

**Senate File 2347 - Introduced**

SENATE FILE 2347  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3084)

**A BILL FOR**

1 An Act providing for the personal importation of alcoholic  
2 liquor, wine, and beer, concerning criminal penalties for  
3 bootlegging, and including effective date and applicability  
4 provisions.

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

1 Section 1. Section 123.10, Code 2018, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 13. Providing for the issuance of a  
4 waiver for an individual of legal age desiring to import  
5 alcoholic liquor, wine, or beer in excess of the amount  
6 provided in section 123.22, 123.146, or 123.171, as applicable.  
7 The waiver shall be limited to those individuals who were  
8 domiciled outside the state within one year of the request  
9 for a waiver and shall provide that any alcoholic liquor,  
10 wine, or beer imported pursuant to the waiver shall be for  
11 personal consumption only in a private home or other private  
12 accommodation.

13 Sec. 2. Section 123.22, subsection 1, Code 2018, is amended  
14 to read as follows:

15 1. The division has the exclusive right of importation  
16 into the state of all forms of alcoholic liquor, except as  
17 otherwise provided in [this chapter](#), and a person shall not  
18 import alcoholic liquor, except that an individual of legal  
19 age may import and have in the individual's possession an  
20 amount of alcoholic liquor not exceeding ~~one liter or, in~~  
21 ~~the case of alcoholic liquor personally obtained outside the~~  
22 United States, four nine liters that the individual personally  
23 obtained outside the state. Alcoholic liquor imported  
24 by an individual pursuant to this subsection shall be for  
25 personal consumption only in a private home or other private  
26 accommodation. A distillery shall not sell alcoholic liquor  
27 within the state to any person but only to the division, except  
28 as otherwise provided in [this chapter](#). [This section](#) vests in  
29 the division exclusive control within the state as purchaser  
30 of all alcoholic liquor sold by distilleries within the state  
31 or imported, except beer and wine, and except as otherwise  
32 provided in [this chapter](#). The division shall receive alcoholic  
33 liquor on a bailment system for resale by the division in the  
34 manner set forth in [this chapter](#). The division shall act as  
35 the sole wholesaler of alcoholic liquor to class "E" liquor

1 control licensees.

2 Sec. 3. Section 123.59, Code 2018, is amended to read as  
3 follows:

4 **123.59 Bootlegging — penalties.**

5 1. Any person who, acting individually, or through another  
6 acting for the person, keeps or carries on the person, or  
7 in a vehicle, or leaves in a place for another to secure,  
8 any alcoholic liquor, wine, or beer, with intent to sell or  
9 dispense the liquor, wine, or beer, ~~by gift or otherwise in~~  
10 violation of law, or who, within this state, in any manner,  
11 directly or indirectly, solicits, takes, or accepts an order  
12 for the purchase, sale, shipment, or delivery of alcoholic  
13 liquor, wine, or beer in violation of law, or aids in the  
14 delivery and distribution of alcoholic liquor, wine, or beer so  
15 ordered or shipped, or who in any manner procures for, sells,  
16 or gives alcoholic liquor, wine, or beer to a person under  
17 legal age, for any purpose except as authorized and permitted  
18 in [this chapter](#), is a bootlegger and ~~subject to the general~~  
19 ~~penalties provided by [this chapter](#).~~

20 2. Any person, except a person under legal age, who violates  
21 any of the provisions of this section shall be guilty of  
22 an aggravated misdemeanor. Any person under legal age who  
23 violates any of the provisions of this section shall be guilty  
24 of a serious misdemeanor.

25 Sec. 4. NEW SECTION. **123.146 Importation of beer for**  
26 **personal use.**

27 Except as otherwise provided in this chapter, a person shall  
28 not import beer. However, an individual of legal age may  
29 import into the state without a certificate, permit, or license  
30 an amount of beer not to exceed four and one-half gallons  
31 per calendar month that the individual personally obtained  
32 outside the state or, in the case of beer personally obtained  
33 outside the United States, a quantity which does not exceed  
34 the amount allowed by federal law governing the importation  
35 of alcoholic beverages into the United States for personal

1 consumption. Beer imported pursuant to this section shall be  
2 for personal consumption in a private home or other private  
3 accommodation and only if the beer is not sold, exchanged,  
4 bartered, dispensed, or given in consideration of purchase for  
5 any property or services or in evasion of the requirements of  
6 this chapter.

