HOUSE FILE 766
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 214)

(As Amended and Passed by the House April 7, 2021)
[= New Language by the House

A BILL FOR

An Act relating to the delivery of alcoholic beverages by retailers.

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

Section 1. Section 123.46A, subsection 2, paragraph g, Code 2021, is amended to read as follows:

g. Delivery of alcoholic liquor, wine, or beer shall be made by the licensee or permittee, ~~or~~ the licensee's or permittee's employee, ~~and not by~~ or a third party, provided the licensee or permittee has entered into a written agreement with the third party that authorizes the third party to act as an agent of the licensee or permittee for the purpose of delivering alcoholic liquor, wine, or beer. Each licensee or permittee shall submit to the division electronically, or in a manner prescribed by the administrator, a list of names and addresses of all third parties it has authorized to act as its agent for the purpose of delivering alcoholic liquor, wine, or beer. The licensee or permittee shall provide the division with amendments to the list as necessary to ensure the division possesses an accurate, current list.

Sec. 2. Section 123.46A, subsection 2, paragraph i, Code 2021, is amended by striking the paragraph.

Sec. 3. Section 123.46A, subsection 3, Code 2021, is amended to read as follows:

3. A violation of this section or any other provision of this chapter shall subject the licensee or permittee to the penalty provisions of section 123.39. If the licensee or permittee, an employee of the licensee or permittee, or a person delivering alcoholic liquor, wine, or beer for a third party acting on behalf of the licensee or permittee pursuant to a written agreement violates this section, the licensee or permittee shall not be assessed a penalty under section 123.39 if the licensee or permittee establishes all of the following:

a. The violation was committed off of the licensee's or permittee's premises after the liquor, wine, or beer was removed from the licensee's or permittee's premises in fulfillment of a delivery order.

b. (1) If the person who committed the violation is an employee of the licensee or permittee, that no other violation

of this section was committed by any employee of the licensee or permittee within the two-year period immediately preceding the date of violation.

(2) If the person who committed the violation is a person delivering for a third party acting on behalf of the licensee or permittee, that no other violation of this section was committed by any person delivering for the same third party while the third party was acting on behalf of the licensee or permittee within the two-year period immediately preceding the date of violation.]