



IOWA ALCOHOLIC BEVERAGES COMMISSION

June 23, 2020

AGENDA
IOWA ALCOHOLIC BEVERAGES COMMISSION TELEMETING

Iowa Alcoholic Beverages Division
June 23, 2020 – 1:00 PM – 3:00 PM

<https://global.gotomeeting.com/join/166643381>

You can also dial in using your phone.
United States: +1 (571) 317-3117
Access Code: 166-643-381

Call to Order.....Chairperson Pauli

- I. Introductions/Opening Remarks
- II. Approval of Agenda - **ACTION ITEM**
- III. Approval of Minutes - **ACTION ITEM**
 - May 14, 2020

Administrator’s Report.....Administrator Larson

- IV. Business Operations Report – Herbert Sutton, Bureau Chief Business Operations and Leisa Bertram, Comptroller
 - Financials
 - Price Floor Review
- V. 2020 Legislative Session
 - Tobacco Legislation Senate File 2268
 - House File 2540
 - FY21 Budget Highlights
- VI. Administrative Rules
 - House File 2540
 - Chapter 9 Personal Importation of Alcohol

Public Comment.....Chairperson Pauli

Old Business.....Chairperson Pauli

New Business.....Chairperson Pauli

- Election of Officers

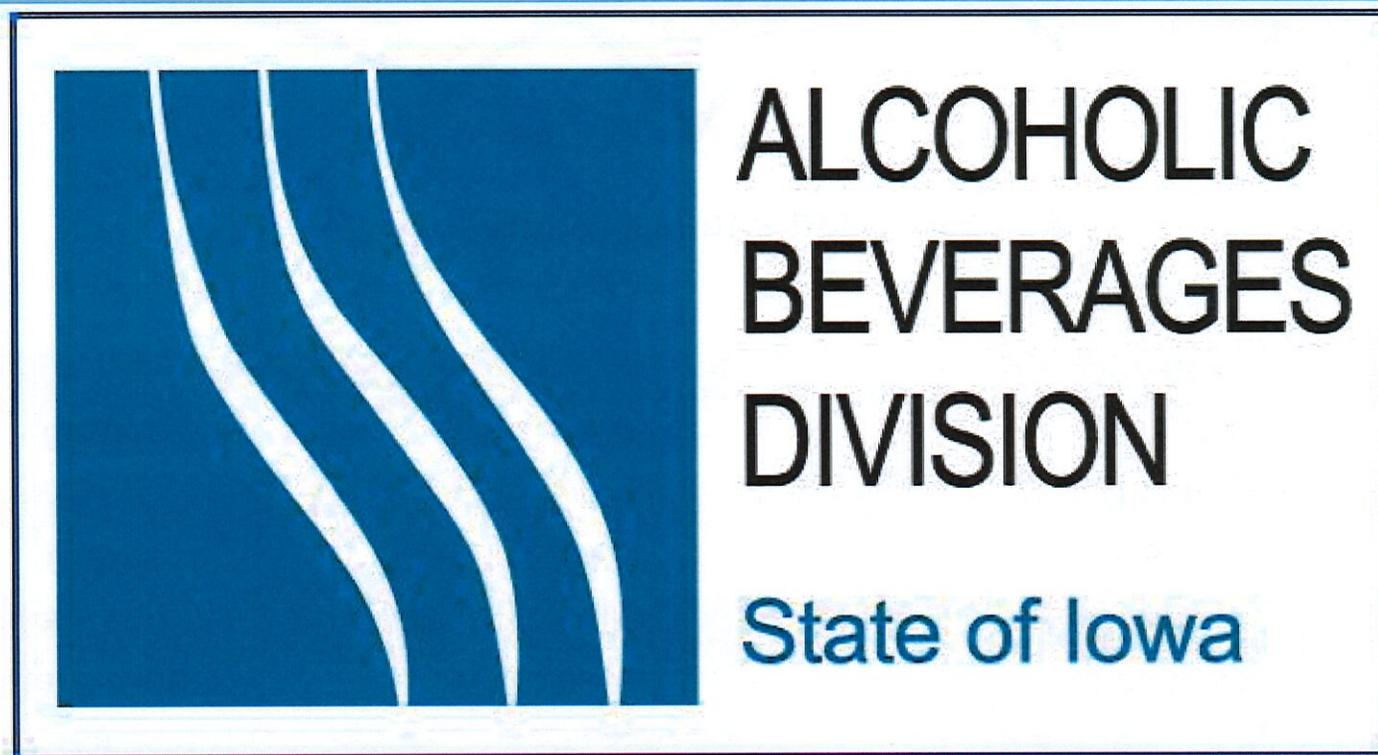
Executive Session..... Administrator Larson

