

FILED MAR 02 2006

SENATE FILE 2305
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SSB 3182)

Passed Senate, Date 3-20-06 Passed House, Date _____
Vote: Ayes 47 Nays 1 Vote: Ayes _____ Nays _____
Approved April 10, 2006

A BILL FOR

1 An Act concerning wine, including the allowable alcohol content
2 of wine and inspection of certain wine permittees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2305

S-5070

- 1 Amend Senate File 2305 as follows:
2 1. Page 1, line 11, by striking the words
3 "~~seventeen~~ twenty-four" and inserting the following:
4 "seventeen".
5 2. Page 1, lines 11 and 12, by striking the words
6 "~~weight~~ volume" and inserting the following: "weight
7 or twenty-four and twenty-five hundredths percent of
8 alcohol by volume".
9 3. Page 1, line 18, by striking the words
10 "~~seventeen~~ twenty-four" and inserting the following:
11 "seventeen".
12 4. Page 1, line 19, by striking the words "~~weight~~
13 volume" and inserting the following: "weight or
14 twenty-four and twenty-five hundredths percent of
15 alcohol by volume".
16 5. Page 1, line 30, by striking the words
17 "~~seventeen~~ twenty-four" and inserting the following:
18 "seventeen".
19 6. Page 1, line 31, by striking the words "~~weight~~
20 volume" and inserting the following: "weight or
21 twenty-four and twenty-five hundredths percent of
22 alcohol by volume".
23 7. Page 2, lines 15 and 16, by striking the words
24 "~~seventeen~~ twenty-four" and inserting the following:
25 "seventeen".
26 8. Page 2, line 16, by striking the words "~~weight~~
27 volume" and inserting the following: "weight or
28 twenty-four and twenty-five hundredths percent of
29 alcohol by volume".

By HUBERT M. HOUSER

S-5070 FILED MARCH 15, 2006

SENATE FILE 2305

S-5082

1 Amend Senate File 2305 as follows:

2 1. Page 1, line 11, by striking the words
3 "~~seventeen twenty-four~~" and inserting the following:
4 "seventeen".

5 2. Page 1, lines 11 and 12, by striking the words
6 "~~weight volume~~" and inserting the following: "weight
7 or twenty-one and twenty-five hundredths percent of
8 alcohol by volume".

9 3. Page 1, line 18, by striking the words
10 "~~seventeen twenty-four~~" and inserting the following:
11 "seventeen".

12 4. Page 1, line 19, by striking the words "~~weight~~
13 volume" and inserting the following: "weight or
14 twenty-one and twenty-five hundredths percent of
15 alcohol by volume".

16 5. Page 1, line 30, by striking the words
17 "~~seventeen twenty-four~~" and inserting the following:
18 "seventeen".

19 6. Page 1, line 31, by striking the words "~~weight~~
20 volume" and inserting the following: "weight or
21 twenty-one and twenty-five hundredths percent of
22 alcohol by volume".

23 7. Page 2, lines 15 and 16, by striking the words
24 "~~seventeen twenty-four~~" and inserting the following:
25 "seventeen".

26 8. Page 2, line 16, by striking the words "~~weight~~
27 volume" and inserting the following: "weight or
28 twenty-one and twenty-five hundredths percent of
29 alcohol by volume".

By HUBERT M. HOUSER

S-5082 FILED MARCH 16, 2006

1 Section 1. Section 123.3, subsections 5 and 37, Code
2 Supplement 2005, are amended to read as follows:

3 5. "Alcoholic liquor" or "intoxicating liquor" means the
4 varieties of liquor defined in subsections 3 and 33 which
5 contain more than five percent of alcohol by weight, beverages
6 made as described in subsection 7 which beverages contain more
7 than five percent of alcohol by weight but which are not wine
8 as defined in subsection 37, and every other liquid or solid,
9 patented or not, containing spirits and every beverage
10 obtained by the process described in subsection 37 containing
11 more than seventeen percent alcohol by weight or twenty-one
12 and twenty-five hundredths percent of alcohol by volume, and
13 susceptible of being consumed by a human being, for beverage
14 purposes. Alcohol manufactured in this state for use as fuel
15 pursuant to an experimental distilled spirits plant permit or
16 its equivalent issued by the federal bureau of alcohol,
17 tobacco and firearms is not an "alcoholic liquor".

