

A BILL

FOR AN ACT AMENDATORY AND SUPPLEMENTAL TO CHAPTER 6, TITLE XI, CODE OF 1873, AND AMENDMENTS THERETO REGULATING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Any registered pharmacist of the State is hereby permitted within the county
2 of his residence to buy and sell intoxicating liquors for medicinal, mechanical, culinary and
3 sacramental purposes only, provided he first obtain a permit from the board of supervisors
4 of the county in which such business is conducted.

SEC. 2 In order to procure such permit he shall present to such board of supervisors a peti-
2 tion signed by at least twelve freeholders having the qualification of electors of the town-
3 ship, town or ward wherein such business is located, certifying that the registered pharma-
4 cist applying is a person of good moral character, and is, and for the six months last preced-
5 ing has been lawfully conducting a pharmacy as proprietor in such township, town or ward,
6 and that they believe him to be a proper person to buy and sell intoxicating liquors for the
7 purposes named in this act.

SEC. 3. He shall make and file a bond to be approved by the auditor of the county where
2 the application is made in the sum of five hundred (\$500.00) dollars, with two or more sure-
3 ties, who shall qualify in double the amount of said bond, conditioned that he will carry
4 out the provisions of all laws now or hereafter in force relating to the sale of intoxicating
5 liquors, and which said bond shall run in the name of the State.

SEC. 4. Upon presentation of such certificate and bond to the county auditor a day shall
2 be fixed by said auditor for the final hearing of the application by the board of supervisors,
3 and notice thereof given by publication in at least one newspaper published in the county,
4 or by posting such notice in the township, town or ward in which the business is to be con-
5 ducted. Such publication or posting shall be at least ten days prior to the time of final
6 hearing, and the applicant shall pay the expense thereof in advance.

SEC. 5. At such final hearing, any resident of the county may appear and show cause
2 why said permit should not be granted, and the same shall be refused unless the board shall
3 be fully satisfied that the requirements of the law have, in all respects, been fully complied
4 with, that the applicant is a person of good moral character, and that the statements con-
5 tained in the petition prescribed in section two hereof are true.

SEC. 6. If at any time after the granting of said permit, a remonstrance, signed by a majority of the electors of either the township, town or ward, as shown by the last preceding municipal or township election, shall be presented to said board against the continuance of such permit by the pharmacist holding the same, said board shall revoke such permit thirty (30) days after notice of the presentation of such remonstrance shall have been given to the holder of such permit.

SEC. 7. The Commissioners of Pharmacy, if they have reason to believe that any registered pharmacist holding a permit, is violating any of the provisions of the laws of this State in conducting his pharmacy, may, in their discretion, revoke his pharmacy certificate, and strike his name from the register. Such notice as they may deem proper of their intention so to act, shall be given said pharmacist, and he shall have the right to show cause in writing, duly sworn to and supported by affidavits, why such revocation should not be made: *Provided*, that nothing herein contained shall be construed so as to shield a registered pharmacist who violates the trust assumed by him under this act from the utmost rigors of the law relating to the sale of intoxicating liquors.

SEC. 8. The bond shall be deposited with the Commissioners of Pharmacy of the State of Iowa, and suit shall be brought thereon at any time in the name of the State by the district or county attorney, in case the conditions thereof, or any of them, shall be broken. All moneys collected thereon shall be paid into the State treasury, and one-third of such amount may be drawn therefrom upon requisition of the Commissioners of Pharmacy to be used in the enforcement of this act. For the first offense, the court before whom such suit is brought, upon proof of mitigating circumstances, may remit four-fifths of the said penalty, and the remainder thereof shall be paid into the State treasury to be drawn out upon requisition of the Commissioners of Pharmacy to be applied by them as aforesaid. For the second and subsequent offenses the forfeiture of said bond shall be absolute and without remission.

SEC. 9. It shall be unlawful for the proprietor holding a permit to allow any of his clerks who are not registered pharmacists, to sell or dispense liquors under this act, and the holder of such permit, or any of his registered clerks shall first require the purchaser to sign duplicate applications for such intoxicating liquors, stating therein the quantity and kind desired, and the purpose for which the same is to be used; such applications shall be uniform throughout the State, and in such form as the Commissioners may prescribe. The pharmacist who dispenses and sells the intoxicating liquors shall countersign each of the applications made by the purchaser as prescribed herein, at the time of filling such order, with the number of his certificate and the amount of money received for supplying said liquors. The registered pharmacist to whom application is made shall refuse to execute same, if he has reason to believe the application is not made in good faith, and that the

12 liquor would be used as a beverage. He shall not accept an application from a minor or
13 from any person who is in the habit of becoming intoxicated, or when any relative of such
14 person has given written notice to said pharmacist that such person uses intoxicating
15 liquors as a beverage.

SEC. 10 On or before the tenth day of each month, the pharmacist holding a permit shall
2 make a report to the county auditor showing the sales of intoxicating liquors made by him
3 under the same during the last preceding calendar month, from No., the first of such
4 sales, to No., the last of such sales, inclusive, and stating the aggregate amount of such
5 sales. And he shall return and file with the auditor one set of duplicate applications
6 referred to in section 9 hereof, and shall pay to such auditor ten per cent of the total
7 amount of such sales, which sum shall be by the auditor turned into the county treasury.
8 Three-fourths of such sum shall be drawn out of the county treasury upon requisition of
9 the authorities of the city or town in which such business is conducted, and turned into
10 the general fund of the city or town, and the remaining one-fourth shall be passed to the
11 general fund of the county. Whereupon the auditor shall execute a receipt for said sum,
12 countersigned by the county treasurer, and deliver same to the pharmacist. In case such
13 business is conducted in any village not incorporated, the entire sum so received shall be
14 passed to the general fund of the county. All registered pharmacists whose certificates are
15 in full force and effect are hereby authorized to buy, keep and use such alcohol and spiritu-
16 ous liquors as may be required for the lawful purpose of compounding medicines that can-
17 not be used as a beverage, and all registered pharmacists holding permits shall have the
18 right to wholesale such liquors for the lawful purpose of compounding medicines only to
19 registered pharmacists who have no permits to sell, or to wholesale same to pharmacists
20 holding permits for the purposes of resale without being required to pay the aforesaid ten
21 per cent on such sales.

