apply to a
5 manufacturer, distiller, or importer who ships or sells in this
6 state no more than eleven gallons or its case equivalent during
7 any fiscal year as a result of "special orders" which might
8 be placed, as defined and allowed by divisional rules adopted
9 under **this chapter**.

10 5. **This section** shall not require the listing of those
11 persons who are employed on premises where alcoholic ~~beverages~~
12 liquors are manufactured, processed, bottled or packaged in
13 Iowa or persons who are thereafter engaged in the transporting
14 of such alcoholic ~~beverages~~ liquors to the division.

15 Sec. 10. Section 123.25, Code 2018, is amended to read as
16 follows:

17 **123.25 Consumption on premises.**

18 An officer, clerk, agent, or employee of the division
19 employed in a state-owned warehouse shall not allow any
20 alcoholic ~~liquor~~ beverage to be consumed on the premises, nor
21 shall a person consume any alcoholic liquor on the premises
22 except for testing or sampling purposes only.

23 Sec. 11. Section 123.28, subsections 2 and 5, Code 2018, are
24 amended to read as follows:

25 2. The division shall deliver alcoholic liquor purchased
26 by class "E" liquor control licensees. Class "E" liquor
27 control licensees may deliver alcoholic liquor purchased by
28 class "A", "B", ~~or~~ "C", "C" native distilled spirits, or "D"
29 liquor control licensees, and class "A", "B", ~~or~~ "C", "C"
30 native distilled spirits, or "D" liquor control licensees may
31 transport alcoholic liquor purchased from class "E" liquor
32 control licensees.

33 5. **This section** does not affect the right of a ~~special~~
34 ~~permit~~ or liquor control license holder to purchase, possess,
35 or transport alcoholic liquors subject to **this chapter**.

1 Sec. 12. Section 123.30, subsection 3, Code 2018, is amended
2 to read as follows:

3 3. Liquor control licenses issued under this chapter shall
4 be of the following classes:

5 *a. Class "A".* A class "A" liquor control license may be
6 issued to a club and shall authorize the holder to purchase
7 alcoholic liquors from class "E" liquor control licensees
8 only, wine from class "A" wine permittees or class "B" wine
9 permittees who also hold class "E" liquor control licenses only
10 as provided in section 123.173 and section 123.177, and native
11 ~~wines from native wine manufacturers,~~ and to sell liquors,
12 ~~wine, and beer~~ alcoholic beverages to bona fide members and
13 their guests by the individual drink for consumption on the
14 premises only.

15 *b. Class "B".* A class "B" liquor control license may be
16 issued to a hotel or motel and shall authorize the holder
17 to purchase alcoholic liquors from class "E" liquor control
18 licensees only, wine from class "A" wine permittees or class
19 "B" wine permittees who also hold class "E" liquor control
20 licenses only as provided in section 123.173 and section
21 123.177, and native wines from native wine manufacturers,
22 ~~and to sell liquors, wine, and beer~~ alcoholic beverages to
23 patrons by the individual drink for consumption on the premises
24 only. However, beer may also be sold for consumption off the
25 premises. Each license shall be effective throughout the
26 premises described in the application.

27 *c. Class "C".*

28 (1) A class "C" liquor control license may be issued to
29 a commercial establishment but must be issued in the name
30 of the individuals who actually own the entire business and
31 shall authorize the holder to purchase alcoholic liquors from
32 class "E" liquor control licensees only, wine from class "A"
33 wine permittees or class "B" wine permittees who also hold
34 class "E" liquor control licenses only as provided in section
35 123.173 and section 123.177, and native wines from native wine

1 ~~manufacturers,~~ and to sell ~~liquors, wine, and beer~~ alcoholic
2 beverages to patrons by the individual drink for consumption
3 on the premises only. However, beer may also be sold for
4 consumption off the premises. The holder of a class "C" liquor
5 control license may also hold a special class "A" beer permit
6 for the premises licensed under a class "C" liquor control
7 license for the purpose of operating a brewpub pursuant to this
8 chapter.

9 (2) A special class "C" liquor control license may be issued
10 to a commercial establishment and shall authorize the holder
11 to purchase wine from class "A" wine permittees or class "B"
12 wine permittees who also hold class "E" liquor control licenses
13 only as provided in section 123.173 and section 123.177, and
14 to sell wine and beer to patrons by the individual drink for
15 consumption on the premises only. However, beer may also be
16 sold for consumption off the premises. The license issued to
17 holders of a special class "C" liquor control license shall
18 clearly state on its face that the license is limited.

19 (3) A class "C" native distilled spirits liquor control
20 license may be issued to a native distillery but shall be
21 issued in the name of the individuals who actually own the
22 business and shall only be issued to a native distillery
23 which, combining all production facilities of the business,
24 produces and manufactures not more than one hundred thousand
25 proof gallons of distilled spirits on an annual basis. The
26 license shall authorize the holder to sell native distilled
27 spirits manufactured on the premises of the native distillery
28 to patrons by the individual drink for consumption on the
29 premises. All native distilled spirits sold by a native
30 distillery for on-premises consumption shall be purchased from
31 a class "E" liquor control licensee.

32 *d. Class "D".*

33 (1) A class "D" liquor control license may be issued
34 to a railway corporation, to an air common carrier, and to
35 passenger-carrying boats or ships for hire with a capacity of

1 twenty-five persons or more operating in inland or boundary
2 waters, and shall authorize the holder to sell or furnish
3 alcoholic beverages, ~~wine, and beer~~ to passengers for
4 consumption only on trains, watercraft as described in this
5 section, or aircraft, respectively. Each license is valid
6 throughout the state. Only one license is required for all
7 trains, watercraft, or aircraft operated in the state by the
8 licensee. However, if a watercraft is an excursion gambling
9 boat licensed under [chapter 99F](#), the owner shall obtain a
10 separate class "D" liquor control license for each excursion
11 gambling boat operating in the waters of this state.

12 (2) A class "D" liquor control licensee who operates a train
13 or a watercraft intrastate only, or an excursion gambling boat
14 licensed under [chapter 99F](#), shall purchase alcoholic liquor
15 from a class "E" liquor control licensee only, wine from a
16 class "A" wine permittee or a class "B" wine permittee who also
17 holds a class "E" liquor control license only as provided in
18 section 123.173 and section 123.177, and beer from a class "A"
19 beer permittee only.

20 *e. Class "E".*

21 (1) A class "E" liquor control license may be issued
22 and shall authorize the holder to purchase alcoholic liquor
23 from the division only and high alcoholic content beer from
24 a class "A" beer permittee only and to sell the alcoholic
25 liquor and high alcoholic content beer at retail to patrons
26 for consumption off the licensed premises and at wholesale to
27 other liquor control licensees, provided the holder has filed
28 with the division a basic permit issued by the alcohol and
29 tobacco tax and trade bureau of the United States department of
30 the treasury. A holder of a class "E" liquor control license
31 may hold other retail liquor control licenses or retail wine
32 or beer permits, but the premises licensed under a class "E"
33 liquor control license shall be separate from other licensed
34 premises, though the separate premises may have a common
35 entrance. However, the holder of a class "E" liquor control

1 license may also hold a class "B" wine or class "C" beer permit
2 or both for the premises licensed under a class "E" liquor
3 control license.

4 (2) The division may issue a class "E" liquor control
5 license for premises covered by a liquor control license
6 or wine or beer permit for on-premises consumption, if the
7 premises are in a county having a population under nine
8 thousand five hundred in which no other class "E" liquor
9 control license has been issued by the division, and no other
10 application for a class "E" liquor control license has been
11 made within the previous twelve consecutive months.

12 Sec. 13. Section 123.32, subsection 1, Code 2018, is amended
13 to read as follows:

14 1. *Filing of application.* An application for a class "A",
15 class "B", class "C", or class "E" liquor control license, for
16 a class "A" native distilled spirits license, for a retail
17 beer permit as provided in [sections 123.128 and 123.129](#), or
18 for a class "B", class "B" native, or class "C" native retail
19 wine permit as provided in [section ~~123.178~~, ~~123.178A~~, or](#)
20 [123.178B 123.175](#), accompanied by the necessary fee and bond,
21 if required, shall be filed with the appropriate city council
22 if the premises for which the license or permit is sought are
23 located within the corporate limits of a city, or with the
24 board of supervisors if the premises for which the license or
25 permit is sought are located outside the corporate limits of a
26 city. An application for a class "D" liquor control license
27 and for a class "A" beer or class "A" wine permit, accompanied
28 by the necessary fee and bond, if required, shall be submitted
29 to the division electronically, or in a manner prescribed by
30 the administrator, which shall proceed in the same manner as in
31 the case of an application approved by local authorities.