Next Meeting Date.....Chairperson Pauli

- Future meeting dates
August 4, 2020
Tentative - November 19, 2020

Adjournment.....Chairperson Pauli

NOTE: Committee and Board agendas may be amended any time up to 24 hours before the meetings. Agenda items may be considered out of order at the discretion of the chair. Meetings will not convene earlier than stated above. If you require accommodations to participate in this public meeting, call 515.281.7407 or TTY at (toll-free) 866.IowaABD to make your request. Please notify ABD at least 48 hours in advance.

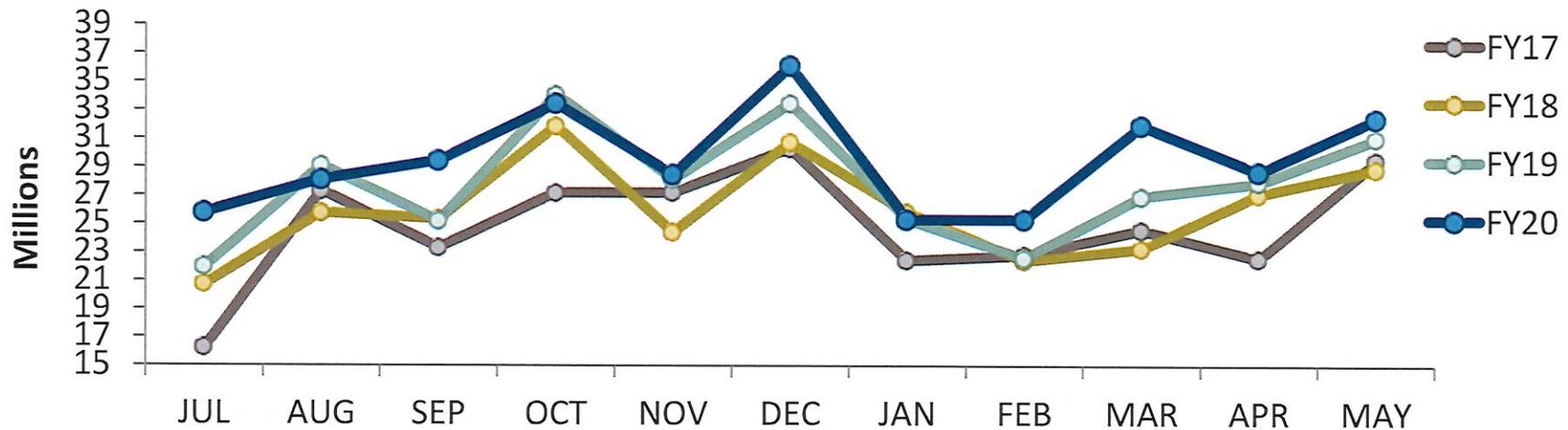