SEC. 11. The application and reports filed with the auditor shall at all times be subject
2 to the inspection of the district or circuit judge, district or county attorney, sheriff, or any
3 constable, or marshal, grand juror, or of all the justices of the peace of the county, and
4 such other persons as may be authorized by law to examine the same, and shall be pro-
5 duced by the auditor or party keeping the same, to be used as evidence on the trial of any
6 prosecution against him, or against liquors alleged to have been seized from him or his
7 house, on notice duly served that the same will be required as evidence.

SEC. 12. Any person who shall take or receive any order for intoxicating liquors from
2 any person in this State, other than a person duly authorized to sell the same as in this act
3 provided, or any person who shall directly or indirectly contract for the sale of intoxicating
4 liquors with any person in this State, other than a person duly authorized to sell the same,

5 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished
6 therefor as provided by section 1540 of the Code of 1873, as amended.

SEC. 13. Any pharmacist having such permit, who shall fail to make monthly returns to
2 the auditor as herein required, or shall make a false return, or sell without requiring the
3 written application of the purchaser as provided in section 9 hereof, shall be liable to the
4 forfeiture of his permit and bond.

SEC. 14. That section 1553 of the Code be and the same is hereby amended, by adding
2 thereto the words: " And, *provided further*, that any agent or person in the employ of any
3 express company, or railroad company, or any person in the employ of or by the direction
4 of a common carrier is hereby empowered to require the consignor or consignee to open any
5 package unaccompanied by transportation certificate, which package is shipped by a liquor
6 dealer, or consigned to a person who is suspected of dealing in liquors contrary to the pro-
7 visions of this act;" *provided further*, that the auditor is authorized to issue a transportation
8 certificate to any registered pharmacist, who has the right under this act to purchase intox-
9 icating liquor for the lawful purpose of compounding medicines only.

SEC. 15. That section 1539 of the Code of 1873 as amended, be and the same is hereby
2 amended by striking out after the words " to be collected by action against him," the words
3 " or by action against him and the sureties on his bond, if one has been given."

SEC. 16. The posting and keeping in his place of business of the United States special tax
2 stamp as a wholesale or retail liquor dealer by a person who has no such permit as that pro-
3 vided for herein, shall be presumptive evidence that such person is engaged in the business
4 of selling intoxicating liquors contrary to law.

SEC. 17. The drinking of intoxicating liquor in a pharmacy, whether under a permit or
2 not, shall be presumptive evidence that such sale was for a beverage.

SEC. 18. Any citizen of the State, except hotel-keepers, retailers of beverages, keepers of
2 eating houses, grocery-keepers and confectioners, is hereby permitted within the county of
3 his residence to manufacture intoxicating liquors for wholesale to registered pharmacists
4 only, and upon their written application therefor, and such application shall not be subject
5 to the payment of the 10 per cent provided for in section 10 hereof; *provided*, that such
6 manufacturer shall make application and first obtain permission from the board of super-
7 visors of the county in which such manufacturing is conducted, and file a bond to be ap-
8 proved by the auditor of the county where the application is made, in the sum of five
9 thousand (\$5,000.00) dollars, with two or more sureties who shall qualify in double the
10 amount of said bond, conditioned that he will comply with the provisions of this section,
11 limiting his sales to registered pharmacists contemplated in this act, and obey all laws now
12 or hereafter in force relating to the manufacture and sale of intoxicating liquors. Said
13 bond shall run in the name of the State and for the benefit of the school fund of the

14 county, and any person having permission from a board of supervisors to manufacture and
15 sell as herein provided for, who shall fail to make a monthly report on or before the tenth
16 day of each month to the county auditor, showing the sales of intoxicating liquors made by
17 him to persons within the State during the last preceding calendar month, or who shall
18 make a false report of such sale, shall forfeit for each offense the sum of one hundred
19 (\$100.00) dollars to be recovered in the name of the State of Iowa, upon the relation of any
20 citizen of the county, by civil action on his bond with costs, and one half of the sum recov-
21 ered shall go to the informer and one half to the school fund of the county.

SEC. 19. That section 1535 of the Code of 1873 as amended, be and the same is hereby
2 amended by striking out after the words "either by failing to keep a correct record of man-
3 ufacture or," the words "purchase or."

SEC. 20. All permits heretofore issued and now in force shall not be affected by this act,
2 but shall be governed by the laws in force when the same were granted and by this act so
3 far as may be, until they expire by forfeiture or limitation.

SEC. 21. That sections 1526, 1527, 1528, 1529, 1530, 1532, 1533, 1534, 1537 and 1538 of the Code
2 of 1873, and amendments thereto, be and the same are hereby repealed.

SEC. 22. This act being deemed of immediate importance, shall take effect from and after
2 its publication in the Iowa State Register and the Iowa State Leader, newspapers published
3 at Des Moines, Iowa.