IOWA'S

ALCOHOLIC BEVERAGES LAWS & YOU

ALCOHOLIC
BEVERAGES
DIVISION
State of Iowa

https://abd.iowa.gov/

Iowa Program for Alcohol Compliance Training

I-PACT.com

Date of Completion

Iowa Pledge Online Certification Program for Tobacco Compliance

https://abd.iowa.gov/

Date of Completion

I-ALERT, Under 21 Can't Be Done

IAlert.Iowa.gov

Date of Completion

IOWA'S ALCOHOLIC BEVERAGES LAWS AND YOU

A LICENSEE'S GUIDE TO COMPLIANCE WITH IOWA'S ALCOHOLIC BEVERAGES LAWS

2016 Edition

TABLE OF CONTENTS

Introduction 6

Laws & Regulations 8
- Minors and Alcoholic Beverages 9
- Iowa Program for Alcohol Compliance Training 11
- Identification Information 11
- Intoxication 14
- Prohibited Practices 17
- Hours and Alcoholic Beverages 19
- Laws Important to Operating the Business 20
- Keg Registration 21
- Home Delivery of Alcoholic Beverages 22
- Social Gambling 24
- The Licensed Premises 25
- Trafficking of Alcoholic Beverages 28
- Promoting Alcoholic Beverages 32
- Product Information 33

Penalties 36
- Criminal Convictions 36
- Administrative Sanctions 37
- Civil Liability 39

Administrative Hearings 40
- Contested Case Hearings 40
- Appeal Hearings 43

License Information 48
- Licensing Requirements 49
- Ownership Information 51
- Additional License Privileges 52
- Other Licenses Required 57

Self Help Review 58
- Questions 58
- Answers 75

Glossary 63

Appendices 66
Historical Highlights 66
Alcoholic Beverages License Classifications 69
Important Contact Information 72
Iowa Alcoholic Beverages Division Map 74

Index 76

Notes 80

Order Form 83

Quick References 86

INTRODUCTION

Iowa's alcoholic beverages industry operates within the confines of a carefully cast partnership between the Iowa Alcoholic Beverages Division (Division), licensees and law enforcement officials. Close cooperation among these three entities is essential for regulation and enforcement of Iowa's alcoholic beverages laws in order to achieve compliance.

This manual was developed to provide licensees (their employees and agents) with the information needed to protect the welfare and safety of Iowans through compliance with laws addressing the manufacture, distribution and sale of alcoholic beverages.

The Division recognizes that alcoholic beverages licensees are legitimate business people who have the right to conduct their business free from government intervention. At the same time, the Division understands that alcohol misuse and abuse poses a serious threat to the health, safety and welfare of Iowans. The public is best served by balancing business needs with public safety needs.

The alcoholic beverages industry is governed by local, state and federal laws and regulations. By obtaining a license, alcoholic beverages licensees assume the responsibility of complying with all local, state and federal laws and regulations. Balancing the need to maintain a profitable business with the legal and social responsibilities that protect the public presents a challenge to owners, managers and employees of licensed establishments.

Today, all businesses involved in the state's alcoholic beverages industry are separately licensed by the Division under the three-tier system to provide for the lawful trafficking of alcohol. Licensees' understanding of the three-tier system, the Iowa Alcoholic Beverage Control Act and other important laws pertaining to the manufacture, distribution and sale of alcoholic beverages, is a critical element of operating a successful alcoholic beverages related business in Iowa.

Knowledge may be the least expensive insurance against the imposition of administrative civil penalties, license suspension or revocation, criminal fines, and civil lawsuits. Licensees who understand the laws and regulations, as well as realize that problems can occur and often be prevented, are usually also successful in their business endeavors.

The Division hopes that this manual will provide licensees (their employees and agents) with the information necessary for the responsible sale of alcoholic beverages and will assist in their effort to:

- Comply with alcoholic beverages laws and regulations.
- Curb underage drinking and illegal use of alcoholic beverages.
- Support the responsible consumption of alcoholic beverages by people of legal drinking age.

This manual will provide information for a general understanding of the laws and regulations governing the alcoholic beverages license. This manual is not intended to serve as a precise statement of the Iowa Alcoholic Beverage Control Act, the Division's administrative rules or other statutes. For further information, refer to Iowa Code chapter 123 and 185 Iowa Administrative Code, or contact the Division, your local city or county attorney, or the Iowa Department of Justice.

The Iowa Alcoholic Beverage Control Act

Iowa Code chapter 123.1

"This chapter shall be cited as the Iowa Alcoholic Beverage Control Act, and shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, and morals and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose. It is declared to be public policy that the traffic in alcoholic liquors is so affected with public interest that it should be regulated to the extent of prohibiting all traffic in them, except as provided in this chapter."

(Originally adopted in 1934 by a special session of the forty-fifth General Assembly.)

LAWS & REGULATIONS

This chapter presents licensees (their employees and agents) with state laws and regulations pertaining to Iowa's alcoholic beverages industry. Review of this chapter will help licensees understand:

Iowa's legal drinking age is 21 and sale-to-minor violations carry both criminal penalties and administrative sanctions.

Verifying a person's age is a fundamental tenant of operating a licensed alcoholic beverages establishment in Iowa. Learn how to verify age and identity, and how to confiscate altered and falsified IDs or IDs belonging to another individual.

The Iowa Program for Alcohol Compliance Training (I-PACT) is a free online certification program for on- and off-premises alcohol retailers and their employees. Learn Iowa laws and how to avoid illegal alcohol sales.

Intoxication is at the root of many crimes and accidents. Learn tips to detect visible signs of intoxication and more about the relationship of alcohol consumption to blood alcohol concentration.

Prohibited practices in licensed alcoholic beverages establishments include running tabs, refilling bottles, and allowing illegal or criminal activities. Learn how to identify whether these activities are taking place in the licensed establishment.

Hours of alcoholic beverages sales in Iowa are 6 AM to 2 AM Monday through Saturday. Learn what additional permits may be needed for Sunday sales.

Laws important to operating the business include local ordinances, on-premises record keeping, display of alcoholic beverages licenses and specific age requirements for alcohol licensees (their employees and agents) who sell, serve and deliver alcohol.

Keg registration is required for all sales of kegs to consumers. Learn about the responsibilities of the licensee for keg registration.

Home delivery of alcohol is legal in Iowa. Learn the legal hours of delivery, age for delivery, record keeping requirements and more.

Social gambling on the licensed premises requires a social gambling license. Find out which games of chance are permissible and which are specifically prohibited.

The licensed premises is specifically designated by an alcoholic beverages license. Learn which laws govern the licensed premises, its use during prohibited hours of sale, and fire code and capacity limits.

Trafficking of alcoholic beverages for resale by on- and off-premises licensees is specifically regulated under Iowa's three-tier system

(manufacturer to wholesaler to retailer). Learn who can sell what alcoholic beverages, where alcoholic beverages may be stored and how they may be transferred, delivered, disposed of or imported.

Promoting alcoholic beverages through advertising and tastings is permissible, with a few exceptions.

Product information on alcoholic beverages can be confusing. What are alcoholic beverages? What about non-alcoholic beer? Learn how to mathematically convert proof, weight and volume.

Minors and Alcoholic Beverages

Iowa's legal drinking age

Iowa's 21-year-old legal drinking age applies to everyone, including patrons, agents, employees and the licensee's family members. No exceptions!

Licensees (their employees and agents) must exercise reasonable care to assure that a person is of legal drinking age before selling or serving them an alcoholic beverage.

Iowa Code sections 123.47 and 123.49

Age to be in licensed establishments

Iowa law does not prohibit minors from being in licensed establishments. However, licensees should check with their local authority to determine if there is an ordinance governing minors in licensed establishments. If the local authority has such an ordinance, the ordinance applies.

Iowa Code section 123.39 and 185 Iowa Administrative Code

Criminal penalties for sale-to-minor violations

When licensees (their employees and agents) sell, give or otherwise supply an alcoholic beverage to someone under the legal drinking age, the licensee, seller and server may be charged and convicted in criminal court. The criminal penalty imposed by the courts is a simple misdemeanor, punishable by a fine ranging from $500 to $1,500, depending on whether the violation is committed by the licensee or if the violation is committed by the licensee's employee or agent.

Iowa Code section 123.50

Criminal penalties for minors

When a minor purchases or attempts to purchase an alcoholic beverage, or has an alcoholic beverage in their control or possession, the minor may be charged or convicted in criminal court. Following are the criminal penalties imposed by the courts for minors purchasing, attempting to purchase, controlling or possessing an alcoholic beverage:

- First violation – simple misdemeanor punishable by a $200 fine.
- Second violation – simple misdemeanor punishable by a fine of $500 and completion of a substance abuse evaluation, or the suspension of motor vehicle operating privileges for up to one year.
- Third or subsequent violation – simple misdemeanor punishable by a fine of $500 and suspension of motor vehicle operating privileges for up to one year.

The court has discretion to order community service work of an equivalent value to the fine imposed.

When the violation is committed by a minor under age 18, the matter is handled by the juvenile court.

Iowa Code section 123.47

Administrative sanctions for sale-to-minor violations

Administrative sanctions are separate from criminal penalties; both may be imposed. When licensees (their employees and agents) sell, give or otherwise supply liquor, wine or beer to someone under the legal drinking age, the following administrative sanctions will be imposed against the alcoholic beverages licensee:

- First violation or first violation within two years – $500 civil penalty or 14-day license suspension.
- Second violation within two years – 30 day license suspension and $1,500 civil penalty.
- Third violation in three years – 60 day license suspension and $1,500 civil penalty.
- Fourth violation in three years – revocation of the license.

Administrative sanctions are automatic when there is a criminal conviction under Iowa Code section 123.49(2)(h). When there is no criminal conviction, administrative sanctions are imposed through an administrative hearing. Licensees may settle in lieu of an administrative hearing.

Iowa Code sections 123.39, 123.49 and 123.50

Iowa Program for Alcohol Compliance Training

The Iowa Program for Alcohol Compliance Training (I-PACT) is an alcohol retailer training course for on- and off-premises licensees. The training is online and free of charge. I-PACT covers the Alcoholic Beverages Control Act (Iowa Code chapter 123), valid forms of identification, and how to spot altered and fake IDs. Participants will learn techniques for preventing underage sales and sales to intoxicated patrons, refusing the sale of alcohol with minimum confrontation, and legally confiscating an altered or fake ID. The training also includes regulations and tips for off-site delivery of alcohol.

The overall goal of I-PACT is increased voluntary compliance with the state's alcohol laws through education and enforcement. The core objective of the program is to prevent illegal sales of alcohol by educating alcohol sellers and increasing awareness of changes in Iowa's alcohol laws.

The program asks that a PACT is made for:

- Iowa kids not to consume alcohol products.
- Iowa retailers not to sell alcohol to minors.
- Iowa licensees not to serve alcohol to patrons under 21.
- Iowa's law enforcement to enforce alcohol laws.

Establishments that choose to participate in the I-PACT training are granted an affirmative defense, which may be used once in a four-year period. A business may avoid civil prosecution if an alcohol sale-to-minor violation occurs in their establishment. In order for the business to take advantage of the affirmative defense, the employee guilty of the violation must have been I-PACT certified prior to the time the offense occurred. However, the affirmative defense cannot be used if the employee sold to a minor under the age of 18. Only the business is eligible to avoid a civil penalty; the guilty employee will still be subject to a criminal fine and their I-PACT certification will be revoked.

Visit I-PACT.com or https://abd.iowa.gov/ to take the training and get certified!

Iowa Code section 123.50

Identification Information

Verifying a person's age

Licensees (their employees and agents) are responsible for determining whether or not a person is old enough to lawfully consume

alcoholic beverages. When licensees have doubts about a person's age, they should ask for identification before selling or serving the alcoholic beverage. If after checking the ID, the licensee still has doubts, the sale should be refused.

Iowa law does not govern acceptable forms of identification. However, the Division recommends that licensees request valid forms of identification that include a person's photo and date of birth, such as those found on a driver's license or state-issued ID.

Iowa Code sections 123.48 and 321.189

Misrepresenting age

It is unlawful for minors to misrepresent their age for the purpose of purchasing or attempting to purchase alcoholic beverages from an alcoholic beverages licensee or permittee.

When licensees (their employees and agents) are charged with a sale-to-minor violation, a defense to the charge is available to them if:

- The minor who made the purchase misrepresented their age and the licensee made a reasonable inquiry to determine if the purchaser was of legal age.
- The individual who made the illegal sale was I-PACT certified at the time of the sale. (I-PACT affirmative defense only applies to the licensee, not employees or agents.)

Iowa Code sections 123.49, 123.50, 232.52 and 321.216B

Confiscating identification

When licensees (their employees and agents) reasonably believe, based on factual evidence, that a driver's license or non-driver's ID card has been altered, falsified, or belongs to another person and is being used as identification to purchase an alcoholic beverage, licensees may confiscate the license or card from the customer.

The confiscated license or card must be turned over to the local police authority within 24 hours of confiscation. Licensees must file a written report about the circumstances at the time the license or card is given to the police authority.

By turning the confiscated driver's license or non-driver's ID card over to law enforcement and filing a written report as required by law, licensees cannot be held criminally or civilly liable for seizing the license or card.

Iowa Code sections 123.48, 321.216, 321.216A and 321.216B

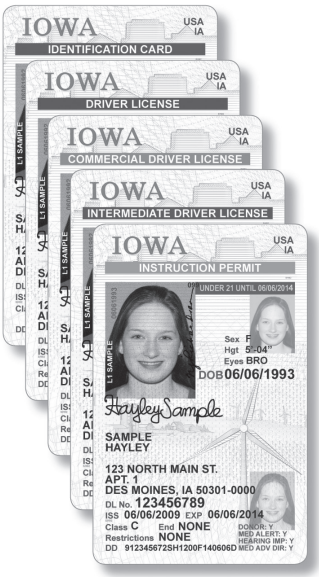
Iowa driver's licenses and non-driver's IDs

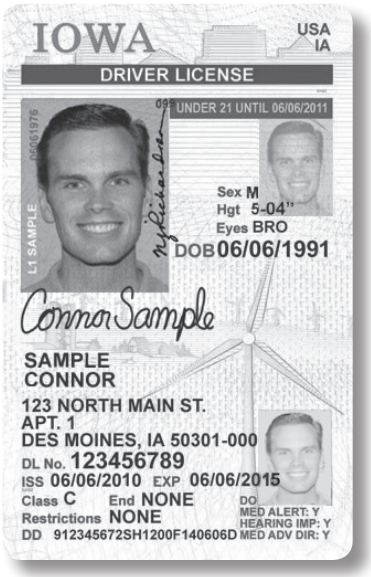
Iowa utilizes a central issuance system for driver's licenses. Iowans leave the driver's license station with a temporary paper document, which is valid for 30 days. The new driver's license or ID card is mailed to the individual's home.

Iowa driver's licenses and non-driver's identification cards are made of a material designed to be tamper proof. An attempt to alter the printed data or photo results in noticeable destruction of the photo and printing on the license.

To protect against alteration and counterfeiting, the following features are incorporated into the license and ID card:

- Laser-engraved ghost image.
- Laser-engraved tactile date of birth.
- Iowa DOT director's signature overlaps portrait's edge.
- Issuing office number overlaps portrait's edge.
- Front laminate contains an "optically-variable" image of the State of Iowa's capitol dome that changes color as one tilts the license for viewing.
- 2-D barcode on back containing all data from front of license.
- Common back of card (adult and minor).





Helpful hints for checking identification

The best way to verify someone's age is to ask for identification. Licensees (their employees and agents) should check IDs under good lighting conditions. Customers should be asked to take their identification out of their wallet so that the ID can be handled and checked for signs of alteration.

Feel for signs of:

- Raised edges around the photo.
- Bumpy surfaces around the photo or birth date where another photo or tiny piece of paper has been glued.
- Irregular lamination.
- Obvious surface cuts or pin holes.
- Thickness or quality of ID.