Financial Management Update
06/23/2020

FY20 Sales Update CASH Basis May 2020 YTD

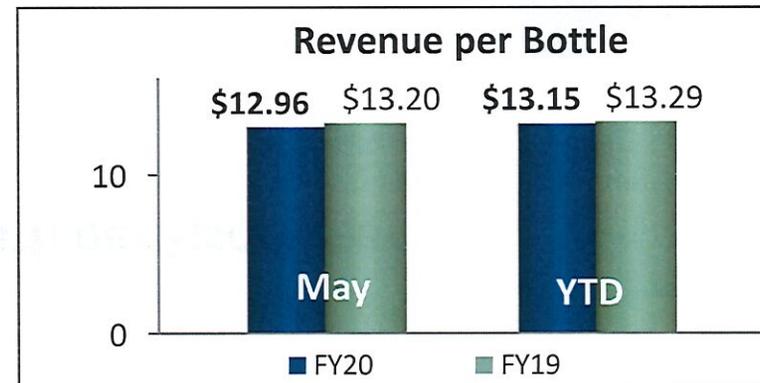
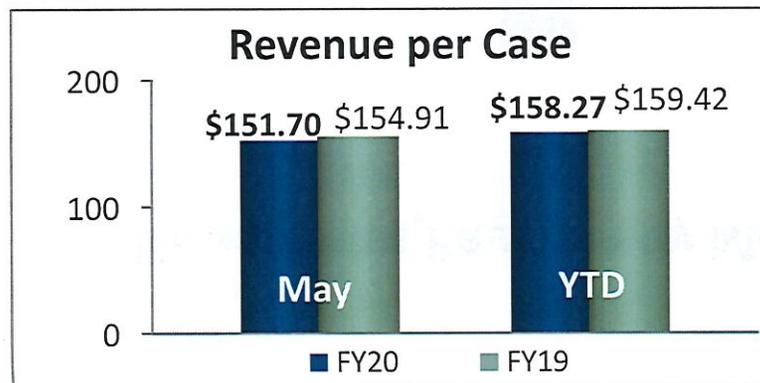
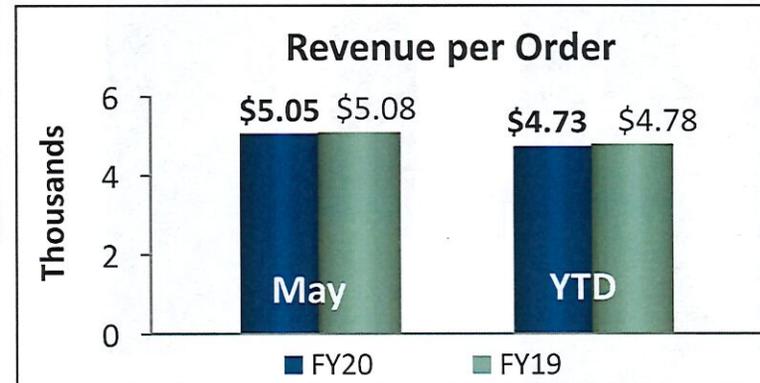
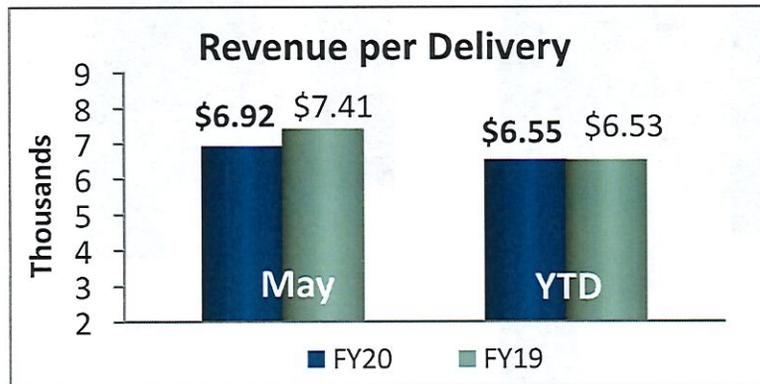
Category	FY 2020	FY 2019	% Change
Liquor Sales	32,412,321	31,010,524	4.52%
Split Case Fee	153,301	127,840	19.92%
Bottle Dep and Sur	340,393	307,778	10.60%
Total Revenue	32,906,015	31,446,142	4.64%
Deliveries	4,695	4,468	5.08%
Orders	6,434	6,511	-1.18%
Cases	214,316	213,707	0.28%
Bottles	2,508,477	2,508,064	0.02%
Picks	521,089	490,672	6.20%

