

**Senate File 10 - Introduced**

SENATE FILE 10

BY D. JOHNSON

**A BILL FOR**

1 An Act repealing the beverage containers control program.

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

1 Section 1. Section 123.24, subsection 5, Code 2017, is  
2 amended by striking the subsection.

3 Sec. 2. Section 123.26, Code 2017, is amended to read as  
4 follows:

5 **123.26 Restrictions on sales — seals — labeling.**

6 Alcoholic liquor shall not be sold by a class "E" liquor  
7 control licensee except in a sealed container with identifying  
8 markers as prescribed by the administrator and affixed in the  
9 manner prescribed by the administrator, and no such container  
10 shall be opened upon the premises of a state warehouse. ~~The~~  
11 ~~division shall cooperate with the department of natural~~  
12 ~~resources so that only~~ Only one identifying marker or mark  
13 ~~is needed~~ shall be used to satisfy the requirements of this  
14 section and ~~section 455C.5, subsection 1.~~ Possession of  
15 alcoholic liquors which do not carry the prescribed identifying  
16 markers is a violation of this chapter except as provided in  
17 section 123.22.

18 Sec. 3. Section 123.187, subsection 4, paragraph b, Code  
19 2017, is amended by striking the paragraph.

20 Sec. 4. Section 423.6, subsection 3, paragraph a, Code 2017,  
21 is amended to read as follows:

22 a. Any tangible personal property including containers which  
23 it is intended shall, by means of fabrication, compounding,  
24 manufacturing, or germination, become an integral part of other  
25 tangible personal property intended to be sold ultimately at  
26 retail, ~~and containers used in the collection, recovery, or~~  
27 ~~return of empty beverage containers subject to~~ chapter 455C.

28 Sec. 5. Section 455A.4, subsection 1, paragraph b, Code  
29 2017, is amended to read as follows:

30 b. Provide overall supervision, direction, and coordination  
31 of functions to be administered by the administrators under  
32 chapters 321G, 321I, 455B, 455C, 456, 456A, 456B, 457A, 458A,  
33 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,  
34 483A, 484A, and 484B.

35 Sec. 6. Section 455A.6, subsection 6, paragraphs a, b, and

1 d, Code 2017, are amended to read as follows:

2 a. Establish policy for the department and adopt rules,  
3 pursuant to chapter 17A, necessary to provide for the effective  
4 administration of chapter 455B, ~~455C~~, or 459.

5 b. Hear appeals in contested cases pursuant to chapter 17A  
6 on matters relating to actions taken by the director under  
7 chapter ~~455C~~, 458A, 464B, or 473.

8 d. Approve the budget request prepared by the director  
9 for the programs authorized by chapters 455B, ~~455C~~, 455E,  
10 455F, 455H, and 459, subchapters II and III. The commission  
11 shall approve the budget request prepared by the director for  
12 programs subject to the rulemaking authority of the commission.  
13 The commission may increase, decrease, or strike any item  
14 within the department budget request for the specified programs  
15 before granting approval.

16 Sec. 7. REPEAL. Section 455B.313, Code 2017, is repealed.

17 Sec. 8. REPEAL. Chapter 455C, Code 2017, is repealed.

18 EXPLANATION

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

21 This bill repeals Code chapter 455C of the 2017 Iowa Code,  
22 titled "Beverage Containers Control". Code chapter 455C  
23 provides for a 5 cent refund value paid by redemption centers  
24 to consumers upon the return of a beverage container sold in  
25 this state. In addition, the bill removes numerous references  
26 to Code chapter 455C throughout the Code, including a provision  
27 creating a simple misdemeanor penalty for distributors that  
28 sell beverage containers connected to other beverage containers  
29 by a nonbiodegradable or nonphotodegradable device.