32 Sec. 14. Section 123.33, Code 2018, is amended to read as
33 follows:

34 **123.33 Records.**

35 Every holder of a license or permit under [this chapter](#) shall

1 maintain records, in printed ~~and~~ or electronic format, which
2 include income statements, balance sheets, purchase and sales
3 invoices, purchase and sales ledgers, and any other records as
4 the administrator may require. The records required and the
5 premises of the licensee or permittee shall be accessible and
6 open to inspection pursuant to [section 123.30, subsection 1](#),
7 during normal business hours of the licensee or permittee.

8 Sec. 15. Section 123.34, subsection 1, Code 2018, is amended
9 to read as follows:

10 1. Liquor control licenses, wine permits, and beer permits,
11 unless sooner suspended or revoked, expire one year from date
12 of issuance. The administrator shall ~~give~~ notify a licensee or
13 permit holder electronically, or in a manner prescribed by the
14 administrator, sixty days' written notice of days prior to the
15 expiration to of each licensee license or permittee permit.
16 However, the administrator may issue six-month or eight-month
17 seasonal licenses, class "B" wine permits, or class "B" beer
18 permits for a proportionate part of the license or permit fee
19 or may issue fourteen-day liquor control licenses, native wine
20 permits, or beer permits as provided in [subsection 2](#). No
21 refund shall be made for seasonal licenses or permits or for
22 fourteen-day liquor control licenses, native wine permits, or
23 beer permits. No seasonal license or permit shall be renewed.
24 However, after a period of two months the applicant may apply
25 for a new seasonal license or permit for the same location.

26 Sec. 16. Section 123.36, subsections 1 and 6, Code 2018, are
27 amended to read as follows:

28 1. Class "A" liquor control licenses, the sum of six hundred
29 dollars, except that for class "A" licenses in cities of less
30 than two thousand population, and for clubs of less than two
31 hundred fifty members, the license fee shall be four hundred
32 dollars; however, the fee shall be two hundred dollars for
33 any club which is a post, branch, or chapter of a veterans
34 organization chartered by the Congress of the United States, if
35 the club does not sell or permit the consumption of alcoholic

1 beverages, ~~wine, or beer~~ on the premises more than one day in
2 any week or more than a total of fifty-two days in a year, and
3 if the application for a license states that the club does
4 not and will not sell or permit the consumption of alcoholic
5 beverages, ~~wine, or beer~~ on the premises more than one day in
6 any week or more than a total of fifty-two days in a year.

7 6. Any club, hotel, motel, native distillery, or commercial
8 establishment holding a liquor control license, subject to
9 section 123.49, subsection 2, paragraph "b", may apply for
10 and receive permission to sell and dispense alcoholic liquor
11 ~~and wine beverages as authorized by section 123.30 to patrons~~
12 ~~on Sunday for consumption on the premises only, and beer for~~
13 ~~consumption on or off the premises~~ between the hours of 8:00
14 a.m. on Sunday and 2:00 a.m. on the following Monday. A
15 class "D" liquor control licensee may apply for and receive
16 permission to sell and dispense alcoholic beverages to patrons
17 for consumption on the premises only between the hours of 8:00
18 a.m. on Sunday and 2:00 a.m. on the following Monday. For
19 the privilege of selling beer, wine, and alcoholic liquor on
20 the premises on Sunday the liquor control license fee of the
21 applicant shall be increased by twenty percent of the regular
22 fee prescribed for the license pursuant to [this section](#), and
23 the privilege shall be noted on the liquor control license.

24 Sec. 17. Section 123.37, subsection 1, Code 2018, is amended
25 to read as follows:

26 1. The power to establish licenses and permits and levy
27 taxes as imposed in [this chapter](#) is vested exclusively with
28 the state. Unless specifically provided, a local authority
29 shall not require the obtaining of a special license or permit
30 for the sale of alcoholic beverages, ~~wine, or beer~~ at any
31 establishment, or require the obtaining of a license by any
32 person as a condition precedent to the person's employment in
33 the sale, serving, or handling of alcoholic beverages, ~~wine,~~
34 ~~or beer,~~ within an establishment operating under a license or
35 permit.

1 Sec. 18. Section 123.38, subsections 1 and 2, Code 2018, are
2 amended to read as follows:

3 1. A ~~special permit~~, liquor control license, wine permit,
4 or beer permit is a personal privilege and is revocable for
5 cause. It is not property nor is it subject to attachment
6 and execution nor alienable nor assignable, and it shall
7 cease upon the death of the permittee or licensee. However,
8 the administrator of the division may in the administrator's
9 discretion allow the executor or administrator of a permittee
10 or licensee to operate the business of the decedent for a
11 reasonable time not to exceed the expiration date of the permit
12 or license. Every permit or license shall be issued in the
13 name of the applicant and no person holding a permit or license
14 shall allow any other person to use it.

15 2. Any licensee or permittee, or the licensee's or
16 permittee's executor or administrator, or any person duly
17 appointed by the court to take charge of and administer the
18 property or assets of the licensee or permittee for the benefit
19 of the licensee's or permittee's creditors, may voluntarily
20 surrender a license or permit to the division. When a license
21 or permit is surrendered the division shall notify the local
22 authority, and the division or the local authority shall
23 refund to the person surrendering the license or permit, a
24 proportionate amount of the fee received by the division or
25 the local authority for the license or permit as follows: if
26 a license or permit is surrendered during the first three
27 months of the period for which it was issued, the refund shall
28 be three-fourths of the amount of the fee; if surrendered
29 more than three months but not more than six months after
30 issuance, the refund shall be one-half of the amount of the
31 fee; if surrendered more than six months but not more than nine
32 months after issuance, the refund shall be one-fourth of the
33 amount of the fee. No refund shall be made, however, for any
34 ~~special permit~~, liquor control license, wine permit, or beer
35 permit surrendered more than nine months after issuance. For

1 purposes of [this subsection](#), any portion of license or permit
 2 fees used for the purposes authorized in section 331.424,
 3 subsection 1, paragraph "a", subparagraphs (1) and (2), and in
 4 section 331.424A, shall not be deemed received either by the
 5 division or by a local authority. No refund shall be made to
 6 any licensee or permittee upon the surrender of the license or
 7 permit if there is at the time of surrender a complaint filed
 8 with the division or local authority charging the licensee
 9 or permittee with a violation of [this chapter](#). If upon a
 10 hearing on a complaint the license or permit is not revoked or
 11 suspended, then the licensee or permittee is eligible, upon
 12 surrender of the license or permit, to receive a refund as
 13 provided in [this section](#). However, if the license or permit is
 14 revoked or suspended upon hearing, the licensee or permittee
 15 is not eligible for the refund of any portion of the license or
 16 permit fee.

17 Sec. 19. Section 123.39, subsection 1, paragraph b,
 18 subparagraph (3), Code 2018, is amended to read as follows:

19 (3) Any change in the ownership or interest in the business
 20 operated under a class "A", class "B", or class "C" liquor
 21 control license, or any wine or beer permit, which change
 22 was not previously reported ~~to~~ in a manner prescribed by the
 23 administrator within thirty days of the change and subsequently
 24 approved by the local authority and the division.

25 Sec. 20. Section 123.39, subsection 1, paragraph c, Code
 26 2018, is amended to read as follows:

27 c. A criminal conviction is not a prerequisite to
 28 suspension, revocation, or imposition of a civil penalty
 29 pursuant to [this section](#). A local authority which acts
 30 pursuant to [this section](#), ~~or~~ [section 123.32](#), or [section 123.50](#)
 31 shall notify the division in writing of the action taken,
 32 and shall notify the licensee or permit holder of the right
 33 to appeal a suspension, revocation, or imposition of a civil
 34 penalty to the division. Civil penalties imposed and collected
 35 by the local authority under [this section](#) shall be retained by

1 the local authority. Civil penalties imposed and collected
2 by the division under [this section](#) shall be retained by the
3 division.

4 Sec. 21. Section 123.39, subsections 2 and 3, Code 2018, are
5 amended to read as follows:

6 2. Local authorities may suspend any ~~retail wine or beer~~
7 ~~permit or~~ liquor control license or retail wine or beer permit
8 for a violation of any ordinance or regulation adopted by
9 the local authority. Local authorities may adopt ordinances
10 or regulations for the location of the premises of ~~retail~~
11 ~~wine or beer and~~ liquor control licensed and retail wine or
12 beer permitted establishments and local authorities may adopt
13 ordinances, not in conflict with [this chapter](#) and that do
14 not diminish the hours during which ~~beer, wine, or~~ alcoholic
15 beverages may be sold or consumed at retail, governing any
16 other activities or matters which may affect the retail sale
17 and consumption of ~~beer, wine, and~~ alcoholic liquor beverages
18 and the health, welfare and morals of the community involved.

