

House File 2647 - Introduced

HOUSE FILE 2647
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 712)

A BILL FOR

1 An Act relating to transferring alcoholic beverages between the
2 premises of certain retail alcohol licensees with identical
3 ownership.

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

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1 Section 1. Section 123.46A, subsection 1, Code 2026, is
2 amended to read as follows:

3 1. Licensees authorized to sell alcoholic liquor, wine, or
4 beer in original unopened containers for consumption off the
5 licensed premises may deliver alcoholic liquor, wine, or beer
6 to a home, ~~another licensed premises if there is identical~~
7 ~~ownership of the premises by the licensee,~~ or other designated
8 location in this state. Deliveries shall be limited to alcoholic
9 beverages authorized by the licensee's license. Orders delivered
10 to another licensed premises shall contain only those alcoholic
11 beverages authorized for sale by the retail alcohol license
12 covering the premises to which the alcoholic beverages will
13 be delivered. Orders delivered to another licensed premises
14 shall be fulfilled using the alcoholic beverages inventory owned
15 by the licensee who will receive the order for delivery. If
16 the recipient refuses or fails to pick up the delivery, or is
17 ineligible to receive the delivery, the alcoholic beverages shall
18 be returned to the licensee who fulfilled the order.

19 Sec. 2. NEW SECTION. **123.46B Transfers of alcoholic liquor**
20 **by retailers.**

21 1. Notwithstanding any other provision of this chapter to
22 the contrary, a licensee authorized to sell alcoholic liquor in
23 original unopened containers for consumption off the licensed
24 premises may transfer alcoholic liquor between licensed premises
25 with identical ownership as the transferring licensee, and
26 the transfer shall not be considered a delivery under section
27 123.46A.

28 2. A transfer pursuant to subsection 1 shall be considered
29 inventory owned by the licensee transferring the alcoholic liquor
30 until placement on the premises of the licensee receiving the
31 alcoholic liquor, at which point the alcoholic liquor shall
32 be considered inventory owned by the licensee receiving the
33 alcoholic liquor for regulatory and enforcement purposes under
34 this chapter.

35 3. A licensee conducting a transfer under this section

1 shall maintain records indicating the date of the transfer,
2 the quantity and type of alcoholic liquor transferred, and the
3 licensee receiving the transfer. Records shall be maintained
4 for three years from the date of the transfer and shall be made
5 accessible and open to inspection pursuant to section 123.30,
6 subsection 1, during normal business hours of the licensee.

7
8 **EXPLANATION**

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

11 This bill relates to transferring alcoholic beverages between
12 the premises of certain retail alcohol licensees with identical
13 ownership.

14 Under current Code section 123.46A (delivery of alcoholic
15 beverages by retailers), licensees authorized to sell alcoholic
16 liquor, wine, or beer in original unopened containers for
17 consumption off the licensed premises may deliver alcoholic
18 liquor, wine, or beer to a home, another licensed premises if
19 there is identical ownership of the premises by the licensee, or
20 other designated location in this state. The bill strikes the
21 specified authorization to deliver to another licensed premises
22 if there is identical ownership of the premises by the licensee.

23 The bill allows a licensee authorized to sell alcoholic liquor
24 for consumption off premises to transfer alcoholic liquor between
25 licensed premises with identical ownership as the transferring
26 licensee. The bill specifies such a transfer shall not be
27 considered a delivery under Code section 123.46A.

28 A transfer of alcoholic liquor pursuant to the bill shall
29 be considered inventory owned by the licensee transferring
30 the alcoholic liquor until placement on the premises of the
31 licensee receiving the alcoholic liquor. After placement on the
32 premises of the licensee receiving the alcoholic liquor, the bill
33 specifies the alcoholic liquor is considered the inventory of
34 the licensee receiving the alcoholic liquor for regulatory and
35 enforcement purposes.

36 A licensee conducting the transfer of alcoholic liquor

1 pursuant to the bill is required to maintain records of the
2 transfer for three years and to make the records accessible to
3 the department of revenue.

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