

123.187 Direct shipment of wine — permit and requirements.

1. A wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state or another state may apply for a wine direct shipper permit, as provided in [this section](#). For the purposes of [this section](#), a “*wine manufacturer*” means a person who processes the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines.

2. a. Only a wine manufacturer that holds a wine direct shipper permit issued pursuant to [this section](#) shall sell wine at retail for direct shipment to any person within this state. [This section](#) shall not prohibit an authorized retail licensee from delivering wine pursuant to [section 123.46A](#).

b. A wine manufacturer applying for a wine direct shipper permit shall submit an application for the permit electronically, or in a manner prescribed by the administrator, accompanied by a true copy of the manufacturer’s current alcoholic beverage license or permit issued by the state where the manufacturer is primarily located and a copy of the manufacturer’s basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

c. An application submitted pursuant to paragraph “b” shall be accompanied by a permit fee in the amount of twenty-five dollars.

d. A permit issued pursuant to [this section](#) may be renewed annually by submitting a renewal application with the administrator in a manner prescribed by the administrator, accompanied by the twenty-five dollar permit fee.

3. The direct shipment of wine pursuant to [this section](#) shall be subject to the following requirements and restrictions:

a. Wine shall only be shipped to a resident of this state who is at least twenty-one years of age, for the resident’s personal use and consumption and not for resale.

b. Wine subject to direct shipping shall be properly registered with the federal alcohol and tobacco tax and trade bureau, and fermented on the winery premises of the wine direct shipper permittee.

c. All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words “CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY” or shall be conspicuously labeled with alternative wording preapproved by the administrator.

d. All containers of wine shipped directly to a resident of this state shall be shipped by a holder of a wine carrier permit as provided in [section 123.188](#).

e. Shipment of wine pursuant to [this subsection](#) does not require a refund value for beverage container control purposes under [chapter 455C](#).

4. A wine direct shipper permittee shall remit to the division an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in [section 123.183](#) for deposit as provided in [section 123.183](#), [subsections 2 and 3](#). The amount shall be remitted at the time and in the manner provided in [section 123.184](#), [subsection 2](#), and the ten percent penalty specified therein shall be applicable.

5. A wine direct shipper permittee shall be deemed to have consented to the jurisdiction of the division or any other agency or court in this state concerning enforcement of [this section](#) and any related laws, rules, or regulations. A permit holder shall allow the division to perform an audit of shipping records upon request.

6. A violation of [this section](#) shall subject the permittee to the general penalties provided in [this chapter](#) and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the permit pursuant to [section 123.39](#).

96 Acts, ch 1101, §1; 2003 Acts, 1st Ex, ch 2, §158, 205; 2010 Acts, ch 1031, §100; 2010 Acts, ch 1193, §165; 2013 Acts, ch 35, §19; 2015 Acts, ch 11, §1; 2015 Acts, ch 104, §2; 2017 Acts, ch 119, §18; 2018 Acts, ch 1060, §71; 2019 Acts, ch 113, §59, 60; 2022 Acts, ch 1099, §84, 85, 88

Referred to in §123.32, 123.35, 123.46A, 123.173, 123.176, 123.183, 123.184, 123.188

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

Subsection 2, paragraph a amended

Subsection 2, paragraph d stricken and former paragraph e redesignated as d