19 3. When a liquor control license or retail wine or beer
20 permit is suspended after a hearing as a result of violations
21 of [this chapter](#) by the licensee, permittee or the licensee's
22 or permittee's agents or employees, the premises which were
23 licensed by the license or permit shall not be relicensed for
24 a new applicant until the suspension has terminated or time
25 of suspension has elapsed, or ninety days have elapsed since
26 the commencement of the suspension, whichever occurs first.
27 However, [this section](#) does not prohibit the premises from
28 being relicensed to a new applicant before the suspension has
29 terminated or before the time of suspension has elapsed or
30 before ninety days have elapsed from the commencement of the
31 suspension, if the premises prior to the time of the suspension
32 had been purchased under contract, and the vendor under that
33 contract had exercised the person's rights under [chapter 656](#)
34 and sold the property to a different person who is not related
35 to the previous licensee or permittee by marriage or within the

1 third degree of consanguinity or affinity and if the previous
2 licensee or permittee does not have a financial interest in the
3 business of the new applicant.

4 Sec. 22. Section 123.41, subsection 2, Code 2018, is amended
5 to read as follows:

6 2. As a condition precedent to the approval and granting
7 of a manufacturer's license, an applicant shall file with the
8 division a basic permit issued by the alcohol and tobacco
9 tax and trade bureau of the United States department of the
10 treasury, and a statement under oath with the division that the
11 ~~applicant is a bona fide manufacturer of alcoholic liquors, and~~
12 that the applicant will faithfully observe and comply with all
13 laws, rules, and regulations governing the manufacture and sale
14 of alcoholic liquor.

15 Sec. 23. Section 123.42, subsection 1, Code 2018, is amended
16 to read as follows:

17 1. Prior to representing or promoting ~~a distiller's~~
18 alcoholic liquor products in the state, the broker shall submit
19 an application to the division electronically, or in a manner
20 prescribed by the administrator, for a broker's permit. The
21 administrator may in accordance with [this chapter](#) issue a
22 broker's permit which shall be valid for one year from the
23 date of issuance unless it is sooner suspended or revoked
24 for a violation of [this chapter](#). ~~A broker's permit is valid~~
25 ~~throughout the state, and a broker who represents more than one~~
26 ~~distiller is required to obtain only one broker's permit.~~

27 Sec. 24. Section 123.42, Code 2018, is amended by adding the
28 following new subsections:

29 NEW SUBSECTION. 1A. At the time of applying for a broker's
30 permit, each applicant shall submit to the division a list
31 of names and addresses of all manufacturers, distillers, and
32 importers whom the applicant has been appointed to represent
33 the applicant in the state of Iowa for any purpose. The
34 listing shall be amended by the broker as necessary to keep the
35 listing current with the division.

1 NEW SUBSECTION. 1B. A broker's permit is valid throughout
2 the state, and a broker who represents more than one
3 certificate or license holder is required to obtain only one
4 broker's permit.

5 Sec. 25. Section 123.42, subsection 4, Code 2018, is amended
6 to read as follows:

7 4. The holder of a distiller's certificate of compliance, a
8 manufacturer's license, or a class "A" native distilled spirits
9 license is not required to appoint a broker to represent its
10 alcoholic liquor products in the state. ~~If the holder of a~~
11 ~~distiller's certificate of compliance appoints a broker to~~
12 ~~represent its alcoholic liquor products in the state, the~~
13 ~~name and address of the broker shall be disclosed on the~~
14 ~~distiller's application for a certificate of compliance, and~~
15 ~~the requirements in this section shall apply to the appointed~~
16 ~~broker.~~

17 Sec. 26. Section 123.43, subsection 2, paragraph d, Code
18 2018, is amended to read as follows:

19 ~~d. That the applicant is a bona fide manufacturer of~~
20 ~~alcoholic liquors~~ has filed with the division a basic permit
21 issued by the alcohol and tobacco tax and trade bureau of
22 the United States department of the treasury, and that the
23 applicant will faithfully observe and comply with all laws,
24 rules, and regulations governing the manufacture and sale of
25 alcoholic liquor.

26 Sec. 27. Section 123.44, Code 2018, is amended to read as
27 follows:

28 ~~123.44 Gift of liquors~~ Gifts prohibited.

29 A manufacturer or broker shall not give away alcoholic
30 liquor at any time in connection with the manufacturer's or
31 broker's business except for testing or sampling purposes
32 only. A manufacturer, distiller, vintner, brewer, broker,
33 wholesaler, or importer, organized as a corporation pursuant
34 to the laws of this state or any other state, who deals in
35 ~~alcoholic liquor, wine, or beer~~ beverages subject to regulation

1 under this chapter shall not offer or give anything of value
2 to a commission member, official or employee of the division,
3 or directly or indirectly contribute in any manner any money
4 or thing of value to a person seeking a public or appointive
5 office or a recognized political party or a group of persons
6 seeking to become a recognized political party.

7 Sec. 28. Section 123.47, subsection 1, Code 2018, is amended
8 to read as follows:

9 1. A person shall not sell, give, or otherwise supply any
10 ~~alcoholic liquor, wine, or beer~~ beverage to any person knowing
11 or having reasonable cause to believe that person to be under
12 legal age.

13 Sec. 29. Section 123.47, subsection 2, paragraph a, Code
14 2018, is amended to read as follows:

15 a. Except for the purposes described in subsection 3, a
16 person who is the owner or lessee of, or who otherwise has
17 control over, property that is not a licensed premises, shall
18 not knowingly permit any person, knowing or having reasonable
19 cause to believe the person to be under the age of eighteen, to
20 consume or possess on such property any ~~alcoholic liquor, wine,~~
21 ~~or beer~~ beverage.

22 Sec. 30. Section 123.47, subsection 2, paragraph c,
23 subparagraph (2), Code 2018, is amended to read as follows:

24 (2) A person under legal age who consumes or possesses any
25 ~~alcoholic liquor, wine, or beer~~ beverage in connection with a
26 religious observance, ceremony, or rite.

27 Sec. 31. Section 123.47, subsection 3, Code 2018, is amended
28 to read as follows:

29 3. A person or persons under legal age shall not purchase or
30 attempt to purchase, consume, or individually or jointly have
31 ~~alcoholic liquor, wine, or beer~~ beverages in their possession
32 or control; except in the case of ~~liquor, wine, or beer~~ any
33 alcoholic beverage given or dispensed to a person under legal
34 age within a private home and with the knowledge, presence, and
35 consent of the parent or guardian, for beverage or medicinal

1 purposes or as administered to the person by either a physician
2 or dentist for medicinal purposes and except to the extent that
3 a person under legal age may handle alcoholic beverages, ~~wine,~~
4 ~~and beer~~ during the regular course of the person's employment
5 by a liquor control licensee, or wine or beer permittee under
6 this chapter.

7 Sec. 32. Section 123.47, subsection 4, paragraph a,
8 unnumbered paragraph 1, Code 2018, is amended to read as
9 follows:

10 A person who is eighteen, nineteen, or twenty years of age,
11 other than a licensee or permittee, who violates **this section**
12 regarding the purchase of, attempt to purchase, or consumption
13 of any alcoholic liquor, ~~wine, or beer~~ beverage, or possessing
14 or having control of any alcoholic liquor, ~~wine, or beer~~
15 beverage, commits the following:

16 Sec. 33. Section 123.47, subsections 5, 6, and 7, Code 2018,
17 are amended to read as follows:

18 5. Except as otherwise provided in **subsections 6 and 7**, a
19 person who is of legal age, other than a licensee or permittee,
20 who sells, gives, or otherwise supplies any alcoholic liquor,
21 ~~wine, or beer~~ beverage to a person who is under legal age
22 in violation of **this section** commits a serious misdemeanor
23 punishable by a minimum fine of five hundred dollars.

24 6. A person who is of legal age, other than a licensee
25 or permittee, who sells, gives, or otherwise supplies any
26 alcoholic liquor, ~~wine, or beer~~ beverage to a person who is
27 under legal age in violation of **this section** which results in
28 serious injury to any person commits an aggravated misdemeanor.

29 7. A person who is of legal age, other than a licensee
30 or permittee, who sells, gives, or otherwise supplies any
31 alcoholic liquor, ~~wine, or beer~~ beverage to a person who is
32 under legal age in violation of **this section** which results in
33 the death of any person commits a class "D" felony.

34 Sec. 34. Section 123.49, subsection 1, Code 2018, is amended
35 to read as follows:

1 1. A person shall not sell, dispense, or give to an
2 intoxicated person, or one simulating intoxication, any
3 alcoholic ~~liquor, wine, or beer~~ beverage.