18 37. "Wine" means any beverage containing more than five
19 percent but not more than seventeen percent of alcohol by
20 weight or twenty-one and twenty-five hundredths percent of
21 alcohol by volume obtained by the fermentation of the natural
22 sugar contents of fruits or other agricultural products but
23 excluding any product containing alcohol derived from malt or
24 by the distillation process from grain, cereal, molasses, or
25 cactus.

26 Sec. 2. Section 123.173, subsection 2, Code 2005, is
27 amended to read as follows:

28 2. A class "A" wine permit allows the holder to
29 manufacture and sell, or sell at wholesale, in this state,
30 wine as defined in section 123.3, subsection 37. The holder
31 of a class "A" wine permit may manufacture in this state wine
32 having an alcoholic content greater than seventeen percent by
33 weight or twenty-one and twenty-five hundredths percent of
34 alcohol by volume for shipment outside this state. All class
35 "A" premises shall be located within the state. A class "B"

1 or class "B" native wine permit allows the holder to sell wine
2 at retail for consumption off the premises. A class "B" or
3 class "B" native wine permittee who also holds a class "E"
4 liquor control license may sell wine to class "A", class "B",
5 and class "C" liquor control licensees for resale for
6 consumption on the premises. Such wine sales shall be in
7 quantities of less than one case of any wine brand but not
8 more than one such sale shall be made to the same liquor
9 control licensee in a twenty-four-hour period. A class "B" or
10 class "B" native wine permittee shall not sell wine to other
11 class "B", or class "B" native wine permittees. A class "C"
12 native wine permit allows the holder to sell wine for
13 consumption on or off the premises.

14 Sec. 3. Section 123.182, unnumbered paragraph 2, Code
15 2005, is amended to read as follows:

16 The label on a bottle or other container in which wine is
17 offered for sale in this state, which label represents the
18 alcoholic content of the wine as being in excess of seventeen
19 percent by weight or twenty-one and twenty-five hundredths
20 percent of alcohol by volume, is conclusive evidence of the
21 alcoholic content of that wine.

22 Sec. 4. Section 137F.1, subsection 9, Code 2005, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. c. A premises covered by a class "A" wine
25 permit or a class "B" wine permit as provided in chapter 123.

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Houser co-chair
Black co-chair
Miller
Schoenjahn

Succeeded By
① HF 2305

SSB# 3182
Natural Resources

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES AND
ENVIRONMENT BILL BY
CO-CHAIRPERSON HOUSER)

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

A BILL FOR

1 An Act concerning wine, including the allowable alcohol content
2 of wine and inspection of certain wine permittees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 123.3, subsections 5 and 37, Code
2 Supplement 2005, are amended to read as follows:

3 5. "Alcoholic liquor" or "intoxicating liquor" means the
4 varieties of liquor defined in subsections 3 and 33 which
5 contain more than five percent of alcohol by weight, beverages
6 made as described in subsection 7 which beverages contain more
7 than five percent of alcohol by weight but which are not wine
8 as defined in subsection 37, and every other liquid or solid,
9 patented or not, containing spirits and every beverage
10 obtained by the process described in subsection 37 containing
11 more than ~~seventeen~~ twenty-four percent alcohol by weight, and
12 susceptible of being consumed by a human being, for beverage
13 purposes. Alcohol manufactured in this state for use as fuel
14 pursuant to an experimental distilled spirits plant permit or
15 its equivalent issued by the federal bureau of alcohol,
16 tobacco and firearms is not an "alcoholic liquor".

17 37. "Wine" means any beverage containing more than five
18 percent but not more than ~~seventeen~~ twenty-four percent of
19 alcohol by weight obtained by the fermentation of the natural
20 sugar contents of fruits or other agricultural products but
21 excluding any product containing alcohol derived from malt or
22 by the distillation process from grain, cereal, molasses, or
23 cactus.