Look closely for:

- Noticeable changes in the birth date.
- Changed or expired date.
- Irregular driver's license size and color.
- Consistency of typesetting throughout the ID.
- Holograms and ghosted photo in the right hand corner.
- The word "duplicate." (Who has the original?)
- The words "authentic" or "genuine," if it has to tell you it's real, then it probably is not.

Match the ID photo and physical description with that of the customer. Ask questions regarding the person's middle name, year of high school graduation, address, zip code, etc. If licensees (their employees and agents) suspect that the ID has been altered or belongs to another person, they should refuse the sale or service of alcoholic beverages.

An alcoholic beverages license allows, but does not require, licensees to sell and serve alcoholic beverages.

Intoxication

Sales to intoxicated persons

It is unlawful to sell or serve liquor, wine or beer to a person who is, or appears to be, intoxicated. The laws governing the sale of alcoholic beverages to an intoxicated person apply to both on- and off-premises licensees – bars, restaurants, hotels, motels, liquor stores, convenience stores, grocery stores, etc.

Although it may be difficult to refuse the sale or service of alcoholic beverages, the consequences that may occur if appropriate action is not taken are significant. People who become intoxicated put themselves and others at risk of injury and harm. Licensees (their employees and agents) who sell or serve an alcoholic beverage to an intoxicated person must realize that their failure to intervene may indirectly injure or kill someone.

Laws governing an intoxicated person also apply to licensees. Intoxication impairs judgment and interferes with sound business decisions. For this reason, licensees may find it a good business practice not to drink while working.

Licensees who sell or serve an alcoholic beverage to an intoxicated person are subject to criminal penalties. In addition, administrative proceedings may be initiated for suspension or revocation of the license.

Licensees also may be held civilly liable under Iowa's Dram Shop Act for serving an alcoholic beverage to an intoxicated person who causes damage, injury or death of an innocent party. Licensees can minimize their risk by never serving an alcoholic beverage to a person who is or appears to be intoxicated.

Iowa Code sections 123.49, 123.92, 123.93 and 321J.2

Blood alcohol concentration

Blood alcohol concentration (BAC) is a measure used to classify a person's degree of impairment. BAC refers to the amount of alcohol in relation to blood in the body. The more alcohol in a person's blood, the greater the degree of impairment. Under Iowa law, a person is legally intoxicated when the blood alcohol concentration is .08 or higher (.02 or higher for people under 21).

Iowa Code sections 123.46, 123.49 and 321J.2

Blood alcohol concentration and intoxication

A person's response to alcohol may vary depending upon their tolerance for alcohol, amount of food intake, fatigue and other factors. A person's driving may be impaired after only one drink.

Serving sizes

Many new alcoholic beverage products blur the lines between the traditional beverage categories of beer, wine and liquor. The parameters of traditional alcoholic content have expanded as well. Package shapes and sizes have evolved into boxes, cans and pouches, and alcoholic

content varies widely within each category.

The old adage “a drink, is a drink, is a drink” refers to a 12 ounce beer, a five ounce glass of wine and a 1.5 ounce serving of liquor all having equal alcoholic content. This is only accurate at the traditional alcoholic content of five percent alcohol by volume (ABV) beer, 12 percent ABV wine and 80 proof liquor. The serving size for an alcoholic beverage must be determined by alcoholic content.

Serving Sizes

Beer and wine

Alcohol by volume	Serving size
5%	12 ounces
7.5%	8 ounces
10%	6 ounces
12.5%	4.75 ounces
15%	4 ounces
17.5%	3.5 ounces
20%	3 ounces

Liquor

Proof	Serving size
10	12 ounces
20	6 ounces
30	4 ounces
40	3 ounces
50	2.5 ounces
60	2 ounces
70	1.75 ounces
80	1.5 ounces
90	1.35 ounces
100	1.2 ounces

Proof	Serving size
110	1.1 ounces
120	1 ounce
130	0.9 ounces
140	0.85 ounces
150	0.8 ounces
160	0.75 ounces
170	0.7 ounces
180	0.65 ounces
190	0.6 ounces

Visible signs of intoxication

Law enforcement officials and the courts use blood alcohol concentration (BAC) to determine levels of intoxication. While licensees are not expected to know a person's BAC, they should be able to recognize the warning signs of intoxication.

By using careful observation and good judgment, licensees (their employees and agents) can interpret the behavior of their customers in terms of alcohol consumption. Alcohol affects a person's inhibitions first, followed by their judgment, then their reactions and lastly their coordination.

The following are examples of each of these stages:

- Loss of inhibitions: being overly friendly; bravado; loud speech; changing from quiet to loud; drinking alone; annoying other customers.
- Impaired judgment: complains about the strength of a drink; orders doubles; argumentative; foul language; careless with money; buys drinks for strangers; irrational statements.
- Loss of reaction: eyes are glassy, dilated or bloodshot; loss of train of thought; slurred speech, thick tongue when speaking.
- Loss of coordination: can't pick up change; spilling drinks; unable to sit up straight or falls off stool; staggering or unbalanced walk; stumbles or bumps into objects.

Alcoholic beverages equivalencies

It takes approximately one hour to eliminate the effects of each of the following servings of beer, wine and liquor from a person's system:

- 12 ounces of 5 percent ABV beer.
- 5 ounces of 12 percent ABV wine.
- 1.5 ounces of 80 proof liquor.

Serving sizes may vary (1 ounce vs. 1.5 ounces) depending on the alcoholic content of the liquor, wine and beer. Mixed drinks using two or more shots are equal to two or more servings.

Prohibited Practices

Credit sales (Tabs)

Tabs and credit vouchers are not legal. Licensees may extend credit only through the use of bona fide credit cards (American Express©, Discover©, MasterCard©, Visa©, etc.). Patrons may run a tab while they are drinking in the establishment, but licensees (their employees and

agents) must ensure that the tab is fully paid before the patron leaves the establishment.

Exception: This law does not apply to sales by private clubs (Class A liquor licensees) to bona fide members, nor by hotels and motels (Class B liquor licensees) to registered guests.

Iowa Code section 123.49

Refilling ("marrying") bottles

Refilling and reusing liquor and wine bottles is unlawful. Licensees may not:

- Refill a smaller "well" bottle from a larger bottle.
- Refill a bottle with a product other than that designated on the label.

Refilling and reusing liquor and wine bottles is a serious violation which may result in suspension or revocation of a license.

Iowa Code sections 123.49 and 123.50

Illegal or criminal activity

Licensees are in violation of the laws and rules governing their license if they knowingly allow illegal or criminal activity in their licensed establishments. Examples of illegal or criminal activity include, but are not limited to:

- Gambling in violation of Iowa Code chapters 99B (games of skill or chance raffles), 99D (pari-mutuel wagering), 99F (excursion boat gambling) and 99G (Iowa lottery).
- Drug trafficking, pimping, panhandling, prostitution or indecent exposure (nude dancing, etc.).
- Failure to cooperate with law enforcement officials.
- Violations of alcoholic beverages laws, related laws, regulations and local ordinances.

A license may be suspended, revoked or a civil penalty may be imposed if licensees (their employees and agents) knowingly allow illegal or criminal activity on a licensed premises (in the establishment and designated outdoor service areas, if applicable).

Iowa Code sections 123.49 and 123.52

Hours and Alcoholic Beverages

Hours of sale

The hours during which alcoholic beverages may be legally sold and served are:

- Monday through Saturday 6 AM to 2 AM.
- Sunday 8 AM to 2 AM.

A Sunday sales privilege is required for all off-premises beer and all on-premises liquor, wine and beer Sunday sales and service. Licensees may not sell, serve or consume alcoholic beverages on the licensed premises for private parties or while cleaning the licensed premises on Sundays, unless they hold a Sunday sales privilege. Only Class E liquor licensees (carry-out liquor), Class B wine permittees (carry-out wine), Class B native wine permittees (carry-out native wine) and Class C native wine permittees (on-premise native wine) have a Sunday sales privilege as part of their basic license.

HOURS OF SALE

Monday – Saturday
6 AM to 2 AM

Sunday
8 AM to 2 AM

Iowa Code sections 123.36, 123.49 and 123.134

Hours of sale and consuming alcoholic beverages

Hours of sale are the hours during which alcoholic beverages may be lawfully sold and served. Business hours are those during which licensees (their employees and agents) or patrons are in the licensed establishment. Consumption in a licensed establishment during the hours when alcoholic beverages may not be sold or served is strictly forbidden. This applies to patrons, licensees, employees, agents and family members.

Hours of sale and Daylight Savings Time

Going from Central Standard Time to Daylight Savings Time in the spring does not affect the legal hours of sale. (At 2 AM the time becomes 3 AM.) Returning to Central Standard Time in the fall lawfully allows an extra hour of sale. (At 2 AM the time becomes 1 AM, therefore licensees may sell and serve alcoholic beverages for an additional hour.)

Iowa Code sections 123.36, 123.49 and 123.134

New Years Eve on Sunday

A special provision in the law allows on-premises Sunday liquor, wine and beer sales without a Sunday sales privilege when New Year's Eve falls on Sunday, December 31. Hours of sale for a Sunday New Year's Eve are

8 AM on Sunday, December 31, to 2 AM on Monday, January 1.

This special provision allows on-premises liquor licensees and on-premises Class B beer permittees to sell only those types of alcoholic beverages allowed by their license. No additional fees are required for this one-time special Sunday sales day. If on-premises licensees want to sell and serve alcoholic beverages on all other Sundays during the year, a Sunday sales privilege must be obtained.

Note: The special provision does not apply to off-premises beer permittees. Holders of Class C beer permits and Class E liquor licenses who hold Class C beer privileges must obtain a Sunday sales privilege to sell beer on New Year's Eve, Sunday, December 31.

Iowa Code section 123.150

Laws Important to Operating the Business

Employees and agents – licensee's responsibility

Licensees are responsible for their employees and agents while they are working:

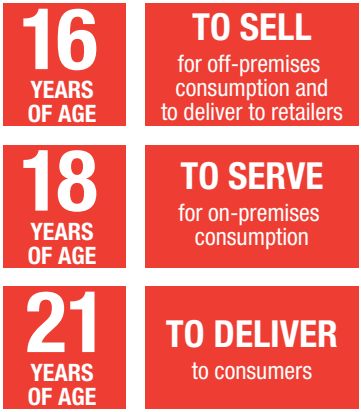
- On the licensed premises (selling and serving alcoholic beverages).
- Off the licensed premises (delivering alcoholic beverages).

If the licensee's employees and agents violate the laws or rules governing the license, administrative proceedings may be initiated to impose a civil penalty, suspend or revoke the license.

Iowa Code section 123.49 and 185 Iowa Administrative Code

Ages to sell, serve and deliver

A licensee's employees and agents must be at least 16 years of age to sell (in original unopened containers) liquor, wine and beer for off-premises consumption (grocery stores, convenience stores, liquor stores, etc.). Employees must be at least 18 to sell and dispense liquor, wine and beer for on-premises consumption (restaurants, bars, clubs, etc.). Employees must be at least 16 to deliver to on-premises



licensed retailers. Employees must be at least 21 to deliver to consumers and they must do so in a vehicle insured and owned, leased or under the control of the licensee or permittee.

Note: Age requirements apply to the licensee's family members as well as non-family employees. Local ordinances governing minors in licensed establishments may also apply.

Iowa Code sections 123.46, 123.47 and 123.49
and 185 Iowa Administrative Code

Keg Registration

Keg registration applies to holders of a Class B beer permit, Class B liquor license, Class C beer permit, Class C liquor license, Special Class C liquor license and Class E liquor license with beer privileges that sell kegs to go to consumers. When a keg is purchased, the retailer records the buyer's name, address and driver's license number in a booklet (available online via the Iowa ABD's electronic licensing system at https://abd.iowa.gov/alcohol/keg-registration along with the identification number of a sticker to be placed on the handle or side of the purchased keg. Retailers must keep the registration information for each carry-out keg for a minimum of 90 days and the information must be made available to Division personnel and law enforcement officials upon request during the licensee's normal business hours.

If a keg is returned to the licensee without the sticker or the sticker has been defaced, the customer forfeits any deposit paid at the time of the purchase. Forfeited deposits must be remitted to the Iowa Alcoholic Beverages Division.

Iowa Code section 123.138

Home Delivery of Alcoholic Beverages

Licensees may deliver only those alcoholic beverages the license allows them to sell. For example, only Class E liquor licensees (liquor stores, grocery stores, etc.) may deliver bottles of liquor.

Things to remember about home delivery

Prior to delivery:

- Must be licensed to sell unopened containers for off-premises consumption.
  - Class E liquor license, Class B liquor license, Class C liquor license, Special Class C liquor license, Class C beer permit, Class B beer permit, Class B wine permit, Class A native wine permit, Class B native wine permit, Class C native wine permit.
- Deliveries can be made seven days a week*, until 10 PM.
  - Can start at 6 AM on Monday – Saturday.
  - Can start at 8 AM on Sunday. (*Licensee must have a Sunday sales privilege.)
- May deliver only alcoholic beverages allowed by license type held for off-premises consumption.
  - Spirits, wine and/or beer.
- May deliver to homes and "other designated locations."
  - Area designated by purchaser. For example: reception hall, park, etc.
  - Must follow the rules of the location if it is a business.
- Alcoholic beverages must be for personal use. Cannot be for resale in anyway.
  - Example: Cannot deliver beer for a cash bar at a reception.

When taking delivery order:

- Payment must be received on the licensed premises at the time of order.
  - This can be in person or via credit card over the phone.
  - Cannot pay on delivery.
- It is the licensee's responsibility to ensure the customer making the order is 21 or older.
- Employee accepting the order on the licensed premises must be at least 16 years old.

During delivery:

- Person receiving order must be at least 21 years old.
- Must obtain proof of identity and age, as well as recipient's signature. It is recommended that delivery personnel verify the quantity delivered, recipients name and address for record keeping.
- Recipient must not be intoxicated or simulating intoxication.
- Delivery must be made by licensee's employee. No third party deliveries allowed.
- Delivery personnel must be at least 21 years old.
- Delivery must be made in a vehicle insured and owned, leased or under the control of the licensee. No deliveries allowed in an employee's vehicle.

After delivery:

- Must keep records of the following for a period of 3 years:
  - Signature of recipient.
  - Quantity delivered.
  - Recipient's name.
  - Recipient's address.

Iowa Code section 123.46A

Local ordinances

Local authorities may adopt ordinances governing licensed establishments which are located within their jurisdiction. Local ordinances may be more restrictive than the law, but they may not conflict with the law.

For example, local authorities may not adopt ordinances changing the legal hours of sale because hours of sale are specified by the law.

It is a good idea to check with the local authority to see if they have ordinances which affect the licensed establishment. If the local authority has ordinances governing the selling and serving of liquor, wine and beer, the local ordinances apply to the licensed establishment. Violation of a local ordinance may result in suspension of the license through a local administrative hearing. Civil penalties shall not be imposed for violations of local ordinances.

Iowa Code section 123.39

Record keeping requirements

Licensees must maintain their business records on the licensed premises. Iowa law requires licensees to make their records available to law enforcement officials and to members of the Iowa Alcoholic Beverages Division during business hours and when the licensee, their employees, agents or patrons are on the licensed premises.

Iowa Code sections 123.14, 123.21, 123.33 and 123.138
Also Internal Revenue Code 26 U.S. 5121-5123

Display of license

Licensees must prominently display their liquor, wine or beer license so that it is in full view of the public.

Iowa Code section 123.21 and 185 Iowa Administrative Code

Social Gambling

Card and parlor games

A social gambling license permits betting in small stakes card and parlor games between individuals who have a social relationship (other than for the purpose of gambling). Participants must be at least 21 years old and cannot win or lose more than a total of $50 in a 24-hour period. General admission fees or cover charges may not be charged at any time social gambling is allowed. Licensees (their employees and agents) may not promote, sponsor, conduct or act as a banker or cashier for social games.