4 a. A person other than a person required to hold a
5 license or permit under this chapter who dispenses or gives
6 an alcoholic beverage, ~~wine, or beer~~ in violation of this
7 subsection is not civilly liable to an injured person or the
8 estate of a person for injuries inflicted on that person as
9 a result of intoxication by the consumer of the alcoholic
10 beverage, ~~wine, or beer~~.

11 b. The general assembly declares that this subsection shall
12 be interpreted so that the holding of *Clark v. Mincks*, 364
13 N.W.2d 226 (Iowa 1985) is abrogated in favor of prior judicial
14 interpretation finding the consumption of alcoholic beverages,
15 ~~wine, or beer~~ rather than the serving of alcoholic beverages,
16 ~~wine, or beer~~ as the proximate cause of injury inflicted upon
17 another by an intoxicated person.

18 Sec. 35. Section 123.49, subsection 2, paragraphs c, f, h,
19 i, and j, Code 2018, are amended to read as follows:

20 c. Sell alcoholic beverages, ~~wine, or beer~~ to any person on
21 credit, except with a bona fide credit card. This provision
22 does not apply to sales by a club to its members, to sales by a
23 hotel or motel to bona fide registered guests, nor to retail
24 sales by the managing entity of a convention center, civic
25 center, or events center.

26 f. Employ a person under eighteen years of age in the sale
27 or serving of alcoholic ~~liquor, wine, or beer~~ beverages for
28 consumption on the premises where sold.

29 h. Sell, give, or otherwise supply any alcoholic beverage,
30 ~~wine, or beer~~ to any person, knowing or failing to exercise
31 reasonable care to ascertain whether the person is under legal
32 age, or permit any person, knowing or failing to exercise
33 reasonable care to ascertain whether the person is under legal
34 age, to consume any alcoholic beverage, ~~wine, or beer~~.

35 i. In the case of a retail ~~beer~~ wine or wine beer permittee,

1 knowingly allow the mixing or adding of alcohol or any
2 alcoholic beverage to wine, beer, ~~wine~~, or any other beverage
3 in or about the permittee's place of business.

4 *j.* Knowingly permit or engage in any criminal activity
5 on the premises covered by the license or permit. However,
6 the absence of security personnel on the licensed premises
7 is insufficient, without additional evidence, to prove that
8 criminal activity occurring on the licensed premises was
9 knowingly permitted in violation of this paragraph "j". For
10 purposes of this paragraph "j", "premises" includes parking
11 lots and areas adjacent to the premises of a liquor control
12 licensee or wine or beer permittee authorized to sell alcoholic
13 beverages for consumption on the licensed premises and used
14 by patrons of the liquor control licensee or wine or beer
15 permittee.

16 Sec. 36. Section 123.49, subsections 3 and 4, Code 2018, are
17 amended to read as follows:

18 3. A person under legal age shall not misrepresent the
19 person's age for the purpose of purchasing or attempting
20 to purchase any alcoholic beverage, ~~wine, or beer~~ from any
21 liquor control licensee or wine or beer permittee. If any
22 person under legal age misrepresents the person's age, and
23 the licensee or permittee establishes that the licensee or
24 permittee made reasonable inquiry to determine whether the
25 prospective purchaser was over legal age, the licensee or
26 permittee is not guilty of selling alcoholic ~~liquor, wine, or~~
27 ~~beer~~ beverages to a person under legal age.

28 4. No privilege of selling alcoholic ~~liquor, wine, or beer~~
29 beverages on Sunday as provided in section 123.36, subsection
30 6, and [section 123.134, subsection 4](#), shall be granted to
31 a club or other organization which places restrictions on
32 admission or membership in the club or organization on the
33 basis of sex, race, religion, or national origin. However, the
34 privilege may be granted to a club or organization which places
35 restrictions on membership on the basis of sex, if the club or

1 organization has an auxiliary organization open to persons of
2 the other sex.

3 Sec. 37. Section 123.50, subsection 2, Code 2018, is amended
4 to read as follows:

5 2. The conviction of any liquor control licensee, or wine
6 ~~permittee~~, or beer permittee for a violation of any of the
7 provisions of [section 123.49](#), subject to [subsection 3](#) of this
8 section, is grounds for the suspension or revocation of the
9 license or permit by the division or the local authority.
10 However, if any liquor control licensee is convicted of any
11 violation of [section 123.49, subsection 2](#), paragraph "a",
12 "d", or "e", or any wine or beer permittee is convicted of a
13 violation of [section 123.49, subsection 2](#), paragraph "a" or
14 "e", the liquor control licensee, or wine ~~permit~~, or beer permit
15 shall be revoked and shall immediately be surrendered by the
16 holder, and the bond, if any, of the license or permit holder
17 shall be forfeited to the division.

18 Sec. 38. Section 123.50, subsection 3, unnumbered paragraph
19 1, Code 2018, is amended to read as follows:

20 If any liquor control licensee, wine ~~permittee~~, or beer
21 permittee, or employee of a licensee or permittee is convicted
22 or found in violation of [section 123.49, subsection 2](#),
23 paragraph "h", the administrator or local authority shall, in
24 addition to criminal penalties fixed for violations by this
25 section, assess a civil penalty as follows:

26 Sec. 39. Section 123.50, subsection 5, Code 2018, is amended
27 to read as follows:

28 5. If an employee of a liquor control licensee or wine or
29 beer permittee violates [section 123.49, subsection 2](#), paragraph
30 "h", the licensee or permittee shall not be assessed a penalty
31 under [subsection 3](#), and the violation shall be deemed not to
32 be a violation of [section 123.49, subsection 2](#), paragraph
33 "h", for the purpose of determining the number of violations
34 for which a penalty may be assessed pursuant to subsection
35 3, if the employee holds a valid certificate of completion

1 of the alcohol compliance employee training program pursuant
2 to [section 123.50A](#) at the time of the violation, and if the
3 violation involves selling, giving, or otherwise supplying
4 any alcoholic beverage, ~~wine, or beer~~ to a person between
5 the ages of eighteen and twenty years of age. A violation
6 involving a person under the age of eighteen years of age
7 shall not qualify for the bar against assessment of a penalty
8 pursuant to [subsection 3](#), for a violation of section 123.49,
9 subsection 2, paragraph "h". A licensee or permittee may assert
10 only once in a four-year period the bar under [this subsection](#)
11 against assessment of a penalty pursuant to [subsection 3](#), for a
12 violation of [section 123.49, subsection 2](#), paragraph "h", that
13 takes place at the same place of business location.

14 Sec. 40. Section 123.50A, subsection 1, Code 2018, is
15 amended to read as follows:

16 1. If sufficient funding is appropriated, the division
17 shall develop an alcohol compliance employee training program,
18 not to exceed two hours in length for employees and prospective
19 employees of licensees and permittees, to inform the employees
20 about state ~~and federal liquor~~ laws and regulations regarding
21 the sale of alcoholic ~~liquor, wine, or beer~~ beverages to
22 persons under legal age, and compliance with and the importance
23 of laws regarding the sale of alcoholic ~~liquor, wine, or beer~~
24 beverages to persons under legal age. In developing the
25 alcohol compliance employee training program, the division may
26 consult with stakeholders who have expertise in the laws and
27 regulations regarding the sale of alcoholic ~~liquor, wine, or~~
28 ~~beer~~ beverages to persons under legal age.

29 Sec. 41. Section 123.56, subsections 2 and 3, Code 2018, are
30 amended to read as follows:

31 2. Native wine may be sold at retail for off-premises
32 consumption when sold on the premises of the manufacturer, or
33 in a retail establishment operated by the manufacturer. Sales
34 may also be made to class "A" or retail wine permittees or
35 liquor control licensees as authorized by ~~the class "A" wine~~

1 ~~permit~~ section 123.173. A manufacturer of native wines shall
2 not sell the wines other than as permitted in [this chapter](#) and
3 shall not allow wine sold to be consumed upon the premises of
4 the manufacturer. However, prior to sale, native wines may be
5 tasted pursuant to the rules of the division on the premises
6 where made, when no charge is made for the tasting.

7 3. A manufacturer of native wines may ship wine in closed
8 containers to individual purchasers inside this state by
9 obtaining a wine direct shipper ~~license~~ permit pursuant to
10 section 123.187.

11 Sec. 42. Section 123.81, Code 2018, is amended to read as
12 follows:

13 **123.81 Forfeiture of bond.**

14 If the owner of a property who has filed an abatement bond as
15 provided in [this chapter](#) fails to abate the alcoholic liquor,
16 wine, or beer nuisance on the premises covered by the bond, or
17 fails to prevent the maintenance of any alcoholic liquor, wine,
18 or beer nuisance on the premises at any time within a period of
19 one year after entry of the abatement order, the court shall,
20 after a hearing in which such fact is established, direct an
21 entry of the violation of the terms of the owner's bond to be
22 made on the record and the undertaking of the owner's bond
23 shall be forfeited.

