

January 23, 1963.
Safety and Law Enforcement.
Without recommendation 2/25

House File 50
By ANDERSEN of Woodbury
and KIBBIE.

Passed House, Date..... Passed Senate, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to abolish individual liquor permits.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section one hundred twenty-three point five
2 (123.5), Code 1962, is hereby amended as follows:

3 1. By striking subsection fourteen (14).

4 2. By striking subsection twenty (20).

1 Sec. 2. Section one hundred twenty-three point sixteen
2 (123.16), Code 1962, is amended as follows:

3 1. By striking subsection three (3).

4 2. By inserting in line one (1) of subsection seven (7) of
5 such section after the word "grant" the word "special".

6 3. By inserting in line two (2) of subsection seven (7) of
7 such section before the word "permit" the word "special".

1 Sec. 3. Section one hundred twenty-three point seventeen
2 (123.17), Code 1962, is hereby amended as follows:

3 1. By inserting in line four (4) of paragraph d of sub-
4 section two (2) of such section after the word "which" the
5 word "special".

6 2. By striking all of paragraph e of subsection two (2)
7 of such section after the word "furnished" in line two (2) and
8 inserting in lieu thereof "under section thirteen (13) sub-
9 section one (1) of this Act."

10 3. By striking from line three (3) of paragraph h of sub-
11 section two (2) of such section the words "under any permits".

12 4. By inserting in line two (2) of paragraph i of sub-
13 section two (2) of such section after the word "issue" the
14 word "special".

15 5. By striking paragraph k of subsection two (2) of such
16 section and inserting in lieu thereof the following:

17 "Prescribing, subject to this chapter, the records of sales
18 to holders of special permits and licenses and for the report of
19 same to the commission."

20 6. By inserting in line two (2) of paragraph o of subsection
21 two (2) of such section after the word "of" the word "special".

1 Sec. 4. Section one hundred twenty-three point twenty-two
2 (123.22), Code 1962, is hereby repealed.

1 Sec. 5. Section one hundred twenty-three point twenty-six
2 (123.26), Code 1962, is hereby amended as follows:

3 1. By striking from line twenty-five (25) the words "permit
4 holder" and inserting in lieu thereof the word "person".

5 2. By inserting in line twenty-six (26) after the word
6 "transport" the words "for his own use".

1 Sec. 6. Section one hundred twenty-three point twenty-seven
2 (123.27), Code 1962, is hereby repealed and the following
3 enacted in lieu thereof:

4 "A 'special permit' may be issued, in such form and subject
5 to such rules as the commission may adopt, as follows:

6 1. To a physician, pharmacist, dentist, or veterinarian,
7 which will entitle the holder to sell liquor for use medicinally
8 in compounded prescriptions only upon the prescription of a
9 licensed physician or surgeon, and to sell liquor in lotions,

10 compounds, and other like commodities not susceptible for
11 beverage purposes. The fee for a special permit issued pursuant
12 to this subsection shall be three (3) dollars per year.

13 2. Patent and proprietary medicines, tinctures, food
14 products, extracts, toilet articles and perfumes, and other like
15 commodities, none of which are susceptible of use as a beverage,
16 but which require as one of their ingredients alcohol or vinous
17 liquors, may be manufactured and sold within this state, provided
18 a special permit so to do is first obtained, as in this
19 subsection provided.

20 Any person, firm, or corporation desiring such special permit
21 shall file with the liquor commission the affidavit of such
22 person, member of the firm, secretary or other managing officer
23 of the corporation, as the case may be, stating therein the
24 following facts:

- 25 a. The name, place of business, and postoffice address of the
26 person, firm, or corporation desiring such special permit.
- 27 b. The business in which said person, firm, or corporation is
28 engaged and the articles manufactured by them which require in
29 their manufacture the use of alcohol or vinous liquors.
- 30 c. That neither the applicant, nor any member of the firm,
31 nor officer of the corporation has been convicted of any
32 violation of the laws of this state with reference to the sale of
33 intoxicating liquors within three (3) years last past prior to
34 the date of said affidavit.

35 If the liquor commission is satisfied that the facts stated in
36 said affidavit are true and that the applicant is a person fit
37 and proper to be entrusted with the special permit applied for,
38 the same shall be issued upon the filing by the applicant of a

39 bond in the sum of two thousand (2,000) dollars with approved
40 sureties, conditioned that the applicant will faithfully observe
41 the provisions of this chapter and the rules and regulations of
42 the commission.

