

JAN 14 2005  
STATE GOVERNMENT

HOUSE FILE 67  
BY REASONER, HEDDENS, SCHICKEL,  
and DOLECHECK

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the sales of beer kegs by requiring an  
2 identification number on each keg of beer, recording of the  
3 purchase of beer by the keg, and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 67

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 123.50, subsection 1, Code 2005, is  
2 amended to read as follows:

3 1. Any person who violates any of the provisions of  
4 section 123.49, except subsection 2, paragraph "h", or who  
5 fails to affix upon sale, defaces, or fails to record a keg  
6 identification sticker or produce a record of keg  
7 identification stickers pursuant to section 123.138, shall be  
8 guilty of a simple misdemeanor. A person who violates section  
9 123.49, subsection 2, paragraph "h", commits a simple  
10 misdemeanor punishable as a scheduled violation under section  
11 805.8C, subsection 2.

12 Sec. 2. Section 123.138, Code 2005, is amended to read as  
13 follows:

14 123.138 BOOKS OF ACCOUNT REQUIRED.

15 1. Each class "A" or special class "A" permittee shall  
16 keep proper books of account and records showing the amount of  
17 beer sold by the permittee, and these books of account shall  
18 be at all times open to inspection by the administrator and to  
19 other persons pursuant to section 123.30, subsection 1. Each  
20 class "B" and class "C" permittee shall keep proper books of  
21 account and records showing each purchase of beer made by the  
22 permittee, and the date and the amount of each purchase and  
23 the name of the person from whom each purchase was made, which  
24 books of account and records shall be open to inspection  
25 pursuant to section 123.30, subsection 1, during normal  
26 business hours of the permittee.

27 2. Each class "B", "C", or special class "C" liquor  
28 control licensee and class "B" or "C" beer permittee who sells  
29 beer for off-premises consumption shall affix to each keg of  
30 beer an identification sticker provided by the administrator.  
31 For the purposes of this section, "keg" means all durable and  
32 disposable containers with a liquid capacity of five gallons  
33 or more. Each class "B", "C", or special class "C" liquor  
34 control licensee and class "B" or "C" beer permittee shall  
35 also keep a record of the identification sticker number of

1 each keg of beer sold by the licensee or permittee with the  
2 name and address of the purchaser and the number of the  
3 purchaser's driver's license, nonoperator's identification  
4 card, or military identification card, if the military  
5 identification card contains a picture and signature. This  
6 information shall be retained by the licensee or permittee for  
7 a minimum of ninety days. The records kept pursuant to this  
8 section shall be available for inspection by any law  
9 enforcement officer during normal business hours.

10 3. The division shall provide the keg identification  
11 stickers described in subsection 2. Each sticker shall  
12 contain a number and the following statement: "It is unlawful  
13 to sell, give, or otherwise supply any alcoholic beverage,  
14 wine, or beer to any person under legal age. Any person who  
15 defaces this sticker shall be guilty of criminal mischief  
16 punishable pursuant to section 716.6 and shall cause the  
17 forfeiture of any deposit, if applicable." The identification  
18 sticker shall be placed on the keg at the time of retail sale.  
19 The licensee or permittee shall purchase the stickers referred  
20 to in this section from the division and shall remit to the  
21 division deposits forfeited pursuant to this subsection due to  
22 defacement. The cost of the stickers to licensees and  
23 permittees shall not exceed the division's cost of producing  
24 and distributing the stickers. The moneys collected by the  
25 division relating to the sale of stickers and forfeited  
26 deposits shall be credited to the beer and liquor control  
27 fund.

28 4. Enforcement of this section shall be implemented  
29 uniformly throughout the state. For purposes of uniform  
30 implementation, a county or municipality shall not set  
31 requirements or establish a penalty which is higher or more  
32 stringent than the requirements or penalties enumerated in  
33 this section, section 123.50, and section 716.6. The division  
34 shall establish by rule procedures relating to the forfeiture  
35 and remittance of deposits pursuant to subsection 3.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

EXPLANATION

This bill provides that specified liquor control licensees and beer permittees who sell beer for off-premises consumption shall affix to each keg of beer an identification sticker provided by the administrator of the alcoholic beverages division of the department of commerce. The bill provides that a "keg" of beer shall refer to all durable and disposable containers with a liquid capacity of five gallons or more.

The bill also provides that each of the specified licensees and permittees shall keep a record of the identification sticker number of each keg of beer sold by the licensee or permittee with the name and address of the purchaser and the number of the purchaser's driver's license, nonoperator's identification card, or military identification card. The bill provides that this information shall be retained for a minimum of 90 days, and shall be available for inspection by any law enforcement officer during normal business hours. The bill provides that the identification sticker shall be affixed to the keg at the time of the retail sale.

The bill provides that the alcoholic beverages division shall provide the keg identification stickers, and that each sticker shall display an identification number and a statement that it is unlawful to sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person under legal age, and that any person who defaces the sticker shall be guilty of criminal mischief and shall forfeit a deposit, if applicable. The bill provides that the licensee or permittee shall purchase the stickers from the division, that the licensee or permittee shall be authorized to retain a forfeited deposit, that the cost of the stickers shall not exceed the division's production and distribution cost, and that the moneys collected by the division from the sale of the stickers or from forfeited deposits shall be credited to the beer and liquor control fund.

The bill provides that penalty provisions contained in Code

1 section 123.50, regarding violations being punishable as a  
2 simple misdemeanor, shall be applicable to a licensee or  
3 permittee who fails to affix upon sale, defaces, or fails to  
4 record a keg identification sticker or produce a record of keg  
5 identification stickers. The bill provides that the  
6 provisions of the bill shall be enforced and implemented  
7 uniformly across the state, and that a county or municipality  
8 shall not set requirements or establish a penalty which is  
9 higher or more stringent than the requirements or penalty  
10 provisions made applicable in Code section 123.50 or 716.6.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35