

## CHAPTER 1096

### IMPORTING AND SALE OF ALCOHOLIC LIQUOR, WINE, AND BEER — PERSONAL USE — BOOTLEGGING

S.F. 2347

**AN ACT** providing for the personal importation of alcoholic liquor, wine, and beer, concerning criminal penalties for bootlegging, and including effective date and applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 123.10](#), Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 13. Providing for the issuance of a waiver for an individual of legal age desiring to import alcoholic liquor, wine, or beer in excess of the amount provided in [section 123.22](#), [123.146](#), or [123.171](#), as applicable. The waiver shall be limited to those individuals who were domiciled outside the state within one year of the request for a waiver and shall provide that any alcoholic liquor, wine, or beer imported pursuant to the waiver shall be for personal consumption only in a private home or other private accommodation.

Sec. 2. [Section 123.22, subsection 1](#), Code 2018, is amended to read as follows:

1. The division has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in [this chapter](#), and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding ~~one liter or, in the case of alcoholic liquor personally obtained outside the United States, four~~ nine liters per calendar month that the individual personally obtained outside the state. Alcoholic liquor imported by an individual pursuant to [this subsection](#) shall be for personal consumption only in a private home or other private accommodation. A distillery shall not sell alcoholic liquor within the state to any person but only to the division, except as otherwise provided in [this chapter](#). [This section](#) vests in the division exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in [this chapter](#). The division shall receive alcoholic liquor on a bailment system for resale by the division in the manner set forth in [this chapter](#). The division shall act as the sole wholesaler of alcoholic liquor to class "E" liquor control licensees.

Sec. 3. [Section 123.59](#), Code 2018, is amended to read as follows:

#### **123.59 Bootlegging — penalties.**

1. Any person who, acting individually, or through another acting for the person, keeps or carries on the person, or in a vehicle, or leaves in a place for another to secure, any alcoholic liquor, wine, or beer, with intent to sell or dispense the liquor, wine, or beer, ~~by gift or otherwise~~ in violation of law, or who, within this state, in any manner, directly or indirectly, solicits, takes, or accepts an order for the purchase, sale, shipment, or delivery of alcoholic liquor, wine, or beer in violation of law, or aids in the delivery and distribution of alcoholic liquor, wine, or beer so ordered or shipped, or who in any manner procures for, sells, or gives alcoholic liquor, wine, or beer to a person under legal age, for any purpose except as authorized and permitted in [this chapter](#), is a bootlegger ~~and subject to the general penalties provided by [this chapter](#).~~

2. A person who violates any of the provisions of [this section](#) commits the following:

a. For a first offense, a simple misdemeanor.

b. For a second or subsequent offense, a serious misdemeanor.

Sec. 4. NEW SECTION. **123.146 Importation of beer for personal use.**

Except as otherwise provided in [this chapter](#), a person shall not import beer. However, an individual of legal age may import into the state without a certificate, permit, or license an amount of beer not to exceed four and one-half gallons per calendar month that the individual personally obtained outside the state or, in the case of beer personally obtained

outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Beer imported pursuant to [this section](#) shall be for personal consumption in a private home or other private accommodation and only if the beer is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of [this chapter](#).

Sec. 5. [Section 123.171](#), Code 2018, is amended by adding the following new subsection:

**NEW SUBSECTION.** 3. Notwithstanding [subsection 1](#), an individual of legal age may import into the state without a certificate, permit, or license an amount of wine not to exceed nine liters per calendar month that the individual personally obtained outside the state or, in the case of wine personally obtained outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Wine imported pursuant to [this subsection](#) shall be for personal consumption in a private home or other private accommodation and only if the wine is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of [this chapter](#).

Sec. 6. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. **APPLICABILITY.** The section of this Act amending section 123.10 applies to requests for waivers made on or after June 1, 2018.

Approved April 10, 2018