Games permitted with a social gambling license:

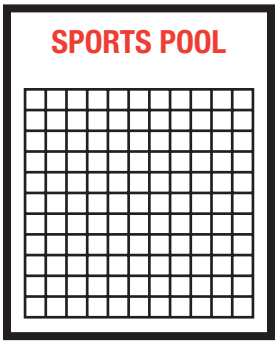
- Backgammon, Bridge, Checkers, Chess, Cribbage, Darts, Dominoes, Euchre, Gin Rummy, Hearts, Pinochle, Pitch, Poker and pool table games.

Games specifically prohibited by law:

- Baccarat, Blackjack, Chemin de fer, Chuck-a-Luck, Craps, Equality, Faro, Klondike, Pull-tab, Punchboard, Pushcard, Roulette, slot machines and Three-Card Monte.

No casino-style games, other than poker, are permissible. A social gambling license does not allow licensees to conduct poker tournaments, poker runs or raffles. These activities can only be conducted by a licensed charitable organization.

Sports pools



A sports pool is a game in which the participants select a square on a numbered grid. Winners are determined when the selected square corresponds to a number relating to the outcome of an athletic event. Because sports betting pools can only be used for one sporting event and are required to be in grid format, NCAA Basketball Tournament brackets and NASCAR brackets, among others, are not legal at liquor establishments.

An establishment with a social gambling license may conduct a sports betting pool if the game is publicly displayed and the rules of the game, including the cost per participant and the amount of the prizes, are clearly displayed on or near the pool. Participants must be at least 21 years old and no participant may wager more than $5. Total winnings of each pool may not exceed $500; all monies wagered must be awarded to participants.

A social gambling license costs $150 and is valid for two years from the date issued. Gambling that occurs at an establishment licensed for on-premises consumption without a social gambling license is a violation of Iowa law. First offense violators may face fines up to $1,000 and suspensions lasting up to 21 days.

For additional information or to apply for a social gambling license, visit www.DIA.Iowa.gov or contact the Social and Charitable Gaming Division at 515-281-6848.

Iowa Code sections 99B.6, 123.49 and 123.50
and 481 Iowa Administrative Code chapter 102

The Licensed Premises

Licensed versus unlicensed premises and alcoholic beverages

Liquor may be dispensed and consumed only on a premises covered by a liquor license (establishment and designated outdoor service areas, if applicable). Patrons may not take filled or partially filled glasses or bottles of liquor (including miniatures) out of a licensed establishment. Licensees cannot allow patrons to bring liquor onto the licensed premises.

Wine and beer may be dispensed and consumed on an unlicensed premises. Although the Division does not encourage the practice, patrons may take filled or partially filled glasses of wine and beer out of the licensed establishment as long as there are no local ordinances prohibiting the practice. Patrons may not consume liquor, wine or beer on a public street or highway.

Licensees may, but are not required to, allow patrons to bring their own wine and beer onto licensed premises for their personal use. A corkage fee may be charged.

Iowa Code sections 123.46 and 123.95

Use of licensed premises during prohibited hours of sale

Liquor, wine and beer may not be sold, served, consumed or given away on licensed premises during the prohibited hours of sale. This applies to licensees, their employees, agents, patrons and family members. For example, licensees and their staff may not consume alcoholic beverages while cleaning an establishment if the cleaning is done after 2 AM.

Licensees may use their licensed establishments as a restaurant or for other lawful purposes during prohibited hours, as long as alcoholic beverages are not sold, served, consumed or given away. The Division recommends that if licensees remain open for business during the prohibited hours of sale, they remove all filled, partially filled and empty liquor, wine and beer glasses from tables and other areas which are accessible to patrons. This is recommended even though the law does not mandate that they do so.

Iowa Code sections 123.49 and
185 Iowa Administrative Code

Fire code and capacity limits

The State Fire Marshal is responsible for determining the maximum number of patrons allowed in a licensed establishment. It is the licensee's responsibility to monitor the number of patrons in the licensed establishment. Licensees may not have more patrons in their establishments than the allowable number designated by the Fire Marshal. Fire code violations may result in suspension or revocation of the license.

Iowa Code sections 123.30, 123.128, 123.129 and
661 Iowa Administrative Code

Premises inspections

The licensed premises must be in compliance with state and local health, fire and building code laws. Failure to maintain compliance at any time during the license period may result in administrative proceedings to suspend or revoke the license.

Licensees (their employees and agents) must allow the following individuals access to the licensed establishment without a search warrant to examine and inspect for compliance with the laws, rules and ordinances governing the license:

- Representatives from the Iowa Alcoholic Beverages Division and the Department of Inspections and Appeals.
- Law enforcement officials from the Department of Public Safety, police and sheriff departments.
- Fire, health and building code inspectors.

Business hours include the hours in which the licensees, their employees, agents or patrons are in the establishment, not just the hours of sale.

Iowa Code sections 123.30, 123.128 and 123.129

Search warrants

A search warrant is not required for inspection of the licensed establishment and the business records that the licensee must maintain on the licensed premises. Business records must be available to law enforcement officials and representatives of the Iowa Alcoholic Beverages Division, Department of Inspections and Appeals, and health and fire inspectors during normal business hours and when the licensee, their employees, agents or patrons are in the establishment.

Search warrants or subpoenas are required to inspect private records, private business offices and attached living quarters.

Iowa Code sections 123.21, 123.30, 123.128 and 123.129

Attempt to destroy evidence

If licensees, their agents, employees or patrons destroy or attempt to destroy any liquid while in the presence of a law enforcement official or while a law enforcement official is searching the premises, the liquid is considered an alcoholic beverage that was intended for unlawful purposes and qualifies as evidence.

Iowa Code section 123.120

Trafficking of Alcoholic Beverages

Buying alcoholic beverages for resale

Iowa's alcoholic beverages industry operates under a three-tier system – manufacturer (importer) to wholesaler to retailer. All liquor, wine and beer purchases must be made through the three-tier system.

LICENSE	MUST PURCHASE FROM
Beer Off-Premises Beer On-Premises	**BEER WHOLESALER**
Wine Off-Premises	**WINE WHOLESALER**
Wine On-Premises	**WINE WHOLESALER** (Or less than one case per brand, per day from Class E retailer)
Liquor Off-Premises	**IOWA ALCOHOLIC BEVERAGES DIVISION**
Liquor On-Premises	**CLASS E RETAILER**

Off-premises licensees (liquor stores, grocery stores, convenience stores, etc.) must purchase the liquor, wine and beer for resale in their licensed establishments from the following sources:

- **Liquor:** From the Iowa Alcoholic Beverages Division only. The Division is the sole wholesaler of liquor in Iowa.

  Iowa Code sections 123.22 and 123.30

- **Wine:** From Iowa licensed wine wholesalers only.

  Iowa Code sections 123.173, 123.177, 123.178, 123.178A and 123.178B

- **Beer and wine coolers:** From Iowa licensed beer wholesalers only. No exceptions!

  Iowa Code sections 123.130 and 123.132

On-premises licensees (bars, restaurants, hotels, motels, etc.) must purchase the liquor, wine and beer for resale in their licensed establishments from the following sources:

- **Liquor:** From off-premises Class E liquor licensees (liquor stores, grocery stores, etc.) that hold federal wholesale permits.

Iowa Code sections 123.22 and 123.30

- **Wine:** From Iowa licensed wine wholesalers. On-premises licensees also may purchase limited quantities of wine (less than one case per brand, per day) from off-premises Class E liquor licensees (liquor stores, grocery stores, etc.) who also are licensed to sell bottles of wine.

Iowa Code sections 123.30, 123.173, 123.177, 123.178 and 123.178B

- **Beer and wine coolers:** From Iowa licensed beer wholesalers. No exceptions!

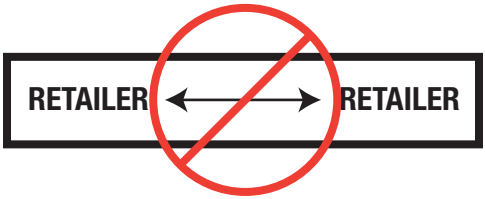
Iowa Code sections 123.123 and 123.130

Note: Iowa law requires gambling boats, excursion boats and trains operating only within the state to observe the above requirements.

Iowa Code section 123.30

Transfer of alcoholic beverages between licensed premises

Liquor, wine and beer inventory may not be transferred from one retail premises to another even if all of the premises are owned by the same person, partnership, corporation or association.



Exceptions: Inventory may be transferred when the retail license is transferred from one location to another.

Iowa Code sections 123.22, 123.30, 123.123, 123.130, 123.131, 123.132, 123.173, 123.177, 123.178, 123.178A and 123.178B

Identifying markers

All bottles of liquor must have an approved “Iowa Refund 5¢” marker. Iowa markers are displayed in one of the following manners:

- The words “Iowa Refund 5¢” printed or overprinted by the manufacturer on the main front label of the bottle.
- An Iowa Alcoholic Beverages Division sticker on the front of the bottle where it is easily visible when the bottle sits on the shelf or in a “well.”

The identifying markers are proof that the liquor was lawfully purchased in Iowa. Licensees may not purchase liquor, wine and beer outside of the state for resale in their licensed establishments. (See consumer importation limits on page 31.)

Iowa Code Sections 123.21, 123.22 and 123.26

Storage of alcoholic beverages

Licensees must store all liquor, wine and beer inventory on the licensed premises. Under special circumstances, however, the Division may authorize licensees to store alcoholic beverages on premises other than those covered by the license. To obtain authorization, licensees must submit a written request detailing the special circumstances to the Division.

The Division grants such requests in writing. Letters of permission will have an effective and expiration date for the off-premises storage. Letters of permission expire with the license. Renewal is required if the off-premises storage is to continue beyond license expiration.

Note: Only those alcoholic beverages allowed by the license may be stored on the licensed premises.

Iowa Code sections 123.21 and 185 Iowa Administrative Code

Vending machines

Liquor, wine and beer may not be sold from a vending machine.

Iowa Code sections 123.21, 123.47, 123.49 and 185 Iowa Administrative Code

Disposing of inventory when going out of business

Licensees who go out of business may dispose of liquor, wine and beer inventory in one of the following manners listed below.

On-premises licensees (bars, restaurants, hotels, etc.) may:

- Sell unopened bottles of liquor, wine and beer to the new licensee who will operate at the same location.
- Return unopened bottles of liquor to the liquor store and unopened bottles of wine and beer to the wine and beer wholesalers (if the liquor store and wholesalers consent to the return).

Note: For health reasons, opened bottles and kegs must be destroyed.

Off-premises licensees (liquor stores, grocery stores, convenience stores, etc.) may:

- Sell liquor, wine and beer inventory through going out of business sales.
- Return wine and beer to wine and beer wholesalers (if the wholesalers consent to the return) and sell all liquor to another off-premises Class E liquor licensee. (A complete listing of inventory transferred must be sent to the Division.)
- Sell all liquor, wine and beer to another-off premises Class E liquor licensee. (A complete listing of inventory and name of purchaser must be sent to the Division.) When liquor, wine and beer inventory is sold to another Class E licensee, the purchaser must take the entire inventory.

Iowa Code section 123.21 and 185 Iowa Administrative Code

Consumer importation limits

Individuals 21 and older may lawfully import the following amounts of liquor and wine into the state of Iowa for their personal use (per occasion):

- **Liquor:** One liter if obtained in the United States; four liters if personally obtained outside the United States.
- **Wine:** Individuals 21 and older may order wine directly from wineries who have Iowa Direct Shippers permits.

Licensees may not purchase liquor, wine or beer in another state for resale in their Iowa-licensed establishments. No exceptions.

Note: Iowa has no export limits. However, other states and countries have import limits. Anyone wanting to export liquor, wine or beer to another state or country should contact that state or country to determine their laws and regulations.

Iowa Code sections 123.22, 123.187 and 455C.5

Bootlegging

Selling liquor, wine, beer and other alcoholic beverages without a license is bootlegging. Whenever liquor, wine or beer are sold or their cost is recovered in any manner, a license is required. Bootlegging is a criminal offense (serious misdemeanor). Bootlegging includes:

- Selling alcohol without a license.
- Allowing your liquor license to expire without renewing.
- Selling or serving outdoors without an outdoor service area privilege.
- Bringing spirits, wine or beer across the state border to sell in your licensed establishment.

Note: The Iowa Alcoholic Beverages Division has jurisdiction over license holders (individuals, partnerships, corporations, associations) only. The Division has no jurisdiction over people who sell alcoholic beverages without a license (such as party hosts who charge admission and serve alcoholic beverages) – even though such activities are a serious violation of Iowa's liquor laws. Complaints should be directed to the local law enforcement agency.

Iowa Code sections 123.59, 123.60 through 123.88 and 123.119

Promoting Alcoholic Beverages

Advertising

Licensees may advertise price and brand names of liquor, wine and beer in the following manner:

- Media (newspapers, radio, television, etc.).
- Inside signs (neon signs, mirrors, etc.).
- Outside signs (billboards, reader boards, etc.) which are not located on the licensed premises.

Licensees may not advertise specific brand names on signs located on the outside of their licensed premises (in the parking lot, on the

outside of the building, etc.).

Exception: Outside signs with specific brand names of liquor, wine and beer are legal when located in enclosed or partially enclosed areas (patio umbrellas with specific name brands in a fenced outdoor beer garden, etc.). Signs in the outdoor service area must face inward.

Iowa Code section 123.51

Tastings

Licensees may conduct tastings on the licensed premises as long as the tasting involves only those alcoholic beverages that their license allows them to sell. For example, an establishment licensed to sell wine and beer must limit tastings to wine and beer – no alcoholic liquor.

Tastings which involve alcoholic liquor must be conducted on premises covered by a liquor license. Tastings which involve wine and beer may be conducted on licensed and unlicensed premises.

All laws and rules governing liquor, wine and beer (legal drinking age, hours of sale, etc.) must be observed during tasting activities.

Iowa Code sections 123.46, 123.95 and 123.186 and 185 Iowa Administrative Code

Product Information

Alcoholic beverages defined

Alcoholic beverages contain more than 0.5 percent of alcohol by volume. Alcoholic beverages are classified as liquor, wine or beer, depending upon alcoholic content and the manner in which they are made.

- **Alcoholic beverage** means any beverage containing more than 0.5 percent of alcohol by volume, including alcoholic liquor, wine and beer.
- **Alcoholic liquor or intoxicating liquor** means the varieties of liquor which contain more than five percent of alcohol by weight, beverages made which contain more than five percent of alcohol by weight but which are not wine or high alcoholic content beer, and every other liquid or solid, patented or not, containing spirits and every beverage containing more than 17 percent alcohol by weight or 21.25 percent of alcohol by volume, and susceptible of being consumed by a human being,

for beverage purposes.

- **Beer** means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than 0.5 percent alcohol by volume but not more than five percent of alcohol by weight but not including mixed drinks or cocktails mixed on the premises.
- **High alcoholic content beer** means beer which contains more than five percent of alcohol by weight, but not more than 12 percent of alcohol by weight, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than 1.5 percent of the volume of a “high alcoholic content beer” may consist of alcohol derived from added flavors and other non-beverage ingredients containing alcohol. The added flavors and other non-beverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng and taurine.
- **Wine** means any beverage containing more than five percent of alcohol by weight but not more than 17 percent of alcohol by weight or 21.25 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.

Iowa Code section 123.3

Measuring alcoholic content

Alcoholic content is measured in three different ways: volume, weight and proof. Liquor and some imported beers are measured by proof, wine by volume, and most domestic beers are measured by weight. To compare the alcoholic content of liquor, wine and beer, use the conversion formulas below.

Proof, Volume and Weight Conversions

FROM	TO	CONVERSION FORMULA
Proof	Volume	Proof ÷ 2
Proof	Weight	Proof ÷ 2 x 0.8
Volume	Proof	Volume x 2
Volume	Weight	Volume x 0.8
Weight	Volume	Weight ÷ 0.8
Weight	Proof	Weight ÷ 0.8 x 2

Example: A Canadian beer marked 8 proof is rated 4 percent by volume (8 percent divided by 2 = 4 percent). Multiply that by .8 to get 3.2 percent alcoholic content measured by weight (8 proof = 4 percent volume = 3.2 by weight).