43 Such special permit when so issued shall entitle the holder
44 thereof to import into the state, or purchase from licensed
45 distillers within the state or from the commission, alcohol or
46 vinous liquors for use in manufacture, in accordance with the
47 terms of said permit and to sell the product of such manufacture,
48 regardless of any of the other provisions of this chapter with
49 respect to purchase and sale of alcohol or vinous liquors.

50 It shall be the duty of every manufacturer holding such
51 special permit under the provisions of this subsection whenever
52 such manufacturer shall purchase any alcoholic liquor from any
53 person, firm or corporation, other than the liquor commission,
54 immediately upon receipt thereof to file with the liquor
55 commission a report of the receipt of such liquor in accordance
56 with the rules and regulations as they may be established by the
57 liquor commission.

58 3. Nothing in this chapter shall prohibit the legitimate sale
59 of patent and proprietary medicines, tinctures, food products,
60 extracts, toilet articles and perfumes, and other like
61 commodities, none of which are generally classified or used as a
62 beverage but which require as one of their ingredients alcoholic
63 or vinous liquors, through the ordinary retail or wholesale
64 channels."

1 Sec. 7. Sections one hundred twenty-three point twenty-eight
2 (123.28), one hundred twenty-three point twenty-nine (123.29),
3 one hundred twenty-three point thirty (123.30), one hundred

4 twenty-three point thirty-one (123.31), one hundred twenty-three
5 point thirty-two (123.32), one hundred twenty-three point
6 thirty-three (123.33), one hundred twenty-three point thirty-four
7 (123.34), and one hundred twenty-three point thirty-five (123.35),
8 Code 1962, are hereby repealed.

1 Sec. 8. Section one hundred twenty-three point forty-one
2 (123.41), Code 1962, is hereby amended by striking from lines
3 three (3) and four (4) the words "individual permit holder"
4 and inserting in lieu thereof the word "person".

1 Sec. 9. Section one hundred twenty-three point forty-four
2 (123.44), Code 1962, is hereby repealed.

1 Sec. 10. Section one hundred twenty-three point forty-five
2 (123.45), Code 1962, is hereby amended as follows:

3 1. By inserting in line two (2) after the word "whose" the
4 word "special".

5 2. By inserting in line five (5) after the word "another"
6 the word "special".

1 Sec. 11. Section one hundred twenty-three point forty-six
2 (123.46), Code 1962, is amended by striking subsections one (1)
3 and two (2).

1 Sec. 12. Sections one hundred twenty-three point forty-nine
2 (123.49), and one hundred twenty-three point fifty-one (123.51),
3 Code 1962, are hereby repealed.

1 Sec. 13. Chapter one hundred twenty-three (123), Code 1962,
2 is hereby amended by adding thereto the following new sections:

3 "1. Upon attempt to purchase alcoholic liquor in any state
4 liquor store or from any special distributor by any person who
5 appears to the vendor or special distributor to be under
6 twenty-five (25) years of age, such vendor or special distributor

7 shall demand and the prospective purchaser upon such demand shall
8 display satisfactory evidence that such purchaser is twenty-one
9 (21) years of age or over.

10 "2. Any person who presents to any vendor or special distribu-
11 for falsified evidence of age as provided in subsection one (1)
12 of this section shall be guilty of a misdemeanor and upon con-
13 viction shall be punished by a fine of not less than one hundred
14 (100) dollars and not more than three hundred (300) dollars or
15 imprisoned in the county jail for not more than thirty (30) days
16 or by both such fine and imprisonment."

1 Sec. 14. The commissioner of public safety shall cause two
2 (2) agents of the bureau of criminal investigation to be attached
3 to the Iowa liquor control commission for the purpose of en-
4 forcing laws relating to liquor in counties of the state which
5 border on other states. The salaries and expenses of such agents
6 shall be paid from the funds appropriated to the Iowa liquor control
7 commission.

1 Sec. 15. Section three hundred twenty-one point two hundred
2 eighty-one (321.281), Code 1962, is hereby amended by striking
3 all of lines thirty-eight (38) through fifty-two (52).

1 Sec. 16. Section three hundred twenty-eight point forty-one
2 (328.41), Code 1962, is hereby amended by striking all of such
3 section after the period in line thirty-one (31).

EXPLANATION OF HOUSE FILE 50

The bill does away with the requirement that a person have a liquor book in order to purchase liquor in a state liquor store.