7 Sec. 5. Section 123.171, Code 2018, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 3. Notwithstanding subsection 1, an  
10 individual of legal age may import into the state without a  
11 certificate, permit, or license an amount of wine not to exceed  
12 nine liters per calendar month that the individual personally  
13 obtained outside the state or, in the case of wine personally  
14 obtained outside the United States, a quantity which does  
15 not exceed the amount allowed by federal law governing the  
16 importation of alcoholic beverages into the United States  
17 for personal consumption. Wine imported pursuant to this  
18 subsection shall be for personal consumption in a private home  
19 or other private accommodation and only if the wine is not  
20 sold, exchanged, bartered, dispensed, or given in consideration  
21 of purchase for any property or services or in evasion of the  
22 requirements of this chapter.

23 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate  
24 importance, takes effect upon enactment.

25 Sec. 7. APPLICABILITY. The section of this Act amending  
26 section 123.10 applies to requests for waivers made on or after  
27 June 1, 2018.

28 EXPLANATION

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

31 This bill concerns the personal importation of alcoholic  
32 liquor, wine, and beer, and increases the criminal penalties  
33 for bootlegging.

34 Code section 123.10, is amended to authorize the  
35 administrator of the alcoholic beverages division to adopt

1 rules providing for the issuance of a waiver to an individual  
2 desiring to import alcoholic liquor, wine, or beer in excess  
3 of the amount otherwise allowed by Code chapter 123, but only  
4 if the individual was domiciled outside the state within one  
5 year of the request and if the alcoholic liquor, wine, or beer  
6 is to be used only for personal consumption. The bill provides  
7 that the amendment to this Code section applies to requests for  
8 waivers made on or after June 1, 2018.

9 Code section 123.22, concerning alcoholic liquor, is amended  
10 to allow an individual to import an amount of alcoholic liquor  
11 not exceeding nine liters that the individual personally  
12 obtained outside the state for personal consumption. Current  
13 law allowed the importation of alcoholic liquor in an amount  
14 not exceeding one liter, or if obtained outside the United  
15 States, in an amount not exceeding four liters.

16 Code section 123.59, concerning bootlegging, is amended.  
17 The bill modifies the provision that a person is a bootlegger  
18 if they have any alcoholic beverage with the intent to sell  
19 or dispense the alcoholic beverage by gift or otherwise  
20 in violation of law by striking the reference to gift or  
21 otherwise. The bill also specifically provides for the  
22 criminal penalty applicable for a violation of the Code  
23 section. The bill provides that any person under legal age  
24 who violates any of the provisions of the Code section shall  
25 be guilty of a serious misdemeanor while any other person who  
26 violates the Code section shall be guilty of an aggravated  
27 misdemeanor. Under current law, the Code section makes a  
28 violation of the Code section subject to the general penalties  
29 provided by Code chapter 123. Pursuant to Code section 123.90,  
30 the criminal penalties applicable to a violation of the Code  
31 chapter provide that a person under legal age is guilty of  
32 a simple misdemeanor while any other person is guilty of a  
33 serious misdemeanor for a violation of the Code chapter. A  
34 serious misdemeanor is punishable by confinement for no more  
35 than one year and a fine of at least \$315 but not more than

1 \$1,875, while an aggravated misdemeanor is punishable by  
2 confinement for no more than two years and a fine of at least  
3 \$625 but not more than \$6,250.

4 New Code section 123.146 allows an individual of legal age  
5 to personally obtain outside the state and import into the  
6 state for personal use a certain amount of beer without a  
7 certificate, permit, or license. The bill limits the amount of  
8 beer to be imported for personal use to an amount of beer not to  
9 exceed four and one-half gallons per calendar month or, in the  
10 case of beer personally obtained outside the United States, a  
11 quantity which does not exceed the amount allowed by federal  
12 law governing the importation of alcoholic beverages into the  
13 United States for personal consumption.

14 Code section 123.171 is amended to allow an individual of  
15 legal age to personally obtain outside the state and import  
16 into the state for personal use a certain amount of wine  
17 without a certificate, permit, or license. The bill limits the  
18 amount of wine to be imported for personal use to an amount of  
19 wine not to exceed nine liters per calendar month or, in the  
20 case of wine personally obtained outside the United States, a  
21 quantity which does not exceed the amount allowed by federal  
22 law governing the importation of alcoholic beverages into the  
23 United States for personal consumption.

24 The bill takes effect upon enactment.