Non-alcoholic beer

Non-alcoholic (NA) beer contains 0.5 percent or less alcohol by volume. Under Iowa law, by definition beer contains more than 0.5 percent alcohol by volume.

Because NA beer does not contain enough alcohol to be classified as beer, the laws and rules governing beer (legal drinking age, hours of sale, etc.) do not apply. For example, licensees may lawfully sell and dispense NA beer to people under the legal drinking age.

The Division does not encourage selling and serving NA beer to persons under the legal drinking age. When on-premises licensees serve NA beer to people under 21, the Division recommends that the NA beer should be served in the original container, not in a glass. This should assist law enforcement officials when they enter an establishment and observe someone under the legal drinking age consuming a beverage that looks and smells like beer.

Iowa Code section 123.3

PENALTIES

Iowa alcoholic beverages licensees (their employees and agents) who violate the state's liquor laws may be subject to criminal convictions, administrative sanctions and civil liability. Review this chapter to learn:

Criminal charges filed against the person who committed the violation may lead to criminal convictions. Felony convictions automatically disqualify a person from holding an Iowa liquor, wine or beer license.

Administrative sanctions against a licensee may be imposed by either the Division or the local authority. Sanctions may be imposed as a result of a criminal conviction or through an administrative hearing in the absence of a conviction.

Civil liability may result when someone is injured and the injured party seeks compensation from the licensed business. Licensees who sell and serve alcoholic beverages for on-premises consumption must maintain dram shop liability insurance.

Criminal Convictions

A person who violates the laws governing the alcoholic beverages license may be charged and convicted in criminal court of simple, serious or aggravated misdemeanors.

The following are criminal penalties for the most frequent violations of Iowa's alcoholic beverages laws:

- Iowa Code section 123.49(2)(h) – sell, give or supply to persons under 21.
  - Simple misdemeanor punishable by a fine of $1,500 plus court costs if the violation is committed by the licensee, or $500 fine plus court costs if the violation is committed by the licensee's employee or agent.
- Iowa Code section 123.51 – advertising.
  - Simple misdemeanor.
- Iowa Code section 123.59 – bootlegging.
  - Serious misdemeanor if person committing the violation is 21 years old or older; simple misdemeanor if person committing the violation is under 21 years old.

- Iowa Code section 123.49(2)(b) – after hours.
  - Serious misdemeanor.
- Iowa Code section 123.49(2)(c) – sell on credit.
  - Serious misdemeanor.

Unless penalties are specified, a conviction of Iowa Code chapter 123 is a serious misdemeanor if the person committing the violation is 21 years old or older, and a simple misdemeanor if the person committing the violation is under 21 years old. Second convictions for violations of chapter 123 are serious misdemeanors; third and subsequent convictions are aggravated misdemeanors.

Criminal convictions for violations of the laws governing alcoholic beverages licenses by licensees (their employees and agents) may result in the imposition of administrative sanctions against the licensee.

Iowa Code sections 123.39, 123.50, 123.90 and 123.91

Felony convictions

Convicted felons are automatically disqualified from holding an Iowa liquor, wine or beer license or permit, unless the felony conviction is more than five years old and rights of citizenship have been restored.

Licensees who are convicted of a felony during the time they hold a license or permit will be asked to voluntarily surrender the license to the Division. If the licensee fails to do so, the Division will initiate administrative proceedings for revocation of the license.

Iowa Code sections 123.3 and 123.39

Administrative Sanctions

Both the Iowa Alcoholic Beverages Division and the local authority may impose administrative sanctions on licensees. If a licensee (their employees and agents) violates the laws and rules governing the license, the Division or the local authority may:

- Impose a civil penalty of up to $1,000 per violation.
- Suspend the license from one to 365 days.
- Revoke the license.

Local authorities may also impose suspensions or revocations for violations of local ordinances governing the license. Local authorities may not impose civil penalties for violations of local ordinances.

Administrative sanctions are separate from criminal convictions; both may be imposed. Administrative sanctions may be imposed

as the result of a criminal conviction or in the absence of a criminal conviction.

Iowa Code sections 123.39 and 123.50

License suspension and revocation

Reasons the Division or local authority may suspend or revoke a license include (but are not limited to):

- Misrepresentation of material facts on the license application.
- Violation of the laws and rules governing the license.
- Any change of ownership or interest in the business not reported to and approved by the local authority and the Division.
- Felony conviction or other event which disqualifies a licensee from holding the license.
- Sale or transfer of the license.

Criminal convictions are not required for the imposition of suspensions or revocations.

Iowa Code sections 123.39 and 123.50

Effect of license suspension

Suspension of a license affects only the sale and consumption of alcoholic beverages on the licensed premises. It does not affect other business activities. During a suspension, alcoholic beverages may not be sold, served, consumed or given away by any person in or on the licensed premises.

The licensed premises may remain open for other lawful business activities (food sales, gasoline sales, etc.) during the suspension. However, if the licensed premises remains open, the licensee shall not allow patrons to bring liquor, wine or beer onto the licensed premises or consume alcoholic beverages on that premises while the suspension is in effect.

Iowa Code section 123.39 and 185 Iowa Administrative Code

Effect of license revocation

Any liquor licensee, wine permittee or beer permittee whose license or permit is revoked cannot hold a license in the state of Iowa for a period of two years from the date of revocation.

When a license is revoked and that licensee holds more than one license in the state of Iowa, the revocation extends to all other licensed locations. However, when a revocation of a license is due to a sale-to-

minor violation, the revocation is limited to the specific license found in violation and will not disqualify the licensee from holding a license at a separate location.

A spouse or business associate holding ten percent or more ownership interest in a business whose license has been revoked (including all officers, directors and shareholders) will not be issued a license or permit for a period of two years from the date of revocation.

When a license or permit is revoked, the premises cannot be relicensed for a period of one year.

Iowa Code section 123.40 and 123.50

Civil Liability

Compensation for injured parties

Civil liability comes into play when someone is injured and the injured party seeks compensation from the business.

Failure to maintain dram shop liability insurance

When licensees sell and serve alcoholic beverages for on-premises consumption, they are required to have dram shop liability insurance. (Dram shop liability insurance is not required for off-premises licenses.) If the dram shop liability insurance is cancelled or becomes ineffective for any reason, the licensee must provide proof to the Division and local authority that they have obtained coverage through another carrier or have obtained reinstatement of their existing policy. There can be no lapse in coverage.

Licensees who are required to carry dram shop liability insurance should evaluate their own needs and insure accordingly. The Division accepts “occurrence” based dram shop policies; “claims made” based policies are not permitted. Contact your insurance agent for additional information about dram shop liability insurance.

The Division summarily suspends (without a hearing) a license when a licensee fails to maintain dram shop liability insurance.

Iowa Code sections 123.39 and 123.92

ADMINISTRATIVE HEARINGS

Administrative action by the Iowa Alcoholic Beverages Division or the local authority is sometimes necessary to enforce licensee compliance with alcoholic beverages laws. Review this chapter to learn the process by which law enforcement and local authority actions can lead to administrative sanctions through:

Contested case hearings in which a case is heard by a designated hearing officer. A proposed decision will be issued following the hearing to impose a civil penalty, suspend or revoke the license, or to dismiss all or part of the allegations cited.

Appeal hearings in which local authority actions (civil penalties, license suspensions or revocations, or denied license applications) are appealed.

Contested Case Hearings

When administrative action is necessary

Although it is the Division's goal to accomplish voluntary compliance with alcoholic beverages laws and rules, there are occasions when administrative action is necessary. The following is an overview of the administrative hearing process.

The investigative officer's role

Because administrative penalties get more attention than the simple misdemeanor fines imposed by the courts, it is often information provided by an investigating or arresting officer that precipitates the administrative hearing process.

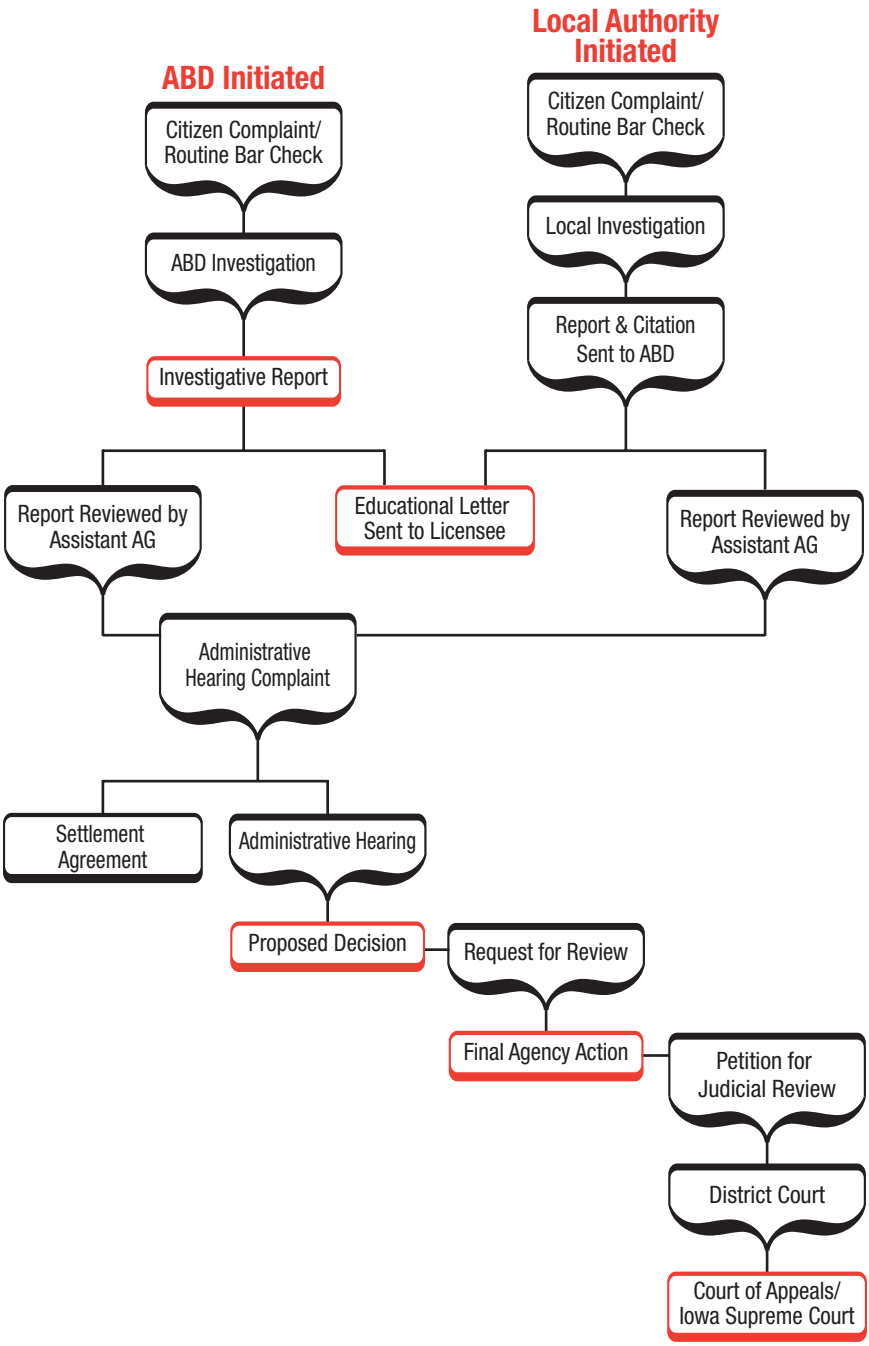
Law enforcement officials, health officials, fire officials and Division investigators report violations of alcoholic beverages laws as well as other related laws by forwarding investigation reports to the Division.

Administrative hearing complaint

Investigation reports are reviewed by an assistant attorney general, and when appropriate, contested case hearings are initiated through an administrative hearing complaint. Administrative hearing complaints may also be filed with the Division by county and city attorneys.

Note: Administrative hearing complaints must be filed within one year of the alleged violation or within one year from the date of conviction, whichever is later.

Contested Case Hearings by Iowa Alcoholic Beverages Division (Administrative Sanctions)



Evidentiary contested case hearing

When an administrative hearing complaint is filed against a licensee, a contested case hearing is held. Contested case matters are heard by a designee of the Division Administrator.

Licensees may represent themselves or hire an attorney at their own expense. The licensee or their attorney may call witnesses, make arguments and introduce evidence. This is generally the only time that evidence may be submitted. Hearings are open to the public and are also tape recorded.

Proposed decision

Following the hearing, the hearing officer will issue a written proposed decision. The proposed decision will be forwarded to all interested parties. The proposed decision may:

- Impose a civil penalty.
- Suspend the license from one to 365 days.
- Revoke the license.
- Dismiss all or part of the allegations cited in the administrative hearing complaint.

The proposed decision becomes a final decision unless a request for review is filed with the Division Administrator within 30 days from the date of the proposed decision.

Request for review

A party who objects to the proposed decision may request the Division Administrator review the decision. The prosecuting attorney (assistant attorney general, county or city attorney) may also request review of the proposed decision. The request for review must be filed with the Division within 30 days from the proposed decision date.

If a request for review is filed, the Division Administrator may ask the licensee and the prosecuting attorney to file briefs and exceptions on issues raised in the contested case hearing.

Final decision

The Division Administrator reviews the proposed decision by listening to the record made at the hearing and looking at the briefs and exceptions filed by the licensee and the prosecuting attorney (assistant attorney general, county or city attorney). When review of the record is complete, the Division Administrator issues a final decision. The written final decision is forwarded to all interested parties. The final decision may affirm, reverse or modify the proposed decision. The Division

Administrator's decision is considered to be a final agency action. The next step in the appeal process is the district court.

Petition for judicial review

Licensees who object to the Division Administrator's final decision may file a petition for judicial review with the district court. The prosecuting attorney (assistant attorney general, county or city attorney) may also file a petition for judicial review. The petition may be filed either in Polk County or in the licensee's county of residence or business. Filing the petition does not automatically postpone (stay) enforcement of agency action (imposition of a civil penalty, license suspension or revocation). The licensee must obtain an order from the court to stay agency action pending outcome of the judicial proceedings.

Settlement agreements

Once a complaint has been filed with the Division, a copy of the complaint along with settlement options will be sent by certified mail to the licensee. The licensee must contact the Division by the date specified to accept the settlement or request a hearing. If the Division is not notified, a hearing will be scheduled and the hearing notification will be sent by certified mail. The licensee may still contact the Division for a settlement prior to the scheduled hearing.

Appeal Hearings

Local authority actions

Local authorities (city councils and county boards of supervisors) may:

- Impose administrative sanctions.
- Impose civil penalties or license suspension or revocation for violations of alcoholic beverages laws.
- Approve or deny alcoholic beverages license applications for establishments located within their jurisdiction.

Appeal of local authority actions

When a local authority imposes an administrative sanction or denies a license application, the licensee may appeal the local authority action to the Division. The written appeal must be filed with the Division within 30 days from the date that the licensee is notified of the local authority's action.

Evidentiary appeal hearing

If a licensee files an appeal of a local authority action, an appeal hearing is heard by a designated hearing officer.

The appeal hearing provides licensees with an opportunity to demonstrate that they comply with all of the lawful requirements for holding an alcoholic beverages license. Licensees may represent themselves or hire an attorney at their own expense. The parties may call witnesses, make arguments and introduce evidence. Hearings are open to the public and are tape recorded.

Proposed decision

Following the appeal hearing, the hearing officer will issue a written proposed decision. The proposed decision will be forwarded to all interested parties. The proposed decision may:

- Impose administrative sanctions.
  - Affirm, reverse, modify or dismiss the civil penalty, license suspension or revocation imposed by the local authority.
- Deny license applications.
  - Affirm or reverse the local authority's denial of the license application.