24 Sec. 43. Section 123.84, Code 2018, is amended to read as
25 follows:

26 **123.84 Judgment.**

27 If the court after a hearing in an action filed pursuant
28 to [section 123.82](#) finds a an alcoholic liquor, wine, or beer
29 nuisance has been maintained on the premises covered by the
30 abatement bond and that alcoholic liquor, wine, or beer has
31 been sold or kept for sale on the premises contrary to law
32 within one year from the date of the giving of the bond, then
33 the court shall order the forfeiture of the bond and enter
34 judgment for the full amount of the bond against the principal
35 and sureties on the bond. The lien on the real estate created

1 pursuant to [section 123.79](#) shall be decreed foreclosed and the
2 court shall provide for a special and general execution for the
3 enforcement of the decree and judgment.

4 Sec. 44. Section 123.91, unnumbered paragraph 1, Code 2018,
5 is amended to read as follows:

6 Any person who has been convicted, in a criminal action,
7 in any court of record, of a violation of a provision of this
8 chapter, a provision of the prior laws of this state relating
9 to ~~intoxicating~~ alcoholic liquors, wine, or beer which was in
10 force prior to the enactment of [this chapter](#), or a provision
11 of the laws of the United States or of any other state relating
12 to ~~intoxicating~~ alcoholic liquors, wine, or beer, and who is
13 thereafter convicted of a subsequent criminal offense against
14 any provision of [this chapter](#) is guilty of the following
15 offenses:

16 Sec. 45. Section 123.92, subsection 1, paragraph a, Code
17 2018, is amended to read as follows:

18 a. Any person who is injured in person or property or means
19 of support by an intoxicated person or resulting from the
20 intoxication of a person, has a right of action for all damages
21 actually sustained, severally or jointly, against any licensee
22 or permittee, whether or not the license or permit was issued
23 by the division or by the licensing authority of any other
24 state, who sold and served any ~~beer, wine, or intoxicating~~
25 ~~liquor~~ alcoholic beverage to the intoxicated person when the
26 licensee or permittee knew or should have known the person was
27 intoxicated, or who sold to and served the person to a point
28 where the licensee or permittee knew or should have known the
29 person would become intoxicated.

30 Sec. 46. Section 123.92, subsection 2, paragraph c, Code
31 2018, is amended to read as follows:

32 c. The purpose of dramshop liability insurance is to provide
33 protection for members of the public who experience damages
34 as a result of licensees or permittees serving patrons ~~beer,~~
35 ~~wine, or intoxicating liquor~~ any alcoholic beverage to a point

1 that reaches or exceeds the standard set forth in law for
2 liability. Minimum coverage requirements for such insurance
3 are not for the purpose of making the insurance affordable for
4 all licensees or permittees regardless of claims experience.
5 A dramshop liability insurance policy obtained by a licensee
6 or permittee shall meet the minimum insurance coverage
7 requirements as determined by the division and is a mandatory
8 condition for holding a license or permit.

9 Sec. 47. Section 123.92, subsection 3, Code 2018, is amended
10 to read as follows:

11 3. *a.* Notwithstanding [section 123.49, subsection 1](#), any
12 person who is injured in person or property or means of support
13 by an intoxicated person who is under legal age or resulting
14 from the intoxication of a person who is under legal age, has a
15 right of action for all damages actually sustained, severally
16 or jointly, against a person who is not a licensee or permittee
17 and who dispensed or gave any ~~beer, wine, or intoxicating~~
18 ~~liquor~~ alcoholic beverage to the intoxicated underage person
19 when the nonlicensee or nonpermittee who dispensed or gave
20 the ~~beer, wine, or intoxicating liquor~~ alcoholic beverage to
21 the underage person knew or should have known the underage
22 person was intoxicated, or who dispensed or gave ~~beer, wine, or~~
23 ~~intoxicating liquor~~ alcoholic beverage to the underage person
24 to a point where the nonlicensee or nonpermittee knew or should
25 have known that the underage person would become intoxicated.

26 *b.* If the injury was caused by an intoxicated person who is
27 under legal age, a person who is not a licensee or permittee
28 and who dispensed or gave ~~beer, wine, or intoxicating liquor~~
29 the alcoholic beverage to the underage person may establish as
30 an affirmative defense that the intoxication did not contribute
31 to the injurious action of the underage person.

32 *c.* For purposes of [this subsection](#), “dispensed” or “gave”
33 means the act of physically presenting a receptacle containing
34 ~~beer, wine, or intoxicating liquor~~ any alcoholic beverage to
35 the underage person whose actions or intoxication results in

1 the sustaining of damages by another person. However, a person
2 who dispenses or gives ~~beer, wine, or intoxicating liquor~~ any
3 alcoholic beverage to an underage person shall only be liable
4 for any damages if the person knew or should have known that
5 the underage person was under legal age.

6 Sec. 48. Section 123.98, Code 2018, is amended to read as
7 follows:

8 **123.98 Labeling shipments.**

9 1. It shall be unlawful for any common carrier or for
10 any person to transport or convey by any means, whether for
11 compensation or not, within this state, any ~~intoxicating~~
12 ~~liquors~~ alcoholic liquor, wine, or beer, unless the vessel or
13 other package containing such ~~liquors~~ alcoholic liquor, wine,
14 or beer shall be plainly and correctly identified, showing
15 the quantity and kind of ~~liquors~~ alcoholic liquor, wine, or
16 beer contained therein, the name of the party to whom they are
17 to be delivered, and the name of the shipper, or unless such
18 information is shown on a bill of lading or other document
19 accompanying the shipment. No person shall be authorized
20 to receive or keep such ~~liquors~~ alcoholic liquor, wine, or
21 beer unless the same be marked or labeled as required by this
22 section. The violation of any provision of **this section** by any
23 common carrier, or any agent or employee of any carrier, or
24 by any person, shall be punished under the provisions of this
25 chapter.

26 2. ~~Liquors~~ Any alcoholic liquor, wine, or beer conveyed,
27 carried, transported, or delivered in violation of this
28 section, whether in the hands of the carrier or someone to whom
29 they shall have been delivered, shall be subject to seizure and
30 condemnation, as ~~liquors~~ alcoholic liquor, wine, or beer kept
31 for illegal sale.

32 Sec. 49. Section 123.99, Code 2018, is amended to read as
33 follows:

34 **123.99 False statements.**

35 If any person, for the purpose of procuring the shipment,

1 transportation, or conveyance of any ~~intoxicating~~ alcoholic
2 liquor, wine, or beer within this state, shall make to any
3 person, company, corporation, or common carrier, or to any
4 agent thereof, any false statements as to the character
5 or contents of any box, barrel, or other vessel or package
6 containing such alcoholic liquor, wine, or beer; or shall
7 refuse to give correct and truthful information as to the
8 contents of any such box, barrel, or other vessel or package so
9 sought to be transported or conveyed; or shall falsely mark,
10 brand, or label such box, barrel, or other vessel or package in
11 order to conceal the fact that the same contains ~~intoxicating~~
12 alcoholic liquor, wine, or beer; or shall by any device or
13 concealment procure or attempt to procure the conveyance or
14 transportation of such alcoholic liquor, wine, or beer as
15 herein prohibited, the person shall be guilty of a simple
16 misdemeanor.

17 Sec. 50. Section 123.100, Code 2018, is amended to read as
18 follows:

19 **123.100 Packages in transit.**

20 Any peace officer of the county under process or warrant to
21 the peace officer directed shall have the right to open any
22 box, barrel, or other vessel or package for examination, if
23 the peace officer has reasonable ground for believing that it
24 contains ~~intoxicating~~ alcoholic liquor, wine, or beer, either
25 before or while the same is being so transported or conveyed.

26 Sec. 51. Section 123.101, Code 2018, is amended to read as
27 follows:

28 **123.101 Record of shipments.**

29 It shall be the duty of all common carriers, or corporations,
30 or persons who shall for hire carry any ~~intoxicating~~ alcoholic
31 liquor, wine, or beer into the state, or from one point
32 to another within the state, for the purpose of delivery,
33 and who shall deliver such ~~intoxicating~~ alcoholic liquor,
34 wine, or beer to any person, company, or corporation, to
35 maintain a proper record of the name of the consignor of

1 each shipment of ~~intoxicating~~ alcoholic liquor, wine, or
2 beer from where shipped, the date of arrival, the quantity
3 and kind of ~~intoxicating~~ alcoholic liquor, wine, or beer,
4 so far as disclosed by lettering on the package or by the
5 carrier's records, and to whom and where consigned, and the
6 date delivered.