Liquor Sales Revenue per Month by FY

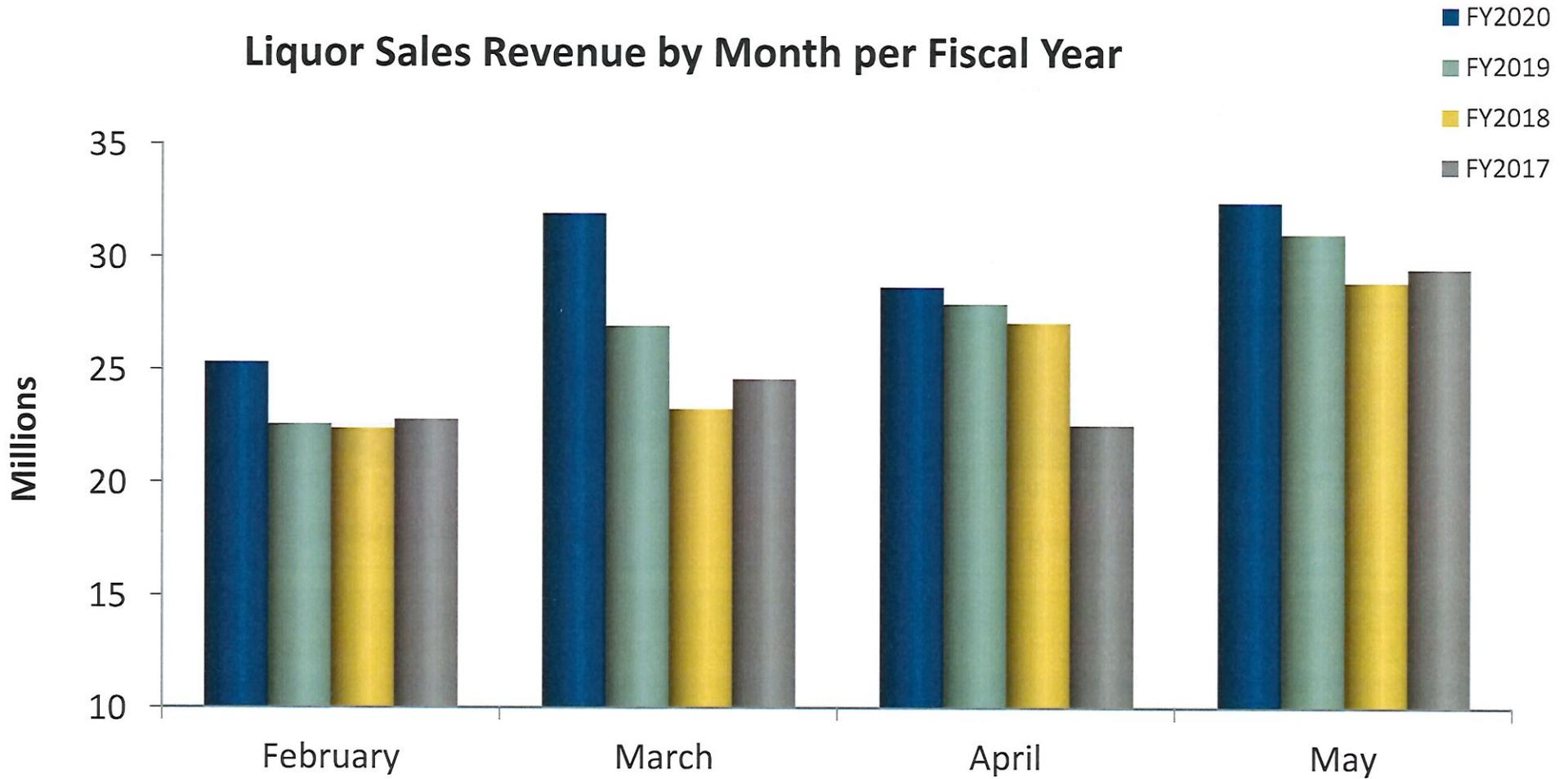


FY20 Sales Accrual Basis May 2020 YTD

Category	FY 2020	FY 2019	% Change
Liquor Sales	331,328,137	310,888,862	6.57%
Split Case Fee	1,473,789	1,416,613	4.04%
Bottle Dep and Sur	3,359,780	3,026,132	11.03%
Total Revenue	336,161,706	315,331,607	6.61%
Deliveries	51,360	48,274	6.39%
Orders	71,076	65,913	7.83%
Cases	2,123,942	1,978,028	7.38%
Bottles	25,557,360	23,729,193	7.70%
Picks	5,092,876	4,840,197	5.22%