The proposed decision becomes a final decision unless a request for review is filed with the Division Administrator within 30 days from the date of the proposed decision.

Request for review

A licensee who objects to the proposed decision may request the Division Administrator review the decision. The local authority may also request a review of the decision. The written request for review must be filed with the Division within 30 days from the date of the proposed decision.

If a request for review is filed, the Division Administrator may ask the licensee and the local authority to file briefs and exceptions on issues raised in the appeal hearing.

Final decision

The Division Administrator reviews the proposed decision by listening to the record made at the appeal hearing and reading the briefs and exceptions filed by the licensee and the local authority. When review of the record is complete, the Division Administrator issues a final decision. The written final decision is forwarded to the licensee and all interested parties.

The final decision may:

- Impose administrative sanctions.
  - Affirm, reverse or modify the proposed decision.
- Dismiss the matter.
- Deny license applications.
  - Affirm or reverse the local authority's denial of the license application.

The Division Administrator's final decision is considered to be final agency action. The next step in the appeal process is the district court.

Note: If the appeal hearing concerns an administrative sanction, civil penalty, license suspension or revocation, the action will be stayed pending a final decision. If the appeal hearing concerns a denied renewal application, the licensee will be allowed to remain open for alcoholic beverages business pending a final decision. When the hearing concerns the denial of a new license application, the applicant will not be allowed to conduct any alcoholic beverages business pending a final decision.

Petition for judicial review

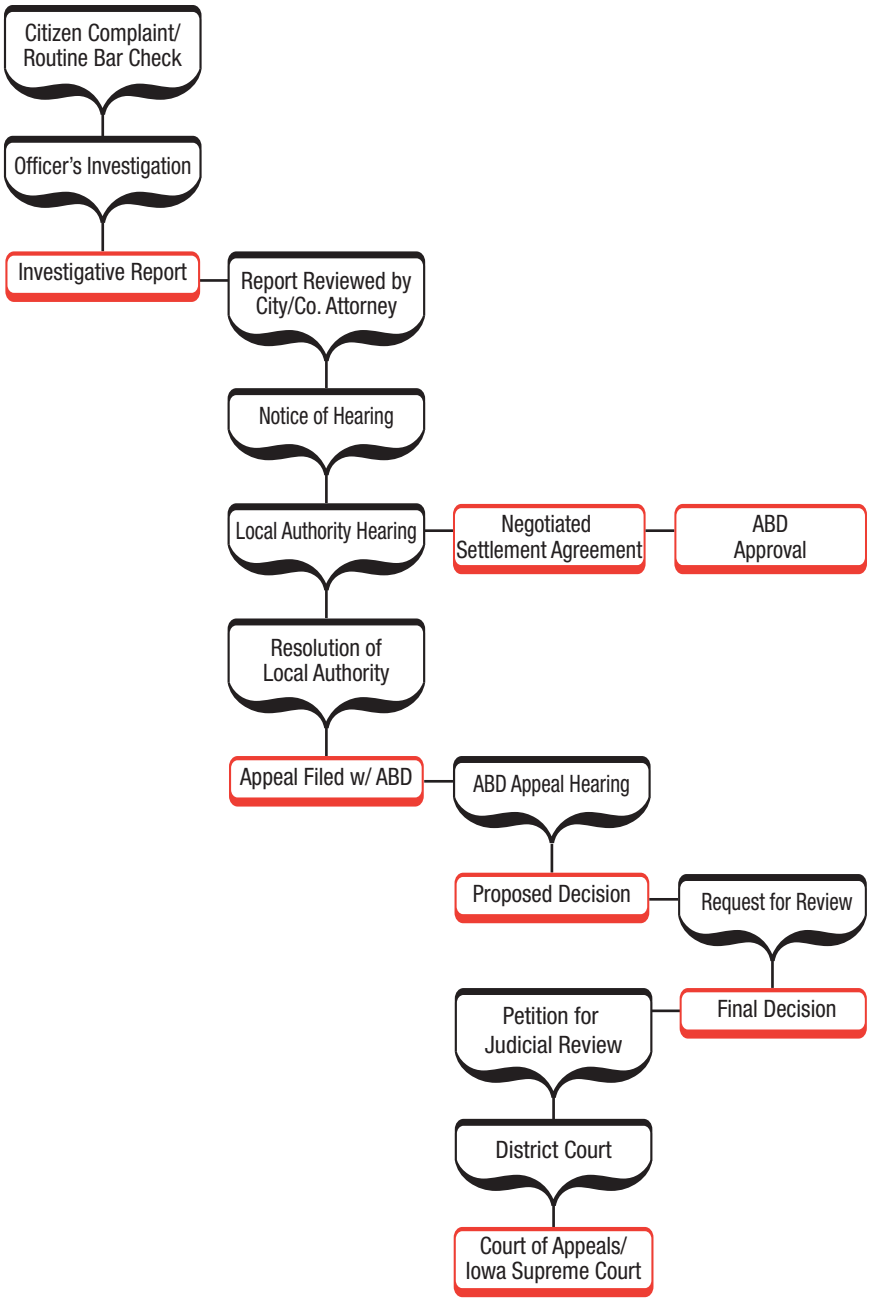
A licensee who objects to the Division Administrator's final decision may file a petition for judicial review with the district court. The local authority may also file a petition for judicial review. The petition may be filed either in Polk County or in the licensee's county of residence or business. Filing the petition does not automatically postpone (stay) enforcement of agency action. The licensee must obtain a stay order from the court as follows:

- Administrative sanctions.
  - The civil penalty does not have to be paid (or the license suspension or revocation served) pending the outcome of the judicial proceedings.
- Denied renewal license applications.
  - The licensee may remain open for alcoholic beverages business pending outcome of the judicial proceedings.

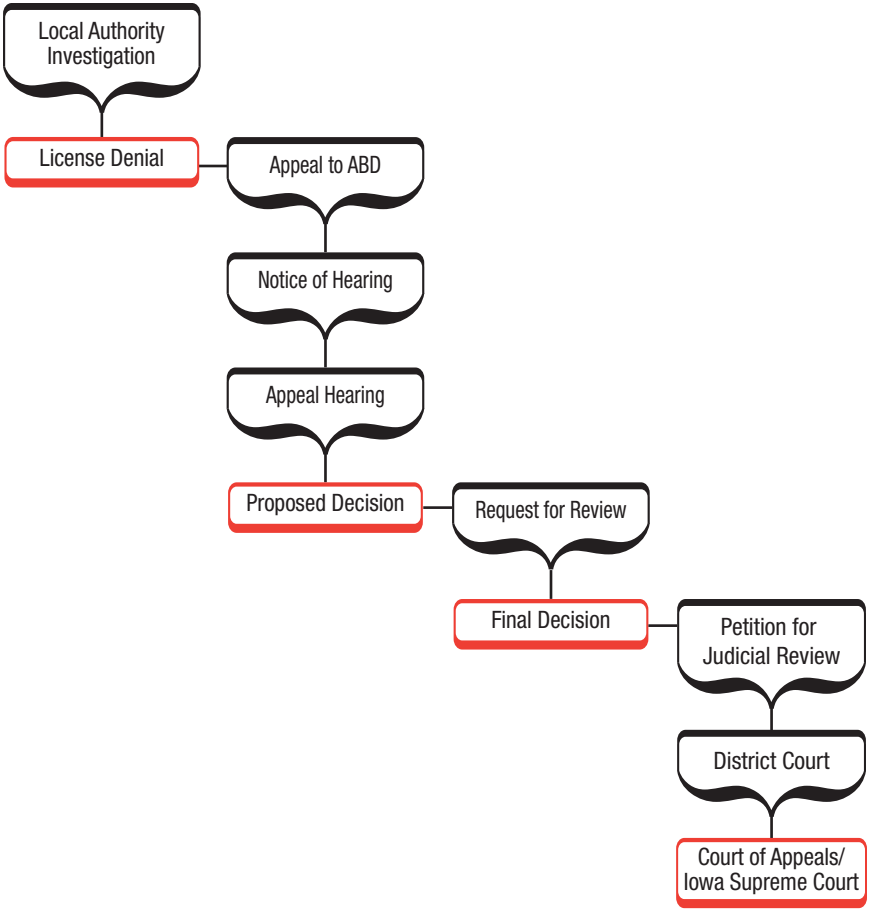
Note: Applicants with denied new license applications may not conduct any alcoholic beverages business, unless the court reverses the Division Administrator's final decision and orders the license to be issued.

Iowa Code sections 17.10 through 17A.20, 123.32 and 123.39 and 185 Iowa Administrative Code

Appeal Hearings by Iowa Alcoholic Beverages Division (Administrative Sanctions Imposed by Local Authorities)



Appeal Hearings by Iowa Alcoholic Beverages Division (License Application Denials by Local Authorities)



LICENSE INFORMATION

Licensing businesses to sell and serve alcoholic beverages is a cooperative effort between the Iowa Alcoholic Beverages Division, the applicant and the local authority. Review this chapter to learn:

ALCOHOLIC BEVERAGES DIVISION
State of Iowa

State of Iowa
Alcoholic Beverages Division

LE0001217	November 15, 2010	November 14, 2011
LICENSE NUMBER	EFFECTIVE DATE	EXPIRATION DATE

Bob's Booze, Inc.
Big Bob's Booze Shop

This license is a personal privilege and is subject to civil penalty, suspension, revocation or cancellation, as authorized pursuant to Iowa Code Ch. 123.

This license is not deemed to be property, nor is it subject to attachment, execution, assignment, nor is it alienable.

IOWA ALCOHOLIC BEVERAGES DIVISION

STEPHEN LARSON
Administrator

LICENSE AND PRIVILEGES		FEES
Class E Liquor License (LE)		$5,000.00
Class B Wine Permit (Carryout Wine)	11/15/2010 to 11/14/2011	$500.00
Class C Beer Permit (Carryout Beer)	11/15/2010 to 11/14/2011	$200.00
Sunday Sales	11/15/2010 to 11/14/2011	$40.00
	Total Fee:	$5,740.00

- The licensing process in Iowa, which includes information provided by the applicant and investigations by local authorities and law enforcement officials to determine that the establishment and the applicant meet the requirements of the Iowa Code.
- Ownership information, such as the need for the same person or entity who owns the establishment to hold the alcoholic beverages license, and what happens when a licensee goes out of business or the licensed establishment changes ownership.
- Additional license privileges that are available such as Sunday sales, brew pubs, catering, outdoor service areas and living quarters.
- Licensing requirements, such as good financial standing and good moral character.
- Other required licenses that concern aspects of the business regulated by the federal, state or local government.

Renewing the license

Licensees who hold an annual alcoholic beverages license receive a 70-day notice of renewal by email from the Division, if the licensee is signed up to receive electronic notifications. Otherwise, the licensee will be notified by the local authority by mail. Receipt of the notice is a good time to begin the renewal process. Some local authorities require renewal applications to be submitted 30 or 60 days before the license expires.

Licensees must complete renewal applications electronically. All information entered on the previous year's license will be reflected on the renewal application. However, the renewal application contains some questions that need to be answered annually to determine

whether or not the applicant and the premises meet legal licensing requirements.

Criminal history questions on the renewal application must be fully completed. All convictions and arrests since the last renewal must be updated for each person named on the ownership screen. It is important to complete this section honestly and with full disclosure.

Licensees are encouraged to complete their own renewal application. If the licensee relies on their insurance agent or someone else to do this, the information should be verified by the licensee before submitting the application. False or misrepresented information may result in denial of the license.

Non-renewals and going out of business

Licensees who are not planning to renew their license should notify their local authority (city clerk or county auditor) or the Division. If the licensee is closing before the license expiration date, the licensee should complete an online refund application to determine if a refund is due on the license and turn their license into the local authority or the Division.

Licensing Requirements

Background investigations

Local authorities (cities and counties) and the Iowa Alcoholic Beverages Division conduct various background investigations to determine if the applicant and the proposed premises meet licensing requirements. These background investigations play an important role in the approval of licenses. Background investigations protect both the applicant and the public.

Applicant requirements

In order to be eligible to hold a liquor, wine or beer license, the law requires the applicant to meet the standards of good moral character. Under Iowa law, applicants are considered to be of good moral character if they:

- Are a U.S. citizen and an Iowa resident, or incorporated to do business in the state. The corporation must be registered and in good standing with the Iowa Secretary of State's office.
- Have not been convicted of a felony during the past five years.
- Have not had any financial interest in an Iowa liquor, wine or beer license which was revoked during the past two years.

- Have “good financial standing” and a “good reputation” to indicate that the applicant will comply with all laws and rules governing the license.

Note: If the applicant has a felony conviction, the applicant is not eligible to hold an Iowa alcoholic beverages license, unless the felony conviction is more than five years old and the applicant’s rights of citizenship have been restored. In evaluating the applicant’s “financial standing,” the local authority and the Division may consider verified sources of financial support and adequate operating capital for the applicant’s business, record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the applicant’s “moral character,” the local authority and the Division may consider pattern and practice of disregard of the law including convictions for sales to intoxicated persons, operating a motor vehicle while under the influence of alcohol or drugs, etc.

Requirements apply to all officers, directors and shareholders of a corporation and general partners in a partnership.

Premises requirements

To meet licensing requirements, the proposed licensed premises must conform to all applicable state laws, local ordinances, health regulations and fire regulations. Licensed premises must:

- Be owned, leased or under the control of the applicant.
- Be within the jurisdiction of one approving local authority.
- Have conveniently located, separate toilet facilities for both men and women (on-premises only).
- Be equipped with running water from a source approved by the local health department.
- Have enough tables and chairs to accommodate seating for a minimum of 25 people at one time (on-premises only).

Iowa Code sections 123.3, 123.30, 123.31, 123.128, 123.129 and 123.175 and 185 Iowa Administrative Code

Ownership Information

A personal privilege

Under Iowa law, liquor, wine and beer licenses are considered a personal privilege. The person (individual, partnership or corporation) who actually owns and receives the proceeds from the alcoholic beverages sales must hold the license.

Any change of ownership (including partial change of ownership) must be reported to and approved by the local authority (city council or county board of supervisors) and the Division. Change of ownership must be reported when it occurs; do not wait until renewal time.

A new owner may not operate under the previous owner's license. Operating under another person's license is considered bootlegging and may result in suspension or revocation of that license and may disqualify the new owner from holding their own license.

Iowa Code section 123.38

Change of ownership

If the ownership of a licensed establishment is changed in some manner, the Division requires physical evidence that documents the change. Without proof of the change, new and renewal licenses cannot be issued. The following documents should be submitted to the Division or the local authority (city clerk or county auditor):

- **Corporations**: Minutes of corporate meetings reflecting resignation of the previous officers and directors and election of the new officers and directors, and copies of the transfer of shares of stock for the corporation.
- **Partnerships**: Dissolution of partnership or notarized affidavit from the partner leaving the partnership, or an amended trade name document.
- **Individuals:** Cancellation of the existing license by the previous licensee; or copy of the finalized sales contract, bill of sale or warranty deed; and/or copy of lease agreement.

When a change of ownership is due to divorce or death, a copy of the divorce decree or death certificate is required. (Divorce decrees will be returned to the applicant and will not be made a part of the new permanent licensing record.)

When new partners are added to partnerships, or new officers, directors or shareholders are added to corporations, the new partner, officer, director or shareholder must complete the ownership and conviction questions on an ownership update application. This provides

the local authority and the Division with the information necessary to determine if the new individuals meet licensing requirements.

Iowa Code section 123.39 and 185 Iowa Administrative Code

Additional License Privileges

Sunday sales privilege

Generally, licensees who want to sell or serve alcoholic beverages on Sundays must apply for a Sunday sales privilege. Only Class E liquor licenses, Class B wine permits, Class B native wine permits and Class C native wine permits automatically include a Sunday sales privilege. Class E liquor licensees who hold Class C beer privileges must obtain a Sunday sales privilege for Sunday beer sales.

