

House File 769 - Introduced

HOUSE FILE 769
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 69)

A BILL FOR

1 An Act relating to the sale, possession, and consumption of
2 alcoholic liquor, wine, or beer on public school property
3 under certain circumstances, and including effective date
4 provisions.

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

unofficial

1 Section 1. Section 123.46, subsection 2, Code 2025, is
2 amended to read as follows:

3 2. a. A person shall not use or consume alcoholic liquor,
4 wine, or beer upon the public streets or highways.

5 b. A person shall not use or consume alcoholic liquor in any
6 public place except premises covered by a retail alcohol license.

7 c. A person shall not possess or consume alcoholic ~~liquors~~
8 liquor, wine, or beer on public school property or while
9 attending a public or private school-related function. However,
10 a school board may authorize the sale, possession, and
11 consumption of alcoholic liquor, wine, or beer on public school
12 property in conjunction with a nonschool-related function deemed
13 appropriate by the school board. The authorization must require
14 that the sale, possession, and consumption of alcoholic liquor,
15 wine, or beer only occur on public school property that is a
16 licensed premises under a five-day retail alcohol license issued
17 pursuant to section 123.34 to a person other than the school
18 board.

19 d. A person shall not be intoxicated in a public place.

20 e. A person violating this subsection is guilty of a simple
21 misdemeanor.

22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
23 importance, takes effect upon enactment.

24 EXPLANATION

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

27 This bill allows for the sale, possession, and consumption
28 of alcoholic liquor, wine, or beer on public school property
29 if authorized by the school board in conjunction with a
30 nonschool-related function deemed appropriate by the school board
31 and if the premises is covered by a five-day retail alcohol
32 license issued to a person other than the school board. Persons
33 may possess or consume alcoholic liquor, wine, or beer at
34 nonschool-related functions on private school property under
35 current law in accordance with Code section 123.46(2).

1 Under current law and the bill, the department of revenue,
2 with the approval of a local authority, may issue a retail
3 alcohol license to an applicant to sell alcoholic liquor, wine,
4 or beer at functions sponsored or authorized by the local
5 authority (Code section 123.32(3)). Local authorities may adopt
6 ordinances or regulations for the location of the premises of
7 retail alcohol licensed establishments and for governing any
8 other activities or matters which may affect the retail sale
9 and consumption of alcoholic beverages and the health, welfare,
10 and morals of the community involved (Code section 123.39(2)).
11 Possession or consumption of alcoholic liquor, wine, or beer at
12 public or private higher education facilities is not affected by
13 the bill (Code section 123.3(48)).

14 A person who violates Code section 123.46(2) is guilty of
15 a simple misdemeanor. A simple misdemeanor is punishable by
16 confinement for no more than 30 days and a fine of at least \$105
17 but not more than \$855.

18 The bill takes effect upon enactment.