

House File 128 - Introduced

HOUSE FILE 128

BY JONES

A BILL FOR

1 An Act providing for the direct shipment of beer, levying a
2 barrel tax and a surcharge, providing fees, making penalties
3 applicable, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 123.32, subsection 1, paragraph b, Code
2 2025, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (07) A beer direct shipper permit as
4 provided in section 123.147.

5 Sec. 2. Section 123.32, subsection 1, paragraph b,
6 subparagraph (10), Code 2025, is amended to read as follows:

7 (10) ~~A wine~~ An alcoholic beverage carrier permit as provided
8 in section 123.188.

9 Sec. 3. Section 123.35, subsection 4, unnumbered paragraph 1,
10 Code 2025, is amended to read as follows:

11 Notwithstanding ~~section~~ sections 123.147 and 123.187, and any
12 other provision of this chapter to the contrary, a beer or wine
13 ~~direct shipper's~~ shipper permit shall automatically renew without
14 approval by the director upon collection of the annual fee by
15 the department, provided all of the following conditions are met
16 since the preceding permit was issued:

17 Sec. 4. Section 123.35, subsection 4, paragraph e, Code 2025,
18 is amended to read as follows:

19 e. The permittee has filed all required reports and remitted
20 all beer barrel tax owed pursuant to section 123.136 or wine
21 gallage tax owed pursuant to section 123.183, as applicable.

22 Sec. 5. Section 123.39, subsection 1, paragraph a,
23 subparagraph (2), Code 2025, is amended to read as follows:

24 (2) The director may suspend a certificate of compliance, a
25 class "D" retail alcohol license, a manufacturer's license, a
26 broker's permit, a class "A" native distilled spirits license, a
27 class "A" or special class "A" beer permit, a beer direct shipper
28 permit, a class "A" wine permit, a wine direct
29 ~~shipper's~~ shipper permit, or ~~a wine~~ an alcoholic beverage carrier
30 permit for a period not to exceed one year, revoke the license,
31 permit, or certificate, or impose a civil penalty not to exceed
32 one thousand dollars per violation.

33 Sec. 6. Section 123.46A, subsection 5, Code 2025, is amended
34 to read as follows:

35 5. Nothing in this section shall impact the direct shipment

1 of beer as regulated by section 123.147 or the direct shipment of
2 wine as regulated by section 123.187.

3 Sec. 7. Section 123.136, subsection 1, Code 2025, is amended
4 to read as follows:

5 1. In addition to the annual permit fee to be paid by all
6 class "A" beer permittees under this chapter there shall be
7 levied and collected from the permittees on all beer manufactured
8 for sale or sold in this state at wholesale and on all beer
9 imported into this state for sale at wholesale and sold in this
10 state at wholesale, and from special class "A" beer permittees on
11 all beer manufactured for consumption on the premises and on all
12 beer sold at retail at the manufacturing premises for consumption
13 off the premises pursuant to section 123.130, subsection 4, a
14 tax of five and eighty-nine hundredths dollars for every barrel
15 containing thirty-one gallons, and at a like rate for any other
16 quantity or for the fractional part of a barrel. A barrel tax
17 shall also be levied and collected on the direct shipment of beer
18 pursuant to section 123.147. However, no tax shall be levied or
19 collected on beer shipped outside this state by a class "A" beer
20 permittee or special class "A" beer permittee to an out-of-state
21 wholesaler of beer or on beer sold to a class "A" beer permittee
22 by a special class "A" beer permittee or another class "A" beer
23 permittee.

24 Sec. 8. Section 123.137, Code 2025, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 1A. Each beer direct shipper permit holder
27 shall make a report under oath to the department electronically,
28 or in a manner prescribed by the director, on or before the tenth
29 day of the calendar months of June and December, showing the
30 exact number of barrels of beer and fractional parts of barrels
31 sold and shipped pursuant to section 123.147 during the preceding
32 six-month calendar period. The report must also state whatever
33 reasonable additional information the director requires. The
34 permit holder at the time of filing this report shall pay to the
35 department the amount of tax due at the rate fixed in section

1 123.136.

2 Sec. 9. NEW SECTION. **123.147 Direct shipment of beer —**
3 **permit and requirements.**

4 1. A beer manufacturer licensed or permitted pursuant to laws
5 regulating alcoholic beverages in this state or another state
6 may apply for a beer direct shipper permit, as provided in this
7 section.