24 Sec. 2. Section 123.173, subsection 2, Code 2005, is
25 amended to read as follows:

26 2. A class "A" wine permit allows the holder to
27 manufacture and sell, or sell at wholesale, in this state,
28 wine as defined in section 123.3, subsection 37. The holder
29 of a class "A" wine permit may manufacture in this state wine
30 having an alcoholic content greater than ~~seventeen~~ twenty-four
31 percent by weight for shipment outside this state. All class
32 "A" premises shall be located within the state. A class "B"
33 or class "B" native wine permit allows the holder to sell wine
34 at retail for consumption off the premises. A class "B" or
35 class "B" native wine permittee who also holds a class "E"

1 liquor control license may sell wine to class "A", class "B",
2 and class "C" liquor control licensees for resale for
3 consumption on the premises. Such wine sales shall be in
4 quantities of less than one case of any wine brand but not
5 more than one such sale shall be made to the same liquor
6 control licensee in a twenty-four-hour period. A class "B" or
7 class "B" native wine permittee shall not sell wine to other
8 class "B", or class "B" native wine permittees. A class "C"
9 native wine permit allows the holder to sell wine for
10 consumption on or off the premises.

11 Sec. 3. Section 123.182, unnumbered paragraph 2, Code
12 2005, is amended to read as follows:

13 The label on a bottle or other container in which wine is
14 offered for sale in this state, which label represents the
15 alcoholic content of the wine as being in excess of **seventeen**
16 twenty-four percent by weight, is conclusive evidence of the
17 alcoholic content of that wine.

18 Sec. 4. Section 137F.1, subsection 9, Code 2005, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. c. A premises covered by a class "A" wine
21 permit or a class "B" wine permit as provided in chapter 123.

22 EXPLANATION

23 This bill concerns the allowable alcohol content of wine
24 and the inspection of premises of certain wine permittees.

25 This bill changes the definition of wine for purposes of
26 the alcoholic beverage control Code chapter to allow wine
27 containing up to 24 percent alcohol. Current law defines wine
28 as containing only up to 17 percent alcohol.

29 The bill also provides that a premises covered by a class
30 "A" or class "B" wine permit is not considered a food
31 processing plant for purposes of Code chapter 137F, relating
32 to the inspection of food establishments and food processing
33 plants.

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SENATE FILE 2305

AN ACT

CONCERNING WINE, INCLUDING THE ALLOWABLE ALCOHOL CONTENT OF
WINE AND INSPECTION OF CERTAIN WINE PERMITTEES.

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

Section 1. Section 123.3, subsections 5 and 37, Code Supplement 2005, are amended to read as follows:

5. "Alcoholic liquor" or "intoxicating liquor" means the varieties of liquor defined in subsections 3 and 33 which contain more than five percent of alcohol by weight, beverages made as described in subsection 7 which beverages contain more than five percent of alcohol by weight but which are not wine as defined in subsection 37, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 37 containing more than seventeen percent alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "alcoholic liquor".

37. "Wine" means any beverage containing more than five percent but not more than seventeen percent of alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or

by the distillation process from grain, cereal, molasses, or cactus.

Sec. 2. Section 123.173, subsection 2, Code 2005, is amended to read as follows:

2. A class "A" wine permit allows the holder to manufacture and sell, or sell at wholesale, in this state, wine as defined in section 123.3, subsection 37. The holder of a class "A" wine permit may manufacture in this state wine having an alcoholic content greater than seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume for shipment outside this state. All class "A" premises shall be located within the state. A class "B" or class "B" native wine permit allows the holder to sell wine at retail for consumption off the premises. A class "B" or class "B" native wine permittee who also holds a class "E" liquor control license may sell wine to class "A", class "B", and class "C" liquor control licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same liquor control licensee in a twenty-four-hour period. A class "B" or class "B" native wine permittee shall not sell wine to other class "B", or class "B" native wine permittees. A class "C" native wine permit allows the holder to sell wine for consumption on or off the premises.

Sec. 3. Section 123.182, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The label on a bottle or other container in which wine is offered for sale in this state, which label represents the alcoholic content of the wine as being in excess of seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, is conclusive evidence of the alcoholic content of that wine.

Sec. 4. Section 137F.1, subsection 9, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A premises covered by a class "A" wine permit or a class "B" wine permit as provided in chapter 123.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2305, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor