

House File 309 - Introduced

HOUSE FILE 309
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 59)

A BILL FOR

1 An Act relating to canned cocktails and including effective
2 date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.3, Code 2019, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 10A. "*Canned cocktail*" means a mixed drink
4 or cocktail that is premixed and packaged in a metal can and
5 contains more than six and twenty-five hundredths percent of
6 alcohol by volume but not more than fifteen percent of alcohol
7 by volume.

8 NEW SUBSECTION. 28A. "*Mixed drink or cocktail*" means an
9 alcoholic beverage, composed in whole or in part of alcoholic
10 liquor, that is combined with other alcoholic beverages or
11 nonalcoholic beverages or ingredients including but not limited
12 to ice, water, soft drinks, or flavorings.

13 Sec. 2. Section 123.3, subsection 5, Code 2019, is amended
14 to read as follows:

15 5. "*Alcoholic liquor*" means the varieties of liquor defined
16 in [subsections 3 and 44](#) which contain more than five percent of
17 alcohol by weight, beverages made as described in [subsection 7](#)
18 which beverages contain more than five percent of alcohol by
19 weight or six and twenty-five hundredths percent of alcohol by
20 volume but which are not wine as defined in [subsection 48](#), ~~or~~
21 high alcoholic content beer as defined in [subsection 20](#), or
22 canned cocktails as defined in subsection 10A, and every other
23 liquid or solid, patented or not, containing spirits and every
24 beverage obtained by the process described in [subsection 48](#)
25 containing more than seventeen percent alcohol by weight or
26 twenty-one and twenty-five hundredths percent of alcohol by
27 volume, and susceptible of being consumed by a human being,
28 for beverage purposes. Alcohol manufactured in this state
29 for use as fuel pursuant to an experimental distilled spirits
30 plant permit or its equivalent issued by the federal bureau of
31 alcohol, tobacco and firearms is not an "*alcoholic liquor*".

32 Sec. 3. NEW SECTION. 123.126A **Canned cocktails —**
33 **applicability.**

34 Unless otherwise provided by this chapter, the provisions
35 of this chapter applicable to beer shall also apply to canned

1 cocktails.

2 Sec. 4. Section 123A.2, Code 2019, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 6A. "*Canned cocktail*" means as defined in
5 section 123.3.

6 Sec. 5. NEW SECTION. 123A.13 **Canned cocktails —**
7 **applicability of chapter.**

8 The provisions of this chapter that apply to a brewer and
9 wholesaler of beer shall apply to a manufacturer and wholesaler
10 of canned cocktails.

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

13 EXPLANATION

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

16 This bill concerns canned cocktails.

17 Code section 123.3 is amended by adding definitions for
18 "canned cocktail" and "mixed drink or cocktail" and amending
19 the definition of "alcoholic liquor". "Canned cocktail" is
20 defined as a mixed drink or cocktail that is premixed, packaged
21 in a metal can, and contains more than 6.25 percent, but not
22 more than 15 percent, of alcohol by volume. "Mixed drink or
23 cocktail" is defined as an alcoholic beverage, consisting in
24 whole or in part of alcoholic liquors, that is combined with
25 other alcoholic or nonalcoholic beverages. The definition of
26 "alcoholic liquor" is also amended to exclude canned cocktails.

27 New Code section 123.126A provides that the provisions of
28 Code chapter 123 applicable to beer shall also apply to canned
29 cocktails.

30 New Code section 123A.13 provides that the provisions of
31 Code chapter 123A that apply to brewers and wholesalers of
32 beer also apply to manufacturers and wholesalers of canned
33 cocktails.

34 The bill takes effect upon enactment.