7 Sec. 52. Section 123.103, Code 2018, is amended to read as
8 follows:

9 **123.103 Record and certification upon delivery.**

10 The full name and residence or place of business of
11 the consignee of a shipment billed in whole or in part as
12 ~~intoxicating~~ alcoholic liquor, wine, or beer, shall be properly
13 recorded at the time of delivery and the consignee shall
14 certify that the ~~intoxicating~~ alcoholic liquor, wine, or beer
15 is for the consignee's own lawful purposes.

16 Sec. 53. Section 123.104, Code 2018, is amended to read as
17 follows:

18 **123.104 Unlawful delivery.**

19 It is a simple misdemeanor for any corporation, common
20 carrier, person, or any agent or employee thereof:

21 1. To deliver any ~~intoxicating~~ alcoholic liquor, wine, or
22 beer to any person other than to the consignee.

23 2. To deliver any ~~intoxicating~~ alcoholic liquor, wine, or
24 beer without having the same properly recorded as provided in
25 section 123.103.

26 3. To deliver any ~~intoxicating~~ alcoholic liquor, wine, or
27 beer where there is reasonable ground to believe that such
28 ~~intoxicating~~ alcoholic liquor, wine, or beer is intended for
29 unlawful use.

30 Sec. 54. Section 123.106, Code 2018, is amended to read as
31 follows:

32 **123.106 Federal statutes.**

33 The requirements of **this chapter** relative to the shipment
34 and delivery of ~~intoxicating~~ alcoholic liquor, wine, or beer
35 and the records to be kept thereof shall be construed in

1 harmony with federal statutes relating to interstate commerce
2 in such liquor, wine, or beer.

3 Sec. 55. Section 123.107, subsection 1, paragraph a, Code
4 2018, is amended to read as follows:

5 a. To set out exactly the kind or quantity of ~~intoxicating~~
6 alcoholic liquor, wine, or beer manufactured, sold, given in
7 evasion of the statute, or kept for sale.

8 Sec. 56. Section 123.111, Code 2018, is amended to read as
9 follows:

10 **123.111 Purchaser as witness.**

11 The person purchasing any ~~intoxicating~~ alcoholic liquor,
12 wine, or beer sold in violation of **this chapter** shall in all
13 cases be a competent witness to prove such sale.

14 Sec. 57. Section 123.115, Code 2018, is amended to read as
15 follows:

16 **123.115 Defense.**

17 In any prosecution under **this chapter** for the unlawful
18 transportation of ~~intoxicating~~ alcoholic liquor, wine, or beer
19 it shall be a defense that the character and contents of the
20 shipment or thing transported were not known to the accused or
21 to the accused's agent or employee.

22 Sec. 58. Section 123.116, Code 2018, is amended to read as
23 follows:

24 **123.116 Right to receive alcoholic liquor, wine, or beer.**

25 The consignee of ~~intoxicating~~ alcoholic liquor, wine,
26 or beer shall, on demand of the carrier transporting such
27 alcoholic liquor, wine, or beer, furnish the carrier, at the
28 place of delivery, with legal proof of the consignee's legal
29 right to receive such alcoholic liquor, wine, or beer at the
30 time of delivery, and until such proof is furnished the carrier
31 shall be under no legal obligation to make delivery nor be
32 liable for failure to deliver.

33 Sec. 59. Section 123.119, Code 2018, is amended to read as
34 follows:

35 **123.119 Evidence.**

1 In all actions, civil or criminal, under the provisions
2 of **this chapter**, the finding of ~~intoxicating~~ alcoholic
3 liquors or of instruments or utensils used in the manufacture
4 of ~~intoxicating~~ alcoholic liquors, or materials which are
5 being used, or are intended to be used in the manufacture of
6 ~~intoxicating~~ alcoholic liquors, in the possession of or under
7 the control of any person, under and by authority of a search
8 warrant or other process of law, and which shall have been
9 finally adjudicated and declared forfeited by the court, shall
10 be competent evidence of maintaining a nuisance or bootlegging,
11 or of illegal transportation of ~~intoxicating~~ alcoholic liquors,
12 as the case may be, by such person.

13 Sec. 60. Section 123.120, Code 2018, is amended to read as
14 follows:

15 **123.120 Attempt to destroy.**

16 The destruction of or attempt to destroy any liquid by
17 any person while in the presence of peace officers or while
18 a property is being searched by a peace officer, shall be
19 competent evidence that such liquid is ~~intoxicating~~ alcoholic
20 liquor, wine, or beer and intended for unlawful purposes.

21 Sec. 61. Section 123.121, Code 2018, is amended to read as
22 follows:

23 **123.121 Venue.**

24 1. In any prosecution under **this chapter** for the unlawful
25 sale of alcoholic liquor, wine, or beer, including a sale of
26 ~~alcoholic liquor, wine, or beer~~ which requires a shipment or
27 delivery of the alcoholic liquor, wine, or beer, shall be
28 deemed to be made in the county in which the delivery is made
29 by the carrier to the consignee, or the consignee's agent or
30 employee.

31 2. In any prosecution under **this chapter** for the unlawful
32 transportation of ~~intoxicating~~ alcoholic liquor, wine, or beer,
33 the offense shall be held to have been committed in any county
34 in which such alcoholic liquor, wine, or beer is received for
35 transportation, through which it is transported, or in which it

1 is delivered.

2 Sec. 62. Section 123.127, subsection 2, Code 2018, is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. *Od.* That the applicant has filed with the
5 division a basic permit issued by the alcohol and tobacco
6 tax and trade bureau of the United States department of the
7 treasury, and that the applicant will faithfully observe and
8 comply with all laws, rules, and regulations governing the
9 manufacture and sale of beer.

10 Sec. 63. Section 123.130, subsection 3, Code 2018, is
11 amended to read as follows:

12 3. All special class "A" premises shall be located within
13 the state. A person who holds a special class "A" beer permit
14 for the same location at which the person holds a class
15 "C" liquor control license or class "B" beer permit for the
16 purpose of operating as a brewpub may manufacture and sell
17 beer to be consumed on the premises, may sell at retail at the
18 manufacturing premises for consumption off the premises beer
19 that is transferred at the time of sale to another container
20 subject to the requirements of section 123.131, subsection
21 2, may sell beer to a class "A" beer permittee for resale
22 purposes, and may sell beer to distributors outside of the
23 state that are authorized by the laws of that jurisdiction to
24 sell beer at wholesale. The permit issued to holders of a
25 special class "A" beer permit shall clearly state on its face
26 that the permit is limited.

27 Sec. 64. Section 123.131, Code 2018, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 5. A person holding a class "B" beer permit
30 may also hold a special class "A" beer permit for the premises
31 licensed under a class "B" beer permit for the purpose of
32 operating as a brewpub pursuant to this chapter.

33 Sec. 65. Section 123.139, Code 2018, is amended to read as
34 follows:

35 **123.139 Separate locations — class "A" or special class "A"**

1 **beer permit.**

2 A class "A" or special class "A" beer permittee having more
3 than one place of business is required to have a separate beer
4 permit for each separate place of business maintained by the
5 permittee where beer is manufactured, stored, warehoused, or
6 sold.

7 Sec. 66. Section 123.173, subsections 2 and 4, Code 2018,
8 are amended to read as follows:

9 2. A class "A" wine permit allows the holder to manufacture
10 and sell, or sell at wholesale, in this state, wine. The
11 holder of a class "A" wine permit may manufacture in this state
12 wine having an alcoholic content greater than seventeen percent
13 by weight or twenty-one and twenty-five hundredths percent of
14 alcohol by volume for shipment outside this state. All class
15 "A" premises shall be located within the state. A class "B"
16 or class "B" native wine permit allows the holder to sell wine
17 at retail for consumption off the premises. A class "B" or
18 class "B" native wine permittee who also holds a class "E"
19 liquor control license may sell wine to class "A", class "B",
20 class "C", and special class "C", and class "D" liquor control
21 licensees for resale for consumption on the premises. Such
22 wine sales shall be in quantities of less than one case of any
23 wine brand but not more than one such sale shall be made to the
24 same liquor control licensee in a twenty-four-hour period. A
25 class "B" or class "B" native wine permittee shall not sell
26 wine to other class "B" or class "B" native wine permittees. A
27 class "C" native wine permit allows the holder to sell native
28 wine for consumption on or off the premises.

29 4. When a class "B" or class "B" native wine permittee who
30 also holds a class "E" liquor control license sells wine to a
31 ~~class "A", class "B", or class "C"~~ liquor control licensee, the
32 liquor control licensee shall sign a report attesting to the
33 purchase. The class "B" or class "B" native wine permittee
34 who also holds a class "E" liquor control license shall
35 submit a report to the division electronically, or in a manner

1 prescribed by the administrator, not later than the tenth of
2 each month stating each sale of wine to ~~class "A", class "B",~~
3 ~~and class "C"~~ liquor control licensees during the preceding
4 month, the date of each sale, and the brands and numbers of
5 bottles with each sale. A class "B" permittee who holds a
6 class "E" liquor control license may sell to class "A", class
7 "B", or class "C" liquor control licensees only if the licensed
8 premises of the liquor control licensee is located within the
9 geographic territory of the class "A" wine permittee from which
10 the wine was originally purchased by the class "B" or class "B"
11 native wine permittee.