The words "Sunday sales privilege" will be reflected at the bottom of the license. The Sunday sales privilege is not a stand-alone license. It only extends the number of days during the week on which the licensee may sell alcoholic beverages. The Sunday sales privilege expires with the license and must be renewed annually.

Sunday hours are from 8 AM on Sunday to 2 AM on the following Monday. Sunday hours for delivery of alcoholic beverages are from 8 AM to 10 PM. The same laws and regulations that govern the regular license govern the Sunday sales privilege.

Iowa Code sections 123.36, 123.46, 123.49 and 123.134

Brew pub privilege

Brew pubs and high alcoholic content brew pubs are licensed on-premises establishments that are licensed to manufacture beer and high alcoholic content beer. Beer brewed may be sold to patrons for consumption on the premises and to licensed wholesalers for resale. If the licensee wishes to sell brewed beer to go, they must first sell the brewed beer to an Iowa wholesaler and purchase it back for resale to go. Iowa law allows only Class C liquor licensees and Class B beer permittees to apply for and obtain a brew pub privilege.

The words "brew pub privilege" or "high alcoholic content brew pub" will be reflected at the bottom of the license. Neither privilege is a stand-alone license. The privilege expires with the license and must be renewed annually. A $5,000 surety bond is required as well as a brewer's permit from the Federal TTB. If a licensee holds both types of brew pub privileges, a separate $5,000 surety bond is required for each.

Iowa Code section 123.130

Catering privilege

Licensees wanting to cater with liquor, wine and beer as part of a food catering service may do so by obtaining a catering privilege. Catering privileges may be issued only to holders of annual Class B (hotel/motel) and Class C (restaurants, etc.) liquor licenses.

The catering privilege allows the licensee to act as the agent of a private social host for the purposes of providing and serving alcoholic beverages at private social gatherings that are held in a private place. The licensee must serve food with the alcoholic beverages. All food and alcoholic beverages must be served at no cost to the guests. Neither the licensee nor the social host may ask guests of the special gathering to make donations for payment of food or alcoholic beverages.

Examples of private social gatherings include parties held in private residences, wedding receptions held in churches and business parties held in unlicensed private business offices or buildings.

The words “catering privilege” will be reflected at the bottom of the license if the licensee has obtained a catering privilege. The catering privilege is not a stand-alone license. It expires with the license and must be renewed annually.

For the purposes of the catering privilege, a private place is one that meets all of the following requirements:

- The place is not a licensed establishment.
- The general public does not have access to the private social gathering.
- People attending the social gathering are limited to the social host and the host’s bona fide guests.
- Goods or services are not purchased or sold by or to the guests during the social gathering.
- Guests are not charged or responsible for payment of any fees, fares, ticket prices or donations to attend the gathering.
- The caterer does not pay rent or other charges for use of the place. (A private social host may rent a place for a private social gathering and is solely responsible for any rent or other charges for that place.)

Examples of private places include unlicensed private business offices, conference rooms, meeting halls, activity centers, community centers, church halls and other private buildings to which the general public does not have access.

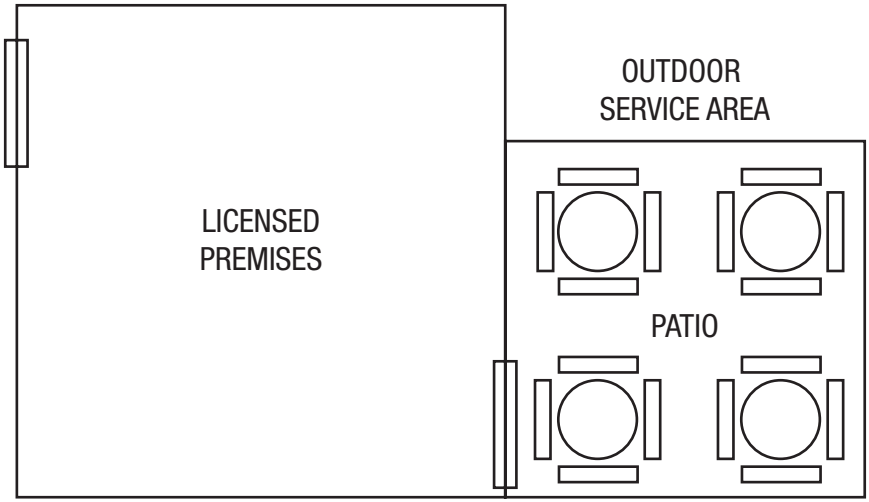
Iowa Code section 123.95 and 185 Iowa Administrative Code

Outdoor service areas: patios, beer gardens, etc.

Outdoor service areas are designated areas which are adjacent to a licensed premises. Outdoor service areas are considered extensions of existing licensed premises, however they are not automatically included as part of the licensed premises. Licensees may not sell or serve any alcoholic beverages in an outdoor area until they have met licensing requirements by filing the following documents with the local authority:

- Online application for outdoor service area.
- Sketch of the outdoor area clearly showing boundaries of the area and its relationship to the licensed premises.
- Online endorsement from the licensee's insurance company certifying that the dram shop liability insurance covers the outdoor service area.

The words "outdoor service area" will be reflected at the bottom of the license if the licensee has met all requirements for an outdoor service area. ("Outdoor service area" will not be reflected on the license if the outdoor area is to be used for less than a two-week period; a letter will be sent to the local authority.) Outdoor service areas are not stand-alone licenses. They expire with the license and must be renewed annually.



Note: The city council or county board of supervisors must approve or deny a licensee's application for outdoor service area. Denial of an outdoor service area can be appealed to the Division.

Iowa Code section 123.3 and 185 Iowa Administrative Code

License transfers

Although liquor, wine and beer licenses may not be transferred from one person to another, they may be transferred from one location to another.

Licenses may be transferred only within the boundaries of the approving local authority. If the license is approved by a county board of supervisors, the license may be transferred only within the unincorporated area of the same county – not to an incorporated city within that county. If the license is approved by a city council, the license may be transferred only within the same city – not to an unincorporated area of that county or to another incorporated city.

Licensees may transfer their license to another qualified premises by filing the following documents:

- Online application for transfer of liquor license, wine permit or beer permit.
- Sketch of the new location showing the bar, openings to other rooms, exits, restrooms, tables and seats, and storage area.
- Online endorsement from the licensee's insurance company certifying that the dram shop liability insurance is transferred to the new location for the same period that the license is transferred. (Endorsement is required only when dram shop liability insurance is required for the class of license that is transferred.)

The above documents must be approved by the local authority and Division before selling and dispensing alcoholic beverages in the new location. Licensees must limit the selling and serving of alcoholic beverages in the new location to the dates of transfer which have been approved by the local authority (city council or county board of supervisors). All selling and serving of alcoholic beverages must cease at the original location during the period of the transfer. Only those alcoholic beverages permitted by the license may be sold on the premises to which the license has been transferred.

Transfers may be temporary (24 hours to seven days) or permanent. If the transfer is permanent, the Division will issue an amended license reflecting the new address. If the transfer is temporary, a letter will be sent to the local authority issuing the transfer for the temporary dates.

Iowa Code section 123.38 and 185 Iowa Administrative Code

Living quarters permit

When living quarters are accessible from the inside of a licensed premises, the licensee must file for a "living quarters privilege" with the Division. The privilege separates the private living quarters from the licensed premises and protects the licensee (or resident) from warrantless searches in the private living quarters. Law enforcement officials must obtain a search warrant before they can search the area designated as the private living quarters.

Licensees may not store liquor, wine or beer for their alcoholic beverages business in the area of the building designated as the living quarters. All books and records with regard to the alcoholic beverages business must remain in the part of the building designated as the licensed premises – not the living quarters.

The words "living quarters" will be reflected at the bottom of the license if the licensee has filed for a living quarters privilege with the Division. Living quarters privileges are not stand-alone licenses; they expire with the license and must be renewed annually.

Iowa Code section 123.30 and 185 Iowa Administrative Code

Special event licenses

Qualified persons wanting to sell and dispense alcoholic beverages at a town celebration or some other special event must obtain a five-day license. Five-day licenses are valid for a period of five consecutive days. License applicants wanting to sell alcoholic beverages on a Sunday within the five-day period must also obtain a Sunday sales privilege.

Licensing requirements for five-day licenses are the same as the requirements for annual licenses of the same class; the only difference is the license is valid for a shorter period of time. Special event licenses may be issued for on-premises licenses only.

Note: License applicants also may apply for 14-day special event licenses and six-month or eight-month seasonal licenses. Licensing requirements for seasonal licenses are the same as the requirements for annual licenses of the same class. Seasonal licenses are not renewable. A two-month period must elapse before another six-month or eight-month seasonal license may be issued for the same premises.

Iowa Code section 123.34

Other Licenses Required

The alcoholic beverages industry is regulated by federal, state and local governments. In addition to the liquor, wine or beer license which is issued by the Iowa Alcoholic Beverages Division, licensees must also obtain:

- Sales Tax Permit (Department of Revenue), 1-800-367-3388 or 515-281-3114.
- Food service license (Department of Inspections and Appeals), 515-281-6538.
- Federal special occupational tax permit and federal basic wholesalers permit (TTB), 513-684-3337.

Note: Federal permits are required only for Class E liquor licensees who sell liquor to on-premises licensees.

Many local authorities (cities and counties) have additional licensing requirements. Check with the city clerk or county auditor to determine if there are additional licenses (dance permits, etc.) required.

SELF HELP REVIEW QUESTIONS

The following review is provided to measure licensees' knowledge of Iowa's alcoholic beverages laws and regulations. The questions are organized by subject matter. Please review all six sections and compare answers to those listed in the answer key on page 75. Licensees (their employees and agents) are encouraged to review sections of this manual in which answers they gave were incorrect to clarify their knowledge of the state's alcoholic beverages laws and regulations.

Section 1 – License information

True or False

1._____Information provided by applicants on their license applications serves as a starting point for local authority investigations.

2._____A pattern and practice of sales to intoxicated persons or operating a motor vehicle while intoxicated is grounds for a local authority to deny renewal of an alcoholic beverages license.

3._____It is not necessary to notify the local authority and the Division of a change of ownership until renewal time.

4._____If a licensee sells their licensed establishment, the new owner may use the existing license until it expires.

5._____A catering privilege allows licensees to sell alcoholic beverages to guests at wedding receptions and other special occasions which are held in private places.

6._____A Sunday sales privilege is required when a licensee wishes to sell alcoholic beverages on Sundays and the licensee does not hold a Class B wine permit or Class E liquor license.

7._____Brew pubs manufacture beer for consumption on the licensed premises.

8._____A licensed premises automatically includes the outdoor area that is adjacent to the licensed establishment.

9._____Outdoor service areas must be approved by the local authority.

10._____When a licensee transfers their license, they may sell alcoholic beverages in both the original location and in the location where the license is transferred during the same time period.

11._____Only those alcoholic beverages permitted by the license may be sold in the location where the license is transferred.

12._____When dram shop liability insurance is required, the dram shop policy must also cover any outdoor service areas or license transfers.

Answer key on page 75

13._____Special event five-day alcoholic beverages license requirements are the same as the licensing requirements for an annual license of the same class.
14._____Information requested on a license application is necessary for the local authority and the Division to determine whether the license applicant and the proposed premises meet licensing requirements.
15._____If an alcoholic beverages license is issued to a partnership or corporation, all partners, officers, directors and shareholders must meet licensing requirements.
16._____Living quarters permits must be completed by all license applicants.

Section 2 – Minors and identification information

True or False

1._____Alcoholic beverages may be sold to a person under the legal drinking age if the person is with a parent or guardian.
2._____Iowa's legal drinking age is 21.
3._____Administrative sanctions are automatic and shall be imposed if a licensee (their employees and agents) are convicted under Iowa Code section 123.49(2)(h) – selling or serving an alcoholic beverage to a person under 21.
4._____A licensee must sell an alcoholic beverage to a young looking person with an ID indicating an age of 22 even though the licensee believes the person is under the legal drinking age.
5._____Although Iowa law does not govern acceptable forms of identification, the most reliable form includes a person's photo and birth date.
6._____False identification may be confiscated only by law enforcement officials.
7._____Raised edges, bumpy surfaces and irregular lamination are signs of an altered or fake ID.

Section 3 – Laws and hours of sale

True or False

1._____Local authorities may adopt ordinances which prohibit minors from being in licensed establishments.
2._____Employees must be at least 16 years old to sell alcoholic beverages for consumption off the premises.

Answer key on page 75

3._____A 16-year-old may sell and serve alcoholic beverages in an on-premises licensed establishment if that person is a relative of the license holder.
4._____It is not necessary to display the alcoholic beverages license.
5._____Business records must be maintained on the licensed premises and must be available for inspection by law enforcement and Division officials during business hours.
6._____Licensees may not be held responsible for the acts of their employees and agents while they are working for them.
7._____Business hours include any time that licensees, their employees, agents or patrons are in the licensed establishment.
8._____The legal hours of sale for alcoholic beverages are from 6 AM to 2 AM, Sunday – Saturday.
9._____Licensees and their employees may not consume alcoholic beverages in the licensed establishment while working during cleanup between the hours of 2 AM and 6 AM.
10._____Going to Daylight Savings Time in the spring does not affect the hours of sale.

Section 4 – Trafficking of alcoholic beverages

True or False

1._____If a licensee runs out of a particular brand of beer and their beer distributor is not scheduled to make a delivery until the next day, the licensee may purchase enough beer from a local grocery or convenience store to last the rest of the evening.
2._____Liquor, wine and beer may be transferred from one licensed premises to another as long as the same person (partnership, corporation) owns all of the premises.
3._____Class E liquor licensees with Class B wine privileges may sell not more than one case of wine per brand, per day to on-premises licensees.
4._____Alcoholic beverages may be sold from a vending machine.
5._____Liquor bottles bear an “Iowa” marker as proof that the liquor is lawfully purchased in Iowa.
6._____Selling alcoholic beverages without a license is bootlegging.
7._____“Iowa” markers may be incorporated into the main front label on liquor bottles or may be stickers affixed to the front of the liquor bottles.

Answer key on page 75

8._____Whenever liquor, wine and beer are sold or their cost is recovered in any manner, a license is required.
9._____Licensees may not purchase liquor, wine or beer in another state for resale in Iowa-licensed establishments.
10._____Alcoholic beverages in original unopened containers may be delivered to persons of legal drinking age who request that delivery.

Section 5 – Miscellaneous laws

True or False

1._____Patrons may run a tab while they are drinking in the licensed establishment as long as the tab is fully paid before they leave.
2._____Refilling liquor and wine bottles is prohibited and may result in revocation of the alcoholic beverages license.
3._____Alcoholic beverages licenses may be suspended or revoked, or a civil penalty may be imposed, if a licensee (their employees or agents) knowingly allows or participates in illegal activity on the licensed premises.
4._____Licensees do not need a social gambling license for their patrons to conduct sports betting pools in the licensed establishment if the licensee and employees do not participate in the pool.
5._____Beer and wine may be consumed on unlicensed premises, but liquor may be consumed only on licensed premises.
6._____All licensed establishments must be closed during the hours that alcoholic beverages cannot be sold or served.
7._____Licensees (their employees and agents) may not consume alcoholic beverages while they are working.
8._____Under Iowa law, a person age 21 years old or older with a blood alcohol concentration (BAC) of .08 or higher is legally intoxicated.
9._____Licensees may sell and serve an alcoholic beverage to an intoxicated person as long as the intoxicated person doesn't drive home.
10._____Licensees should refuse service to a customer with slurred speech and dilated pupils who staggers into their licensed establishment and orders a six-pack of beer to go.
11._____The laws and regulations governing alcoholic beverages do not apply to non-alcoholic (NA) beer.
12._____A person who is under the legal drinking age may not consume non-alcoholic beer.
13._____Licensees may hang a banner bearing the brand name of a specific beer in an open area on the outside of their licensed premises.