Liquor Sales Revenue by Month per Fiscal Year



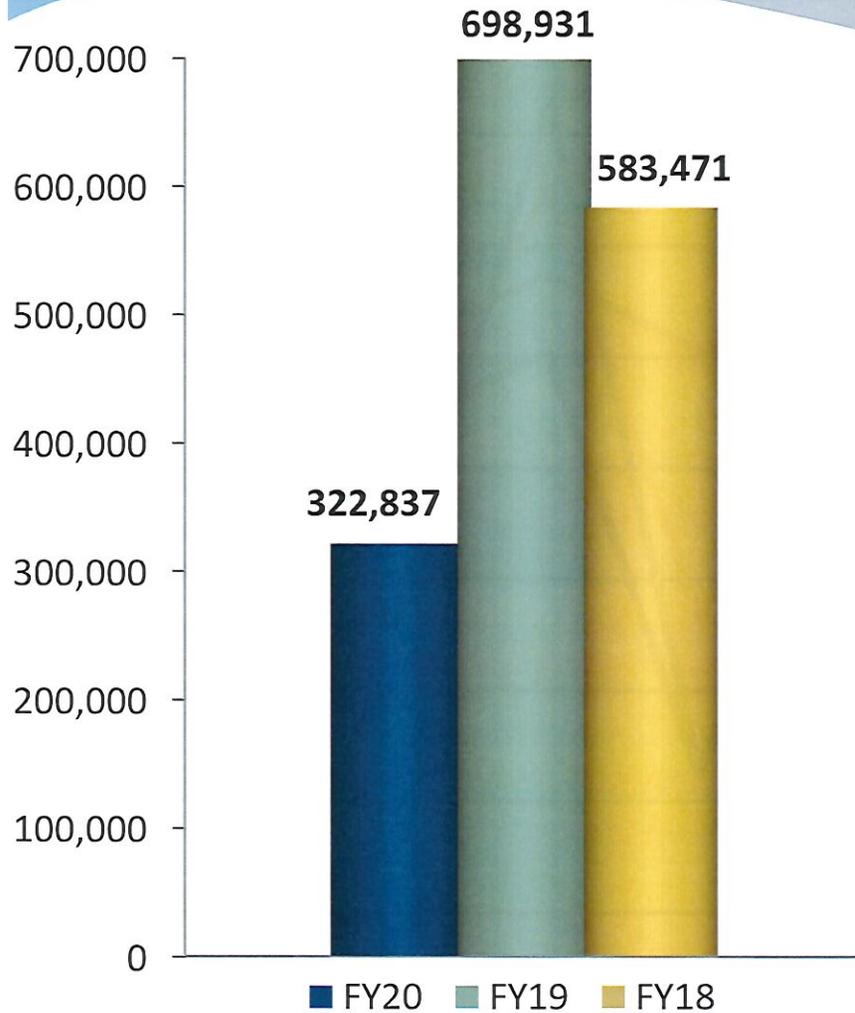
	<u>FY2020</u>	<u>FY2019</u>	<u>FY2018</u>	<u>FY2017</u>
February	\$ 25,329,997	\$ 22,588,927	\$ 22,403,643	\$ 22,804,159
March	\$ 31,923,179	\$ 26,952,007	\$ 23,260,973	\$ 24,588,551
April	\$ 28,667,426	\$ 27,928,735	\$ 27,087,806	\$ 22,551,186
May	\$ 32,412,321	\$ 31,010,524	\$ 28,885,362	\$ 29,483,763

Gallons Sold Per Month (FY17-FY20)