12 Sec. 67. Section 123.175, subsection 2, Code 2018, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. *0d.* That, in the case of a class "A" wine
15 permit, the applicant has filed with the division a basic
16 permit issued by the alcohol and tobacco tax and trade bureau
17 of the United States department of the treasury, and that the
18 applicant will faithfully observe and comply with all the laws,
19 rules, and regulations governing the manufacture and sale of
20 wine.

21 Sec. 68. Section 123.177, subsection 1, Code 2018, is
22 amended to read as follows:

23 1. A person holding a class "A" wine permit may manufacture
24 and sell, or sell at wholesale, wine for consumption off the
25 premises. Sales within the state may be made only to persons
26 holding a class "A" or "B" wine permit and to persons holding a
27 retail liquor control license. However, if the person holding
28 the class "A" permit is a manufacturer of native wine, the
29 person may sell only native wine to a person holding a retail
30 wine permit or a retail liquor control license. A class "A"
31 wine permittee having more than one place of business shall
32 obtain a separate permit for each place of business where wine
33 is to be manufactured, stored, warehoused, or sold.

34 Sec. 69. Section 123.181, subsection 2, Code 2018, is
35 amended to read as follows:

1 2. A class "A" wine permittee shall not sell wine on credit
2 to a retail ~~liquor~~ licensee or wine permittee for a period
3 exceeding thirty days from date of delivery.

4 Sec. 70. Section 123.186, Code 2018, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3. A licensee or permittee who permits
7 or assents to or is a party in any way to a violation or
8 infringement of a rule adopted pursuant to this section is
9 guilty of a violation of this section. A violation of this
10 section shall subject the licensee or permittee to the general
11 penalties provided in this chapter and shall constitute grounds
12 for imposition of a civil penalty or suspension or revocation
13 of the license or permit pursuant to section 123.39.

14 Sec. 71. Section 123.187, Code 2018, is amended to read as
15 follows:

16 **123.187 Direct shipment of wine — licenses and requirements.**

17 1. A wine manufacturer licensed or permitted pursuant to
18 laws regulating alcoholic beverages in this state or another
19 state may apply for a wine direct shipper ~~license~~ permit, as
20 provided in this section. For the purposes of this section,
21 a "*wine manufacturer*" means a person who processes the fruit,
22 vegetables, dandelions, clover, honey, or any combination of
23 these ingredients, by fermentation into wines.

24 2. a. Only a wine manufacturer that holds a wine direct
25 shipper permit issued pursuant to this section shall sell wine
26 at retail for direct shipment to any person within this state.
27 This section shall not prohibit an authorized retail licensee
28 or permittee from delivering wine pursuant to section 123.46A.

29 ~~a. b. The administrator shall issue~~ A wine manufacturer
30 applying for a wine direct shipper license to a wine
31 manufacturer who submits permit shall submit an application for
32 the license permit electronically, or in a manner prescribed
33 by the administrator, accompanied by a true copy of the
34 manufacturer's current alcoholic beverage license or permit
35 issued by the state where the manufacturer is primarily located

1 and a copy of the manufacturer's ~~winery license~~ basic permit
2 issued by the ~~federal~~ alcohol and tobacco tax and trade bureau
3 of the United States department of the treasury.

4 ~~b.~~ c. An application submitted pursuant to paragraph "a"
5 "b" shall be accompanied by a license permit fee in the amount
6 of twenty-five dollars.

7 ~~c.~~ d. An application submitted pursuant to paragraph "a"
8 shall also be accompanied by a bond in the amount of five
9 thousand dollars in the form prescribed and furnished by the
10 division with good and sufficient sureties to be approved by
11 the division conditioned upon compliance with this chapter.
12 However, a wine manufacturer that has submitted a bond pursuant
13 to section 123.175, subsection 2, paragraph "f", shall not be
14 required to provide a bond as provided in this paragraph.

15 ~~d.~~ e. A license permit issued pursuant to this section may
16 be renewed annually by ~~resubmitting the information required~~
17 in paragraph "a" submitting a renewal application with the
18 administrator in a manner prescribed by the administrator,
19 accompanied by the twenty-five dollar license permit fee.

20 3. The direct shipment of wine pursuant to this
21 section shall be subject to the following requirements and
22 restrictions:

23 a. Wine ~~may~~ shall only be shipped by ~~a wine direct shipper~~
24 ~~licensee~~ to a resident of this state who is at least twenty-one
25 years of age, for the resident's personal use and consumption
26 and not for resale.

27 b. Wine subject to direct shipping shall be properly
28 registered with the federal alcohol and tobacco tax and trade
29 bureau, and fermented on the winery premises of the wine direct
30 shipper licensee permittee.

31 c. All containers of wine shipped directly to a resident
32 of this state shall be conspicuously labeled with the words
33 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
34 REQUIRED FOR DELIVERY" or shall be conspicuously labeled with
35 alternative wording preapproved by the administrator.

1 *d.* All containers of wine shipped directly to a resident of
2 this state shall be shipped by ~~an alcohol carrier licensed a~~
3 holder of a wine carrier permit as provided in subsection 6.

4 *e.* Shipment of wine pursuant to this subsection does not
5 require a refund value for beverage container control purposes
6 under chapter 455C.

7 ~~4. *a.* In addition to the annual license fee, a~~ A wine
8 direct shipper licensee permittee shall remit to the division
9 an amount equivalent to the wine gallonage tax on wine subject
10 to direct shipment at the rate specified in section 123.183
11 for deposit as provided in section 123.183, subsections 2 and
12 3. The amount shall be remitted at the time and in the manner
13 provided in section 123.184, subsection 2, and the ten percent
14 penalty specified therein shall be applicable.

15 ~~*b.* Shipment of wine pursuant to this subsection does not~~
16 ~~require a refund value for beverage container control purposes~~
17 ~~under chapter 455C.~~

18 5. A wine direct shipper licensee permittee shall be deemed
19 to have consented to the jurisdiction of the division or any
20 other agency or court in this state concerning enforcement
21 of this section and any related laws, rules, or regulations.
22 A licensee permit holder shall permit allow the division to
23 perform an audit of shipping records upon request.

24 6. *a.* Wine subject to direct shipment within this state
25 pursuant to this section shall be delivered only by a ~~carrier~~
26 ~~having obtained from the division an alcohol carrier license.~~
27 ~~An alcohol carrier license shall be issued upon payment of~~
28 holder of a wine carrier permit as provided in this subsection.

29 *b.* A person applying for a wine carrier permit shall submit
30 an application for the permit electronically, or in a manner
31 prescribed by the administrator.

32 *c.* An application for a wine carrier permit shall be
33 accompanied by a one hundred dollar ~~license~~ permit fee, and
34 shall be subject to requirements, and issued pursuant to
35 application forms, to be determined by the administrator by

1 rule.

2 ~~b.~~ d. ~~An alcohol~~ A wine carrier licensee permittee shall
3 not deliver wine to any person under twenty-one years of
4 age, or to any person who either is or appears to be in an
5 intoxicated state or condition. A ~~licensee~~ permittee shall
6 obtain valid proof of identity and age prior to delivery,
7 and shall obtain the signature of an adult as a condition of
8 delivery.

9 ~~e.~~ e. ~~An alcohol~~ A wine carrier licensee permittee shall
10 maintain records of wine shipped which include the ~~license~~
11 permit number and name of the wine manufacturer, quantity of
12 wine shipped, recipient's name and address, and an electronic
13 or paper form of signature from the recipient of the wine.
14 Records shall be submitted to the division on a monthly basis
15 in a form and manner to be determined by the division ~~by rule.~~

16 7. A violation of this section shall subject a ~~licensee~~
17 the permittee to the ~~penalty provisions of general penalties~~
18 provided in this chapter and shall constitute grounds for
19 imposition of a civil penalty or suspension or revocation of
20 the permit pursuant to section 123.39.

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill concerns alcoholic beverage control and matters
25 under the purview of the alcoholic beverages division of the
26 department of commerce.

27 Code section 123.3, providing definitions, is amended.
28 The bill adds a definition for "brewpub" which means a
29 commercial establishment authorized to sell beer at retail
30 for consumption on or off the premises that is operated by
31 a retail class "C" liquor control licensee or class "B" beer
32 permittee who also holds a special class "A" beer permit to
33 manufacture and sell beer. The bill also amends the definition
34 of "broker" to provide that it also applies to a person who
35 represents or promotes alcoholic liquor on behalf of a holder

1 of a manufacturer's license or a class "A" native distilled
2 spirits license. The bill amends the definition of "alcoholic
3 liquor" by striking the alternative term "intoxicating liquor".
4 The bill further replaces the term "alcoholic liquor" for
5 "intoxicating liquor" wherever the term appears in Code chapter
6 123.

