

House Study Bill 712 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

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:

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

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

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

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

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

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
12 between the premises of certain retail alcohol licensees with
13 identical 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,
20 or other designated location in this state. The bill strikes
21 the specified authorization to deliver to another licensed
22 premises if there is identical ownership of the premises by the
23 licensee.

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

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

1 regulatory and enforcement purposes.

2 A licensee conducting the transfer of alcoholic liquor
3 pursuant to the bill is required to maintain records of the
4 transfer for three years and to make the records accessible to
5 the department of revenue.