

123.173A Charity beer, spirits, and wine special event license.

1. For purposes of [this section](#):

a. “Authorized nonprofit entity” includes a nonprofit entity which has a principal office in the state, a nonprofit corporation organized under [chapter 504](#), or a foreign corporation as defined in [section 504.141](#), whose income is exempt from federal taxation under section 501(c) of the Internal Revenue Code.

b. “Charity auction” means an auction conducted by an authorized nonprofit entity which includes beer, spirits, and wine.

c. “Charity event” means an event at which an authorized nonprofit entity may serve the event’s attendees beer, spirits, and wine for consumption on the premises of the event, regardless of whether the entity charges an admission fee to the event or otherwise collects the cost of the beer, spirits, and wine served from the event’s attendees.

d. “Charity special event” means a charity auction, charity event, or a combined charity auction and charity event.

2. Upon application to the division and receipt of a charity beer, spirits, and wine special event license, an authorized nonprofit entity may conduct a charity special event subject to the requirements of [this section](#).

3. A charity auction conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements:

a. The authorized nonprofit entity conducting the charity auction shall obtain the beer, spirits, and wine to be auctioned at the charity auction from an Iowa retail alcohol licensee, or may receive donations of beer, spirits, or wine to be auctioned at the charity auction from persons who purchased the donated beer, spirits, or wine from an Iowa retail alcohol licensee or an Iowa class “A” native distilled spirits licensee and who present a receipt documenting the purchase at the time the beer, spirits, or wine is donated. The authorized nonprofit entity conducting the charity auction shall retain a copy of the receipt for a period of one year from the date of the charity beer, spirits, and wine auction.

b. The beer, spirits, and wine sold at the charity auction shall be in original containers for consumption off of the premises where the charity auction is conducted. No other alcoholic beverage may be sold by the charity beer, spirits, and wine special event licensee at the charity auction. A purchaser of beer, spirits, or wine at a charity auction shall not take possession of the beer, spirits, or wine until the person is leaving the event. A purchaser of beer, spirits, or wine at a charity auction shall not open the container or consume or permit the consumption of the beer, spirits, or wine purchased on the premises where the charity auction is conducted. A purchaser of beer, spirits, or wine at a charity auction shall not resell the beer, spirits, or wine.

c. A retail alcohol licensee or class “A” native distilled spirits licensee shall not purchase beer, spirits, or wine at a charity auction. The charity auction may be conducted on a premises for which a class “B” or class “C” retail alcohol license has been issued, provided that the retail alcohol licensee does not participate in the charity auction, supply beer, spirits, or wine to be auctioned at the charity auction, or receive any of the proceeds of the charity auction.

4. A charity event conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements:

a. The charity event shall be conducted on a premises covered by a valid retail alcohol license issued by the division.

b. The authorized nonprofit entity conducting a charity event shall have a written agreement with the retail alcohol licensee covering the premises where the charity event is to be conducted specifying that that licensee shall act as the agent of the authorized nonprofit entity for the purpose of providing and serving alcoholic beverages to the attendees of the charity event.

c. The retail alcohol licensee covering the premises where the charity event is to be conducted shall supply all alcoholic beverages served to the attendees of the charity event.

d. Only those types of alcoholic beverages as are authorized to be sold by the retail alcohol license covering the premises where the charity event is to be conducted are to be served to the attendees of the charity event.

5. An application for a charity beer, spirits, and wine special event license to conduct a charity special event shall include all of the following information:

a. The date and time when the charity special event is to be conducted and the location of the premises in this state where the charity special event is to be physically conducted.

b. The retail alcohol license number issued by the division for the premises where a charity event is to be conducted, if applicable.

c. A certification that the objective of the charity special event is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity special event are to be expended for any of the purposes described in [section 423.3, subsection 78](#).

6. An authorized nonprofit entity shall be eligible to receive no more than two charity beer, spirits, and wine special event licenses during a calendar year and each charity beer, spirits, and wine special event license shall be valid for a period not to exceed thirty-six consecutive hours.

7. Any violation of the requirements of [this chapter](#) or the rules adopted pursuant to [this chapter](#) shall subject the charity beer, spirits, and wine special event license holder to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty, suspension of the license, or revocation of the permit after notice and opportunity for a hearing pursuant to [section 123.39](#) and [chapter 17A](#).

[2010 Acts, ch 1031, §85; 2013 Acts, ch 51, §1; 2017 Acts, ch 119, §47; 2019 Acts, ch 113, §48, 49; 2022 Acts, ch 1099, §73, 88](#)

Referred to in [§123.32](#)

2022 strike and rewrite effective January 1, 2023; 2022 Acts, ch 1099, §88

Section stricken and rewritten