7 Code section 123.4 is amended by substituting the defined
8 term "alcoholic beverage" for the terms "beer, wine, and
9 alcoholic liquor". The term "alcoholic beverage" is defined to
10 include beer, wine, and alcoholic liquor.

11 Code section 123.9 is amended by striking the term "special
12 permits" and by substituting the defined term "alcoholic
13 beverage" for the terms "beer, wine, and alcoholic liquor".

14 Code section 123.10 is amended by substituting the defined
15 term "alcoholic beverage" for the terms "intoxicating liquor or
16 beer".

17 Code section 123.14 is amended by substituting the phrase
18 "alcoholic beverage control" for the terms "intoxicating liquor
19 or beer".

20 Code section 123.23, concerning a distiller's certificate of
21 compliance, is amended by substituting "alcoholic liquors" for
22 "alcoholic beverages" as the section is limited to alcoholic
23 liquor and is not applicable to wine or beer.

24 Code section 123.25 is amended to provide that the
25 consumption of any alcoholic beverages on the premises of the
26 state-owned warehouse is prohibited, with the exception of
27 alcoholic liquor that is consumed for sampling purposes.

28 Code section 123.28, concerning the delivery of liquor
29 purchased from class "E" liquor control license holders by
30 certain liquor control licensees is amended to include class
31 "C" native distilled spirits and class "D" liquor control
32 licensees. The section is also amended by striking a reference
33 to special permits.

34 Code section 123.30, concerning classes of liquor control
35 licenses, is amended. The bill authorizes a class "C" liquor

1 control licensee to also hold a special class "A" beer permit
2 for the purpose of operating a brewpub. The bill also amends
3 provisions relative to a class "E" liquor control license by
4 providing that class "E" liquor control license holders are
5 authorized to sell at retail to the public and to sell at
6 wholesale to other retailers, provided they have been issued a
7 basic permit by the alcohol and tobacco tax and trade bureau of
8 the United States department of the treasury.

9 Code section 123.32, concerning action by local authorities
10 and the division on applications for liquor control licenses,
11 native distilled spirits licenses, and wine, and beer permits,
12 is amended by striking three Code citations that reference the
13 authority granted by various wine permits and replacing the
14 reference with a Code reference that describes the application
15 process for obtaining the permits.

16 Code section 123.33, concerning records, is amended to
17 allow licensees and permittees to keep records in printed or
18 electronic format and not both.

19 Code section 123.34, concerning the expiration of certain
20 shorter term licenses and permits, is amended to allow the
21 administrator to provide notice of expiration to licensees and
22 permit holders electronically in lieu of written notice.

23 Code section 123.36, concerning Sunday sales, is amended to
24 provide that certain liquor control licensees are authorized
25 to sell alcoholic beverages on Sunday as authorized by Code
26 section 123.30.

27 Code section 123.37 is amended by striking the terms "wine
28 or beer" after the term "alcoholic beverages" as the term
29 "alcoholic beverages" includes wine and beer.

30 Code section 123.38 is amended by striking the term "special
31 permits".

32 Code section 123.39, concerning revocation or suspension of
33 licenses or permits, is amended to refer to all liquor control
34 licenses as the types of businesses that are required to report
35 ownership changes to the local authority and the alcoholic

1 beverages division and further provides that licensees
2 shall report ownership changes in a manner prescribed by the
3 administrator of the alcoholic beverages division within 30
4 days of the change.

5 Code section 123.41, concerning manufacturer's license for
6 alcoholic liquor, is amended to provide that an applicant for
7 a license file a basic permit issued to the applicant by the
8 alcohol and tobacco tax and trade bureau of the United States
9 department of the treasury in lieu of a statement that proves
10 status as a "bona fide manufacturer of alcohol liquors".

11 Code section 123.42, concerning a broker's permit, is
12 amended to provide that the broker list on the application
13 for a permit shall list all manufacturers, distillers, and
14 importers the applicant will represent and is further required
15 to keep the list updated.

16 Code section 123.44, prohibiting certain gifts of liquor, is
17 amended by adding distiller and brewer to the list of persons
18 who are prohibited from providing gifts of alcoholic beverages
19 to the alcoholic beverages commission and employees of the
20 alcoholic beverages division.

21 Code sections 123.47 and 123.49 are amended by substituting
22 the defined term "alcoholic beverage" or "alcoholic beverages"
23 for the terms "beer, wine, and alcoholic liquor".

24 Code section 123.50, concerning criminal and civil
25 penalties, is amended by striking the terms "wine or beer"
26 after the term "alcoholic beverage" as the term "alcoholic
27 beverage" includes wine and beer.

28 Code section 123.50A, concerning the alcohol compliance
29 employee training program, is amended by striking the phrase
30 "and federal liquor" in describing the subject matter of the
31 state training program and by substituting the term "alcoholic
32 beverages" for the terms "alcoholic liquor, wine, or beer".

33 Code section 123.56, concerning native wines, is amended by
34 striking the phrase "the class "A" wine permit" and inserting
35 a reference to Code section 123.173 that addresses how native

1 wine is sold to retailers.

2 Code sections 123.81 and 123.84 are amended by adding the
3 word "alcoholic" before the word "liquor".

4 Code section 123.91 is amended by substituting the term
5 "alcoholic liquors" for "intoxicating liquors".

6 Code section 123.92, concerning dramshop liability, is
7 amended by substituting "alcoholic beverage" for "beer, wine,
8 or intoxicating liquors" within the section.

9 Code section 123.98, concerning labeling shipments, is
10 amended by adding the terms "wine or beer" and by substituting
11 the term "alcoholic liquors" for "intoxicating liquors".

12 Code sections 123.99, 123.100, 123.101, 123.103, 123.104,
13 123.106, 123.107, 123.111, 123.115, 123.116, 123.119, 123.120,
14 and 123.121 are amended by substituting the term "alcoholic
15 liquor" for "intoxicating liquor" and "liquor".

16 Code section 123.127, concerning class "A" and special class
17 "A" beer permit application and issuance, is amended to provide
18 that an applicant file a basic permit issued to the applicant
19 by the alcohol and tobacco tax and trade bureau of the United
20 States department of the treasury.

21 Code section 123.130, concerning authority under a class "A"
22 and special class "A" beer permit, is amended to provide that
23 a holder of a special class "A" beer permit may operate as a
24 brewpub and that the authority of the permit is limited.

25 Code section 123.131, concerning authority under a class "B"
26 beer permit, is amended to specify how a class "B" beer permit
27 holder may operate as a brewpub.

28 Code section 123.139, concerning beer permits for separate
29 locations, is amended to provide that each place of business
30 where beer is manufactured requires a separate permit.

31 Code section 123.173, concerning wine permits, is amended by
32 adding class "D" liquor control licensee to the list of retail
33 licensees that may purchase wine from a class "A" wine permit
34 holder.

35 Code section 123.175, concerning certain wine permit

1 applications and issuance, is amended to provide that an
2 applicant file a basic permit issued to the applicant by the
3 alcohol and tobacco tax and trade bureau of the United States
4 department of the treasury.

5 Code section 123.177, concerning class "A" wine permits, is
6 amended to provide that each place of business where wine is
7 manufactured requires a separate permit.

8 Code section 123.181, concerning prohibited acts, is amended
9 by providing that a class "A" wine permittee is prohibited from
10 selling wine on credit to any retail licensee or permittee.

11 Code section 123.186, concerning federal regulation adopted
12 as rules, is amended to provide that a licensee or permittee
13 who violates a rule adopted pursuant to the Code section is
14 guilty of a violation of the Code section and subject to
15 the general penalties provided in Code chapter 123 and the
16 suspension, revocation, and civil penalty provisions of Code
17 section 123.39.

18 Code section 123.187, concerning direct shipment of wine, is
19 amended. The bill changes the wine direct shipper license to
20 a permit and replaces the alcohol carrier license with a wine
21 carrier permit. The bill specifically provides that only a
22 wine manufacturer that holds a wine direct shipper permit shall
23 sell wine at retail for direct shipment to any person within
24 this state and requires that an applicant for a wine direct
25 shipper permit file the manufacturer's basic permit issued by
26 the alcohol and tobacco, tax and trade bureau of the United
27 States department of the treasury. The bill also provides that
28 a violation of this Code section shall subject the permittee
29 to the general penalties provided in Code chapter 123 and the
30 suspension, revocation, and civil penalty provisions of Code
31 section 123.39.