Answer key on page 75

Section 6 – Administrative sanctions and penalties

True or False

1._____Administrative sanctions include license suspensions, license revocations and civil penalties.

2._____Both the local authority and the Iowa Alcoholic Beverages Division may impose administrative sanctions against alcoholic beverages licenses.

3._____Suspension of an alcoholic beverages license affects only the selling, serving, consuming and giving away of alcoholic beverages.

4._____Both an administrative sanction and a criminal conviction may be imposed for the same alcoholic beverages violation.

5._____A felony conviction automatically disqualifies a person from holding an alcoholic beverages license, unless the felony conviction is more than five years old and the person's citizenship rights have been restored.

6._____If a licensee's dram shop liability insurance is cancelled, they may continue to sell and serve alcoholic beverages while they obtain reinstatement of their existing policy or get coverage through another company.

Answer key on page 75

GLOSSARY

ABV – Alcohol by volume.
Administrator – Director of the Iowa Alcoholic Beverages Division.
Alcoholic Beverage – Any beverage containing more than 0.5 percent alcohol by volume including alcoholic liquor, wine and beer.
Alcoholic Beverages Division – Agency of Iowa government that administers the laws of the state concerning liquor, wine and beer. Examples of the Division's functions include issuance of licenses to qualified applicants, regulation of the alcoholic beverages industry and sole wholesaler of the liquor in the state.
Alcoholic Content – Amount of alcohol contained in a beverage. Alcoholic content is measured in three different ways: volume, weight and proof.
Alcoholic Liquor – Beverages and varieties of liquor that contain more than five percent of alcohol by weight, but are not wine or high alcoholic content beer. Includes all beverages containing more than 17 percent alcohol by weight or 21.25 percent alcohol by volume, susceptible of being consumed by a human being, for beverage purposes. Also includes every other liquid or solid, patented or not, containing spirits.
Beer – Any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight but not including mixed drinks or cocktails mixed on the premises. See also "High Alcoholic Content Beer."
Beer Garden – See "Outdoor Service Area."
Brewer – Any person who manufactures beer for the purpose of sale, barter, exchange or transportation.
Business Hours – Hours during which licensees (their employees and agents) and patrons are in a licensed establishment.
Club – Non-profit corporation or association where pre-payment of regular dues is required for membership.
Commercial Establishment – Place of business which meets all licensing requirements for consumption of liquor, wine and beer on the licensed premises.

Distiller – Manufacturer and importer of liquor, intoxicating liquor and spirits.
Division – Iowa Alcoholic Beverages Division.
Financial Standing – Standard considered by local authorities when approving or denying liquor, wine and beer licenses. Examples include verified sources of financial support and adequate operating capital, records of prompt payment of state and local taxes, fees and charges for municipal utilities and services, etc.
Good Reputation – Standard considered by local authorities when approving or denying liquor, wine and beer licenses. Examples include pattern and practice of disregard for the law, convictions for sales to intoxicated persons, operating a motor vehicle while under the influence of alcohol or drugs, etc.
High Alcoholic Content Beer – Beer which contains more than five percent of alcohol by weight, but not more than 12 percent of alcohol by weight, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than 1.5 percent of the volume of a "high alcoholic content beer" may consist of alcohol derived from added flavors and other non-beverage ingredients containing alcohol. The added flavors and other non-beverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng and taurine.
Identifying Marker – "Iowa 5¢ Refund" marker.
Intoxicating Liquor – See "Alcoholic Liquor."
Legal Drinking Age – 21 years of age.
License – Written authorization issued by the Iowa Alcoholic Beverages Division to qualified applicants, as well as the premises, for the selling and dispensing of liquor, wine or beer.
Licensed Establishment – See "Licensed Premises."
Licensed Premises – Rooms, enclosures and adjacent outdoor areas where alcoholic beverages are sold or consumed under authority of a liquor license, beer permit or wine permit.
Liquor – See "Alcoholic Liquor."
Living Quarters – Private living area for which the Division has issued a living quarters permit.
Local Authority – City council or county board of supervisors. Local authorities approve or deny applications for liquor, wine and beer licenses and impose civil penalties, suspend licenses and revoke licenses for violations of the laws and rules governing those licenses.

Manufacturer – A person who distills, rectifies, ferments, brews, makes, mixes, concocts or processes any substance capable of producing a beverage containing more than 0.5 percent alcohol by volume and includes blending, bottling or the preparation for sale.
Off-Premises Licenses – Type of licenses that allows the sale of liquor, wine and beer in original unopened containers (bottles, kegs, etc.) for consumption off the licensed premises.
On-Premises Licenses – Type of licenses that allows the sale and service of liquor, wine or beer by the glass for consumption on the licensed premises.
Outdoor Service Area – Designated area where, after meeting certain licensing requirements, the licensee may lawfully sell and dispense the same types of alcoholic beverages allowed by the license covering the establishment.
Permit – See "License."
Person – Individual, partnership, corporation, association, club, hotel, motel or municipality, which may apply for and obtain a liquor, wine or beer license.
Premises – See "Licensed Premises."
Public Place – Location where the public has access or is permitted to access.
Retailer – Person (partnership, corporation, etc.) who sells liquor, wine or beer at retail for consumption on or off the premises.
Spirits – Any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, but not limited to, brandy, rum, whisky and gin.
Stay – Temporary suspension of the agency's final action.
Transfer – Moving a liquor, wine or beer license from one location to another. Transfers of licenses may occur only within the same jurisdiction of the approving local authority and may be temporary or permanent.
Vintner – Manufacturer and importer of wine.
Wholesaler – Person (partnership, corporation, etc.) who sells wine or beer at wholesale. Wholesalers may sell only to retailers.
Wine – Any beverage containing more than five percent of alcohol by weight but not more than 17 percent of alcohol by weight (21.25 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.
Wine Cooler – See "Beer."

APPENDICES

Historical Highlights

The following are highlights of Iowa's liquor control system:

Jan. 20, 1920 - Volstead Act (National prohibition) becomes effective following ratification of the 18th Amendment by the states. (18th Amendment prohibited the "manufacture, sale, or transportation of intoxicating liquor.")

Feb. 20, 1933 - U.S. Congress repeals the 18th Amendment and the Volstead Act by approving the 21st Repeal Amendment. Iowa votes in favor of repeal of the 18th Amendment at its ratification convention on July 10, 1933.

March 8, 1934 - Iowa becomes one of the original "control" or "monopoly" states and assumes direct control over the wholesale and retail distribution of all alcoholic beverages except beer.

June 19, 1934 - Iowa's first retail liquor stores are opened in Des Moines, Marshalltown, Mason City, Atlantic and Oelwein.

July 4, 1963 - The Class C liquor license is created allowing the sale of alcoholic beverages by the drink for on-premises consumption.

Also effective on this date: Dram shop liability insurance becomes a precondition to the issuance of on-premises licenses and permits.

Jan. 1, 1972 - Reorganization legislation makes several changes including:

- Liquor statutes are streamlined from 12 separate chapters in the Iowa Code to one comprehensive chapter known as the "Iowa Beer and Liquor Control Act."
- The Iowa Beer and Liquor Control Department, consisting of a five-member, part-time council and one full-time director, replaces Iowa Liquor Commission, and is empowered to regulate the beer industry.

July 1, 1973 - Qualifying license and permit holders are allowed to sell alcoholic beverages on Sundays by obtaining a Sunday sales privilege.

May 1, 1979 - Under a bottle deposit law, the department begins collecting a 5¢ deposit on each bottle of liquor and wine sold to the general public.

July 1, 1985 - Iowa's wine monopoly is ended and a dual system of wine is created with the issuance of new wholesale and retail wine permits to qualified applicants.

July 1, 1986 -

- Beer and Liquor Control Department is replaced by Iowa Alcoholic Beverages Division.
- Iowa Alcoholic Beverages Division is designated as the sole wholesaler of all alcoholic liquor sold in the state. Wholesale wine sales are placed entirely in the private sector.

Also effective on this date: Iowa's legal drinking age is raised to 21 years. Previous legal drinking ages were:

- 19 (July 1, 1978 to July 1, 1986)*
- 18 (July 1, 1973 to July 1, 1978)
- 19 (July 1, 1972 to July 1, 1973)
- 21 (prior to July 1, 1972)

*Did not apply to persons born on or before June 30, 1960.

March 1, 1987 - 221 state retail liquor stores close as 256 licensed private liquor outlets are established in their market areas. During a four-month transition period, state stores continue to close as private outlets are established.

July 1, 1989 - A new Class A beer (brew pub) permit is created to allow holders of Class C liquor licenses and Class B beer permits to manufacture beer in their establishments for on-premises consumption.

July 1, 1990 - New five-day Class C and special Class C liquor licenses and Class B beer permits are created for festivals, fairs and celebrations "sponsored or authorized" by a local authority.

July 1, 1992 - Sunday hours of sale lengthened. New Sunday hours are from 8 AM to 2 AM on the following Monday.

May 5, 2000 - Funding and authority for tobacco enforcement is appropriated and transferred to the Iowa Alcoholic Beverages Division. Under the authority granted by the Legislature, the Division creates the Iowa Pledge Tobacco Education and Enforcement Program.

May 2005 - The Division topped $1 billion in transfers to the general fund. Reorganized on July 1, 1987, when the state became the exclusive wholesaler of distilled spirits, the Division generated that revenue contribution in a span of less than 18 years.

July 1, 2008 - The Iowa Smokefree Air Act took effect, banning smoking in most public places, including bars and restaurants.

June 30, 2009 - The Division transferred over $100 million to the general fund in a single fiscal year for the first time.

March 2010 -

- Class A micro-distilled spirits permit created, allowing Iowa micro-distilleries to sell their products for off-premises consumption without circumventing the three-tier system.
- High alcoholic content beer defined as beer which contains more than five percent of alcohol by weight, but not more than 12 percent of alcohol by weight. It also created Class AA and Special Class AA permits, which allow the holders to manufacture and/or distribute high alcoholic content beer.
- Iowa wine laws changed from reciprocity to direct shipment. Wineries may now ship to Iowa consumers, subject to obtaining an Iowa license and remitting wine gallonage taxes to the state.

July 1, 2011 -

- The delivery of alcoholic beverages by licensees and permittees is codified.
- ABD is authorized to develop and implement a statewide employee alcohol compliance training program.
- The prohibition on the sale of liquor where gasoline is sold is repealed.

Alcoholic Beverages License Classifications

The Division issues several classes of alcoholic beverages licenses with different privileges. License types are indicted by abbreviations such as LA, LB, LC, BB, BC, etc. Additional privileges such as Sunday sales, outdoor service, catering, etc. are notated at the bottom of the license.

Licenses are issued to a specific individual or entity (partnership, corporation or association) doing business at a specific address. One person may not operate under another person's license.

Following is a listing of the retail alcoholic beverages licenses which are issued by the Division.

On-premises licenses

Classification	License/Permit Privileges
Class A Liquor License (LA)	Allows non-profit clubs (members and guests only) to sell liquor, wine, beer and wine coolers for on-premises consumption only. No carry-out sales. Sales are restricted to members and guests.
Class B Liquor License (LB)	Allows hotels and motels to sell liquor, wine, beer and wine coolers for on-premises consumption including room service. Allows carry-out sales of beer and wine coolers in original unopened containers.
Class C Liquor License (LC)	Allows commercial establishments (taverns, bars, restaurants, etc) to sell liquor, wine, beer and wine coolers for on-premises consumption. Allows carry-out sales of beer and wine coolers in original unopened containers.
Special Class C Liquor License (BW)	Allows commercial establishments (taverns, bars, restaurants, etc.) to sell wine, beer and wine coolers for on-premises consumption. Allows carry-out sales of beer and wine coolers in original unopened containers.
Class C Native Wine (WCN)	Allows commercial establishments (taverns, bars, restaurants, etc.) to sell Iowa native wine for on-premises consumption. Allows carry-out sales of Iowa native wine in original unopened containers. Sunday sales are included.

(Continued next page)

On-premises licenses (continued)

Classification	License/Permit Privileges
Class B Beer Permit (BB)	Allows commercial establishments (taverns, bars, restaurants, etc.) to sell beer for on-premises consumption. Allows carry-out sales of beer and wine coolers in original unopened containers.
Class D Liquor License (LD)	Allows railroads, air common carriers and passenger-carrying boats or ships operating in inland or boundary waters to sell liquor, wine, beer and wine coolers for on-premises consumption only. No carry-out sales.

Note: In addition to 12-month licenses, 5-day, 14-day, 6-month and 8-month licenses are available for all on-premises license/permits.

Off-premises licenses

Classification	License/Permit Privileges
Class B Wine Permit (WB)	Allows commercial establishments (grocery stores, convenience stores, pharmacies, etc.) to sell wine for off-premises consumption in original unopened containers. No sales by the drink. Tastings are permitted of one ounce or less providing there is no charge for the tasting. Sunday sales are included.
Class B Native Wine Permit (WBN)	Allows commercial establishments (grocery stores, convenience stores, pharmacies, etc.) to sell Iowa made wine for off-premises consumption in original unopened containers. No sales by the drink. Tastings are permitted of one ounce or less providing there is no charge for the tasting. Sunday sales are included.
Class C Beer Permit (BC)	Allows commercial establishments (grocery stores, convenience stores, pharmacies, etc.) to sell beer and wine coolers for off-premises consumption in original unopened containers. No sales by the drink.
Class E Liquor License (LE)	Allows commercial establishments (grocery stores, liquor stores, convenience stores, pharmacies, etc.) to sell liquor for off-premises consumption in original unopened containers. No sales by the drink. Sunday sales are included. Allows wholesale sales to on-premises Class A, B, C and D liquor licensees if Class E obtains a Federal Wholesale Permit.

(Continued next page)

Off-premises licenses (continued)

Classification	License/Permit Privileges
Charity Beer & Wine Auction Permit (CP)	Allows an authorized non-profit entity to auction beer and wine during an event which raises funds solely to be used for educational, religious or charitable purposes. Contact the Division for additional information.

Note: 6-month and 8-month permits are available for Class B wine permits. Only 12-month licenses/permits may be issued for Class E liquor licenses and Class C beer permits.

Additional privileges for retail licenses and permits

PRIVILEGE	ACTIVITY ALLOWED	MAY ADD TO
Sunday Sales	Allows selling and serving alcoholic beverages permitted by the license or permit on Sundays.	Class A, B, C, D and Special class C liquor licenses; Class B and C beer permits
Outdoor Service	Allows selling and/or serving alcoholic beverages permitted by the license or permit in the designated adjacent outdoor area.	Class A, B, C, E and Special Class C liquor licenses; Class B and C beer permits; Class B wine permits; Class B and C native wine permits
Catering	Allows catering of liquor, wine, beer and wine coolers as part of a food catering service. No sales by the glass.	12-month Class B and C liquor licenses
Brew Pub/ High Alcoholic Content Beer Brew Pub*	Allows brewing of beer or high alcoholic content beer on the premises for on-premises consumption.	Class C liquor licenses; Class B beer permits
Living Quarters	Separate private living quarters from the licensed premises; protects licensee from warrantless searches of living quarters.	All license types

Note: When privileges are added after the license effective date, fees are prorated. *Brew pub and high alcoholic brew pub are separate privileges.

