

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 a subsisting class “A” beer permit, or retail alcohol licenses, excluding a special class “B” retail native wine license, 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 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 53](#).

2. Pursuant to [section 123.45, subsection 3](#), a native brewery may be granted not more than two class “C” retail alcohol licenses.

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” or special class “C” retail alcohol license for the purpose of operating as a brewpub may manufacture and sell beer to be consumed on the premises, may sell beer at retail at the manufacturing premises for consumption off the premises, 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; 2022 Acts, ch 1099, §60, 61, 88](#)

Referred to in [§123.124, 123.136](#)

2022 amendments effective January 1, 2023; 2022 Acts, ch 1099, §88

Subsection 1, paragraph a amended

Subsections 2 and 4 amended