8 2. a. Only a beer manufacturer that holds a beer direct
9 shipper permit issued pursuant to this section may sell beer
10 at retail for direct shipment to any person within this state,
11 or from this state to any person outside the state if also
12 authorized pursuant to the laws of that jurisdiction. This
13 section does not prohibit an authorized retail licensee from
14 delivering beer pursuant to section 123.46A.

15 b. A beer manufacturer applying for a beer direct shipper
16 permit shall submit an application for the permit electronically,
17 or in a manner prescribed by the director, accompanied by a true
18 copy of the manufacturer's current alcoholic beverage license or
19 permit issued by the state where the manufacturer is primarily
20 located and a copy of the manufacturer's brewer's notice issued
21 by the alcohol and tobacco tax and trade bureau of the United
22 States department of the treasury.

23 c. An application submitted pursuant to paragraph "b" shall
24 be accompanied by a permit fee in the amount of twenty-five
25 dollars.

26 d. A permit issued pursuant to this section may be renewed
27 annually by submitting a renewal application with the director
28 in a manner prescribed by the director, accompanied by the
29 twenty-five dollar permit fee.

30 3. The direct shipment of beer pursuant to this section is
31 subject to the following requirements and restrictions:

32 a. Beer shall only be shipped to a resident of this state,
33 or from this state to a person outside the state if also
34 authorized pursuant to the laws of that jurisdiction, who is at
35 least twenty-one years of age, for the person's personal use and

1 consumption and not for resale.

2 b. Beer subject to direct shipping shall be properly
3 registered with the federal alcohol and tobacco tax and trade
4 bureau, and manufactured on the licensed premises of the beer
5 direct shipper permittee.

6 c. All containers of beer shipped under this section shall be
7 conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE
8 OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or shall be
9 conspicuously labeled with alternative wording preapproved by the
10 director.

11 d. All containers of beer shipped under this section shall be
12 shipped by a holder of an alcoholic beverage carrier permit as
13 provided in section 123.188.

14 e. Shipment of beer pursuant to this subsection does not
15 require a refund value for beverage container control purposes
16 under chapter 455C.

17 4. A beer direct shipper permittee shall remit to the
18 department an amount equivalent to the barrel tax on beer subject
19 to direct shipment, whether shipped within the state or out of
20 state, at the rate specified in section 123.136 for deposit as
21 provided in section 123.136, subsection 2. The amount shall
22 be remitted at the time and in the manner provided in section
23 123.137, subsection 1A, and the ten percent penalty specified in
24 section 123.137, subsection 2, shall be applicable.

25 5. A beer direct shipper permittee shall be deemed to have
26 consented to the jurisdiction of the department or any other
27 agency or court in this state concerning enforcement of this
28 section and any related laws, rules, or regulations. A permit
29 holder shall allow the department to perform an audit of shipping
30 records upon request.

31 6. A violation of this section shall subject the permittee
32 to the general penalties provided in this chapter and shall
33 constitute grounds for imposition of a civil penalty or
34 suspension or revocation of the permit pursuant to section
35 123.39.

1 Sec. 10. Section 123.173C, subsection 4, paragraphs b and d,
2 Code 2025, are amended to read as follows:

3 b. A person, within or outside of the state, who desires to
4 ship wine from a private collection to a wine auction permittee
5 to be sold at auction shall do so through a holder of
6 ~~a wine~~ an alcoholic beverage carrier permit. The wine auction
7 permittee shall ensure that each bottle of wine so acquired
8 is permanently affixed with a label stating that the wine was
9 acquired from a private collection.

10 d. A permittee is responsible for the storage of all wines
11 that are to be offered at auction at the licensed premises,
12 and for the subsequent shipment and delivery of all wines sold
13 at auction to the purchasers of the wines. Shipment of wine
14 pursuant to this paragraph shall only be done by a holder of a
15 ~~wine~~ an alcoholic beverage carrier permit.

16 Sec. 11. Section 123.187, subsection 3, paragraph d, Code
17 2025, is amended to read as follows:

18 d. All containers of wine shipped directly to a resident of
19 this state shall be shipped by a holder of ~~a wine~~ an alcoholic
20 beverage carrier permit as provided in section 123.188.

21 Sec. 12. Section 123.188, subsections 1, 2, and 4, Code 2025,
22 are amended to read as follows:

23 1. A person desiring to deliver beer subject to direct
24 shipment pursuant to section 123.147, to deliver wine subject to
25 direct shipment within this state pursuant to section 123.187,
26 or to deliver wine shipped to or by a wine auction permittee
27 pursuant to section 123.173C, shall submit an application for a
28 ~~wine~~ an alcoholic beverage carrier permit electronically, or in a
29 manner prescribed by the director, which shall be accompanied by
30 a fee in the amount of one hundred dollars.

31 2. The director may in accordance with this chapter issue a
32 ~~wine~~ an alcoholic beverage carrier permit which shall be valid
33 for one year from the date of issuance unless it is sooner
34 suspended or revoked for a violation of this chapter.

35 4. The delivery of beer or wine pursuant to this section

1 shall be subject to the following requirements and restrictions:

2 a. ~~A wine~~ An alcoholic beverage carrier permittee shall not
3 deliver beer or wine to any person under twenty-one years of age,
4 or to any person who either is or appears to be in an intoxicated
5 state or condition.

6 b. ~~A wine~~ An alcoholic beverage carrier permittee shall
7 obtain valid proof of identity and age prior to delivery,
8 and shall obtain the signature of an adult as a condition of
9 delivery.

10 c. ~~A wine~~ An alcoholic beverage carrier permittee shall
11 maintain records of beer or wine shipped which include the permit
12 number and name of the beer or wine manufacturer or wine auction
13 permittee, quantity of beer or wine shipped, recipient's name and
14 address, and an electronic or paper form of signature from the
15 recipient of the beer or wine. Records shall be submitted to
16 the department on a monthly basis in a form and manner to be
17 determined by the department.

18 Sec. 13. NEW SECTION. **123A.14 Direct shipment of beer —**
19 **surcharge paid to wholesaler.**

20 If a brewer licensed or permitted pursuant to laws regulating
21 alcoholic beverages in this state or another state that holds
22 a beer direct shipper permit pursuant to section 123.147 has an
23 agreement with a wholesaler under which the wholesaler has been
24 granted the right to purchase, resell, and distribute the brand
25 of beer in the territory to which the brewer sold and shipped
26 directly to a person, the brewer shall do all of the following:

27 1. Collect a thirty percent surcharge on the retail sales
28 price of the beer from the person receiving direct shipment of
29 the beer.

30 2. In a time and manner set forth in the agreement,
31 distribute the thirty percent surcharge collected from the person
32 receiving direct shipment of the beer to the wholesaler.

33 Sec. 14. EFFECTIVE DATE. This Act takes effect January 1,
34 2026.

35 EXPLANATION

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

3 This bill allows for the direct shipment of beer.

4 New Code section 123.147 provides for the direct shipment of
5 beer to any person within this state, or from this state to
6 any person outside the state if also authorized pursuant to the
7 laws of that jurisdiction, and provides for a beer direct shipper
8 permit. Provisions governing the direct shipment of wine and
9 the wine direct shipper permit are generally made applicable to
10 the direct shipment of beer. Under current law, the wine direct
11 shipper permit under Code section 123.187 does not authorize the
12 permittee to ship wine to persons out of state.

13 The bill provides for application requirements and establishes
14 a \$25 annual fee for the permit. The bill also provides that
15 a permittee under the bill shall pay the barrel tax on beer
16 subject to direct shipment at the rate specified for beer sold
17 in the state. Code section 123.135, concerning the barrel tax,
18 and Code section 123.136, concerning report of barrel sales, are
19 made applicable to beer subject to direct shipment.

20 Code section 123.188, providing for a wine carrier permit, is
21 amended to provide for the direct shipment of beer as provided by
22 the bill.

23 The bill establishes a 30 percent surcharge on the retail
24 sales price of beer shipped directly to a person whose address
25 is within the territory of an agreement between the brewer who
26 directly shipped the beer and a wholesaler to purchase, resell,
27 and distribute that brand of beer. The brewer must collect the
28 surcharge from the person receiving the shipment of beer and
29 distribute the surcharge to the applicable wholesaler in a time
30 and manner set forth in the agreement.

31 The bill takes effect January 1, 2026.