Important Contact Information

Iowa Alcoholic Beverages Division 1-866-469-2223
1918 SE Hulsizer Road
Ankeny, IA 50021
Licensing & Regulation..... 515-281-7400, Option 1
https://abd.iowa.gov/ (fax) 515-281-7375
email: licensing@IowaABD.com

Local Authority

City Clerk or County Auditor _____
(fill in)

City or County Attorney _____
(fill in)

Police or Sheriff's Office _____
(fill in)

State Contacts

Department of Revenue & Finance 515-281-3114
Sales tax permits..... 1-800-367-3388
Hoover State Office Building
1305 E. Walnut
Des Moines, IA 50319
www.Iowa.gov/tax

Lottery Licenses..... 515-281-7900
2015 Grand Avenue
Des Moines, IA 50312
www.IALottery.com

Department of Inspections and Appeals
Lucas State Office Building
321 E 12th Street
Des Moines, IA 50319
Food establishment & food service licenses..... 515-281-6538
Social gambling licenses..... 515-281-6848
www.DIA.Iowa.gov

Federal Contacts

Alcohol and Tobacco Tax and Trade Bureau (TTB). 866-927-2533
1310 G Street, NW., Box 12
Washington, DC 20005
www.TTB.gov

Alcohol, Tobacco & Firearms..... 430-268-0986
1 South 450 Summit, Suite 225
Oakbrook Terrace, Illinois 60181
www.ATF.gov

Alcohol, Tobacco & Firearms..... 515-362-4001
210 Walnut Street Room 707
Des Moines, IA 50309-2106

Federal Occupational Tax Permit 513-684-2979

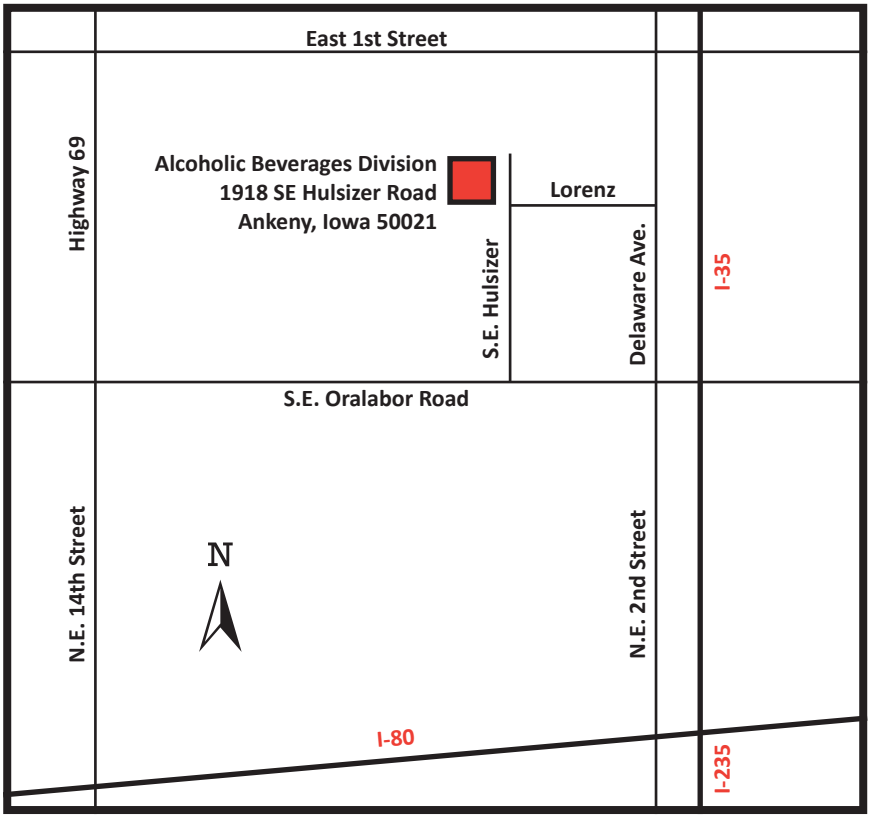
Federal Basic Wholesalers' Permit..... 513-684-3337

Iowa Alcoholic Beverages Division Map

To travel to the Iowa Alcoholic Beverages Division to testify at a hearing, attend a meeting or pick up a will-call order, use this map.

The Division's street address is:

Iowa Department of Commerce
Alcoholic Beverages Division
1918 SE Hulsizer Road
Ankeny, IA 50021



SELF HELP REVIEW ANSWERS

Section 1 – License information

1. True
2. True
3. False
4. False
5. False
6. True
7. True
8. False
9. True
10. False
11. True
12. True
13. True
14. True
15. True
16. False

Section 2 – Minors and identification information

1. False
2. True
3. True
4. False
5. True
6. False
7. True

Section 3 – Laws and hours of sale

1. True
2. True
3. False
4. False
5. True
6. False
7. True
8. False
9. True
10. True

Section 4 – Trafficking of alcoholic beverages

1. False
2. False
3. True
4. False
5. True
6. True
7. True
8. True
9. True
10. True

Section 5 – Miscellaneous laws

1. True
2. True
3. True
4. False
5. True
6. False
7. False
8. True
9. False
10. True
11. True
12. False
13. False

Section 6 – Administrative sanctions and penalties

1. True
2. True
3. True
4. True
5. True
6. False

INDEX

A

additional license privileges 52
administrative hearing 10, 23, 36, 40-42
administrative sanctions 10, 36, 37, 40, 41, 43-46
advertising 32, 36
after hours 37
ages to sell, serve and deliver 20-23, 86
age to be in licensed establishments 9
Alcohol and Tobacco Tax and Trade Bureau 57, 73
alcohol by volume 16, 35, 63, 86
alcoholic beverage 33, 63
alcoholic beverages equivalencies 16, 17
alcoholic beverages license classifications 69-71
alcoholic content 15, 16, 35, 63, 86
alcoholic liquor 63
Alcohol, Tobacco & Firearms 73
appeal hearings 40, 43-47
appeal of local authority actions 43, 47
appendices 66
applicant requirements 49
attempt to destroy evidence 27

B

Baccarat 24
Backgammon 24
background investigations 49
bars 14, 20, 29, 31, 69, 70
beer 14-17, 19-23, 26, 28-35, 52-57, 63, 64, 69-71
Blackjack 24
blood alcohol concentration 15-17
bootlegging 32, 36, 51
brewer 63
Brew pub privilege 52, 71
Bridge 24
business hours 19, 27, 63
business records 24, 27
buying alcoholic beverages for resale 28, 86

C

Call a Cab programs 85
capacity limits 26
card and parlor games 24
casino-style games 24
catering 53, 71
change of ownership 38, 51, 52
Checkers 24
Chemin de fer 24
Chess 24
Chuck-a-Luck 24
civil liability 15, 36, 39
civil penalties 10, 11, 18, 20, 37, 40, 42-45
club 63
commercial establishment 63
compensation for injured parties 39
confiscating identification 12
consumer importation limits 31, 32
contact numbers 57, 72, 73
contested case hearing 40-43
convenience stores 14, 20, 28, 31, 70
corkage fee 26
corporations 51
Craps 24
credit sales 17, 18
Cribbage 24
criminal activity 18
criminal charges 9, 10, 36
criminal conviction 10, 36-38
criminal penalties 9, 10, 15, 36, 37
criminal penalties for minors 10
criminal penalties for sale-to-minor violations 9

D

Darts 24
Daylight Savings Time 19
delivery 11, 20-23, 52
Department of Inspections and Appeals 27, 57, 72
Department of Public Safety 27
Department of Revenue & Finance 57, 72
designated drivers 85
display of licenses 24
disposing of inventory when going out of business 31
distiller 64
Dominoes 24
dram shop liability insurance 36, 39, 55
driver's license 11-14, 21

E

effect of license revocation 38, 39
effect of license suspension 38
employees and agents – licensee's responsibility 20
Equality 24
equivalencies 17, 86
Euchre 24
evidentiary appeal hearing 44
evidentiary contested case hearing 42
export 32

F

failure to maintain dram shop liability insurance 39
family members 9, 19, 21, 26
Faro 24
Federal Basic Wholesalers' Permit 57, 73
Federal Occupational Tax Permit 73
felony 37, 49, 50
felony conviction 36-38, 49, 50
final decision 42-45
financial standing 50, 64
fire code 26

G

gambling 18, 24, 25
games 18, 24
Gin Rummy 24
glossary 63
going out of business 31, 49
good reputation 50, 64
Governor's Traffic Safety Bureau 85
grocery stores 14, 20-22, 28, 29, 31, 70

H

Hearts 24
helpful hints for checking identification 14
high alcoholic content beer 34, 52, 64, 71
historical highlights 66
home delivery of alcoholic beverages 20-23, 52
hotels 14, 18, 29, 31, 69
hours and alcoholic beverages 19, 20
hours of sale 19, 20, 22, 23, 26, 27, 33

I

I-ALERT 2
identification 11-14, 21-23
identifying marker 29, 30, 64
illegal or criminal activity 18
import 31, 32
important contact numbers 57, 72, 73
intoxicating liquor 33, 64
intoxication 14-17, 23
Iowa Alcoholic Beverage Control Act 6, 7
Iowa driver's licenses and non-driver's IDs 13, 86

Iowa Pledge Online Certification Program 2, 13, 14
Iowa Program for Alcohol Compliance Training 2, 11, 12
I-PACT 2, 11, 12

K

Keg registration 21
kegs 21, 31
Klondike 24

L

laws important to operating the business 20, 21
legal drinking age 9, 10, 35, 64
license classifications 69-71
licensed establishment 64
licensed premises 18-20, 22, 24-27, 29, 30, 32, 33, 38, 50, 54, 56, 64
licensed versus unlicensed premises and alcoholic beverages 25
license information 48-57, 69-71
license suspension and revocation 38, 39
license transfers 55
licensing requirements 49, 50
liquor stores 14, 20, 22, 23, 28-31, 70
living quarters 27, 48, 56, 64, 71
local authority 23, 37, 43, 47-49, 57, 64
local authority actions 43-47
local ordinances 18, 21, 23, 26, 37, 50
lottery 18, 72

M

manufacturer 65
map 74
measuring alcoholic content 35
minors 9-14, 21
minors and alcoholic beverages 9, 10
misrepresenting age 12
motels 14, 18, 29, 31, 69

N

NA beer 35
NASCAR brackets 25
NCAA basketball tournament brackets 25
New Year's Eve 19, 20
non-alcoholic beer 35
non-renewals and going out of business 49
notes 80-82

O

off-premises licenses 11, 14, 20, 28, 31, 57, 65, 70, 71
on-premises licenses 14, 20, 29, 31, 57, 65, 69, 70
other licenses required 57
outdoor service area 25, 32, 33, 48, 54, 65, 71
ownership information 38, 39, 51, 52
ownership update 51, 52

P

partnerships 51
penalties 9-10, 15, 23, 36-40, 43
permit 65
petition for judicial review 43, 45
Pinochle 24
Pitch 24
Poker 24
pool table games 24
premises 65
premises inspections 27
premises requirements 50
private business offices 27, 53
private records 27
product information 33-35
prohibited hours 26

promoting alcoholic beverages 32, 33
proposed decision 40-42, 44-47
public place 65
Pull-tab 24
Punchboard 24
Pushcard 24

Q

quick reference page 86

R

raffles 18, 24
record keeping requirements 24
refilling 18
renewing the license 48, 49
request for review 41, 42, 44, 46, 47
restaurants 14, 20, 26, 29, 31, 53, 69, 70
retailer 65
revocation 10, 15, 18, 20, 26, 27, 37-41, 43-47, 51
Roulette 24

S

sales to intoxicated persons 14, 15, 50
sale-to-minor 9-12, 38
search warrant 27, 56
self help review answers 75
self help review questions 58-62
serving sizes 15, 16
settlement agreements 41, 43, 46, 47
signs 32, 33
slot machines 24
social gambling 24, 25
social gambling license 24, 25
special event licenses 48, 56
sports betting pool 25
spouse 39, 50
stay 43, 45, 65
storage of alcoholic beverages 30
Sunday sales privilege 19, 20, 22, 52, 56, 71
suspension 10, 15, 18, 20, 23, 25-27, 37, 38-40, 43-45, 51, 64, 65

T

Table of Contents 4, 5
tabs 17, 18
tasting 33
Three-Card Monte 24
three-tier system 28, 29, 86
trafficking of alcoholic beverages 28-32
transfer 65
transfer of alcoholic beverages 29
TTB 52, 57, 73

U

unlicensed premises 25-27, 29, 30, 32, 33, 53, 54, 56
use of licensed premises during prohibited hours of sale 26

V

vending machine 30
verifying a person's age 11, 12
vintner 65
visible signs of intoxication 17

W

wholesaler 28, 29, 31, 52, 57, 65, 73
wine 15-17, 19, 20, 22, 23, 26, 28-35, 53, 65, 69-71
wine coolers 28, 29, 31, 65, 69-71

NOTES

NOTES

NOTES

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The Iowa Governor's Traffic Safety Bureau and the Iowa Alcoholic Beverages Division invite you to join them in promoting traffic safety.

In 2015, nearly 32 percent of traffic fatalities in Iowa were attributed to drivers impaired on alcohol or other drugs.

Impaired driving crashes are preventable. Great concepts such as Designated Drivers and Call a Cab programs are innovative approaches to helping solve this nationwide tragedy. However, the best defense against a drunk driver is to always buckle up. Also remember that it is illegal to text while driving.

Please aid in our quest to protect all Iowans from impaired drivers all year long.

More information such as printed materials and DVDs are available. Visit IowaGTSB.org or these other impaired driving information websites: NHTSA.gov, StopDruggedDriving.org and TrafficSafetyMarketing.gov.

Holiday planners are also available at StopImpairedDriving.org

QUICK REFERENCES

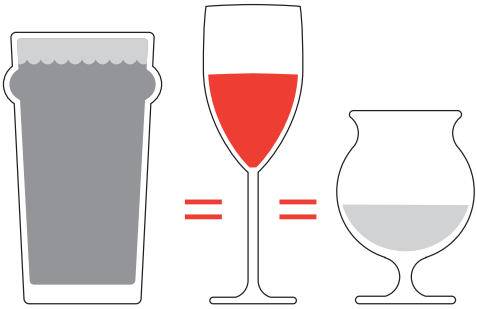
MANUFACTURER
Distiller
Vintner • Brewer

→

WHOLESALER
Spirits
Wine • Beer

→

RETAILER
On-Premises
Off-Premises



12 ounces
5% ABV beer

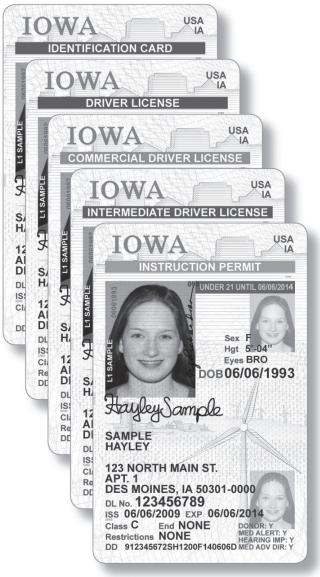
5 ounces
12% ABV wine

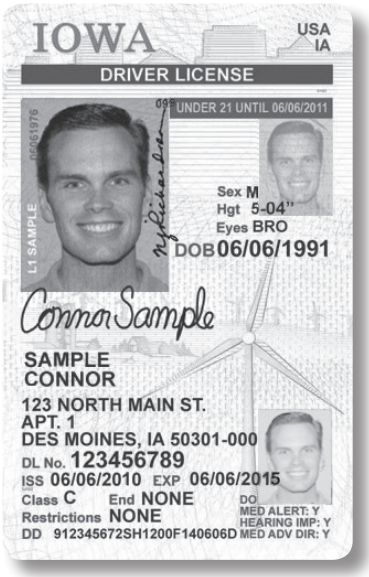
1.5 ounces
80 proof liquor

16 YEARS OF AGE — **TO SELL** for off-premises consumption and to deliver to retailers

18 YEARS OF AGE — **TO SERVE** for on-premises consumption

21 YEARS OF AGE — **TO DELIVER** to consumers





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This manual provides information for a general understanding of the laws and regulations governing alcoholic beverages licenses and permits. This manual is not intended to serve as a precise statement of the Iowa Alcoholic Beverage Control Act, the Division's administrative rules or other statues. For further information, please refer to Iowa Code chapter 123 and 185 Iowa Administrative Code, contact the Division, or consult with your legal counsel to ensure content accuracy, effectiveness and compliance with the law.

FUNDING PROVIDED BY:

EST. 1938
NABCA
NATIONAL ALCOHOL BEVERAGE
CONTROL ASSOCIATION