

123.130 Authority under class “A” and special class “A” beer permits.

1. a. Any person holding a class “A” beer permit issued by the division shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding subsisting class “A”, “B”, or “C” beer permits, both a class “C” native wine permit and a class “A” wine permit pursuant to [section 123.178B, subsection 4](#), or liquor control licenses issued in accordance with the provisions of [this chapter](#). However, a person holding a class “A” beer permit issued by the division who also holds a brewer’s notice issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury shall be authorized to sell, at wholesale, no more than thirty thousand barrels of beer on an annual basis for consumption off the premises to a licensee or permittee authorized under this chapter to sell beer at retail.

b. A person holding a class “A” beer permit may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale.

c. A class “A” or special class “A” beer permit does not grant authority to manufacture wine as defined in [section 123.3, subsection 54](#).

2. Pursuant to [section 123.45, subsection 3](#), a native brewery may be granted not more than two class “B” beer permits as defined in [section 123.124](#) for the purpose of selling beer at retail for consumption on or off the premises of the manufacturing facility.

3. All class “A” premises shall be located within the state. All beer received by the holder of a class “A” beer permit from the holder of a certificate of compliance before being resold must first come to rest on the licensed premises of the permit holder, must be inventoried, and is subject to the barrel tax when resold as provided in [section 123.136](#). A class “A” beer permittee shall not store beer overnight except on premises licensed under a class “A” beer permit.

4. All special class “A” premises shall be located within the state. A person who holds a special class “A” beer permit for the same location at which the person holds a class “C” liquor control license or class “B” beer permit for the purpose of operating as a brewpub may manufacture and sell beer to be consumed on the premises, may sell at retail at the manufacturing premises for consumption off the premises beer that is transferred at the time of sale to another container subject to the requirements of [section 123.131, subsection 2](#), may sell beer to a class “A” beer permittee for resale purposes, and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale. The permit issued to holders of a special class “A” beer permit shall clearly state on its face that the permit is limited.

5. A manufacturer of beer issued a class “A” or special class “A” beer permit shall file with the division, on or before the fifteenth day of each calendar month, all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all brewer’s operation and excise tax return reports.

[C35, §1921-f105; C39, §1921.106; C46, 50, 54, 58, 62, 66, 71, §124.11; C73, 75, 77, 79, 81, §123.130]

88 Acts, ch 1241, §19; 89 Acts, ch 221, §4; 92 Acts, ch 1003, §2; 2010 Acts, ch 1031, §93, 96; 2015 Acts, ch 53, §8; 2016 Acts, ch 1073, §39; 2017 Acts, ch 119, §27; 2018 Acts, ch 1060, §63; 2019 Acts, ch 8, §5; 2019 Acts, ch 113, §40 – 42; 2021 Acts, ch 133, §3

Referred to in §123.124, 123.136
Subsection 2 amended