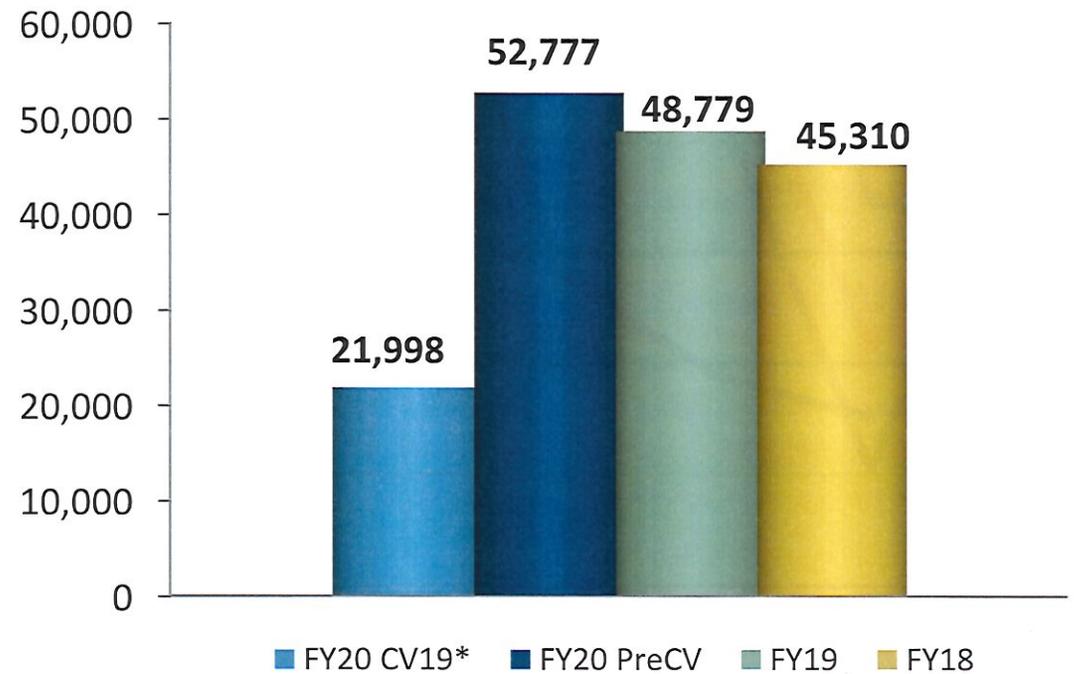


Expense Impact – CRINC Payments

CRINC Expense Comparison through 6/5/20

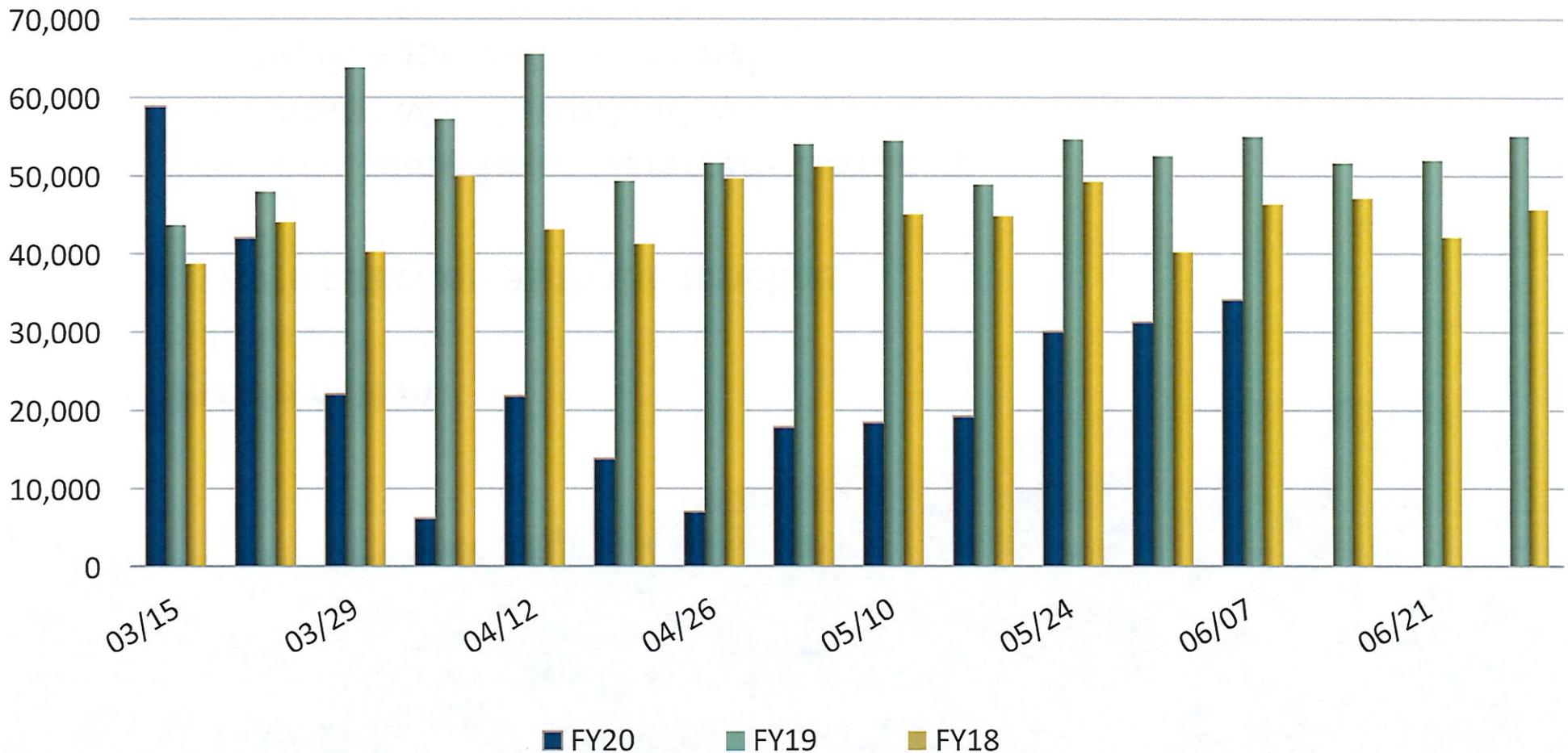


Average Weekly CRINC expense by FY



CRINC- Weekly Comparison by FY during COVID-19

CRINC - Weekly Comparison of FY20 and FY19 during COVID timeframe



Revenue Impact – Deferred Beer and Wine Tax

- **Proclamation**
June 25th
More direction as to the timeline
- **Beer and Wine Taxes Deferred- Currently**
February, March, April, May
June: due July 10th as normal
- **Collection will begin Month by Month**
Clear Feb then Mar, etc
Better reporting, collection tracking

Revenue Impact – Deferred Beer and Wine Tax

Type	FY20 Feb Filed*	FY19 Feb	FY20 March Filed*	FY19 March	FY20 April Filed*	FY19 April	FY20 Total Filed*	FY19 Total Collected	Difference
Beer	\$862,218	\$898,964	\$1,054,913	\$853,982	\$1,060,542	\$999,615	\$2,977,672	\$2,752,561	\$225,111
Native Beer	\$12,039	\$9,192	\$8,089	\$10,746	\$7,788	\$11,965	\$27,917	\$31,903	(\$3,986)
Wine	\$474,658	\$576,249	\$537,021	\$580,970	\$584,464	\$562,307	\$1,596,143	\$1,719,256	(\$123,383)
Native Wine	\$16,248	\$19,907	\$12,881	\$16,579	\$13,567	\$18,622	\$42,695	\$55,107	(\$12,412)
Total	\$1,365,163	\$1,504,312	\$1,612,904	\$1,462,277	\$1,666,360	\$1,592,508	\$4,644,427	\$4,559,097	\$85,329

*Filed taxes for FY20 have been submitted to ABD but have not been processed for payment due to the Governor's proclamation regarding tax deferment.

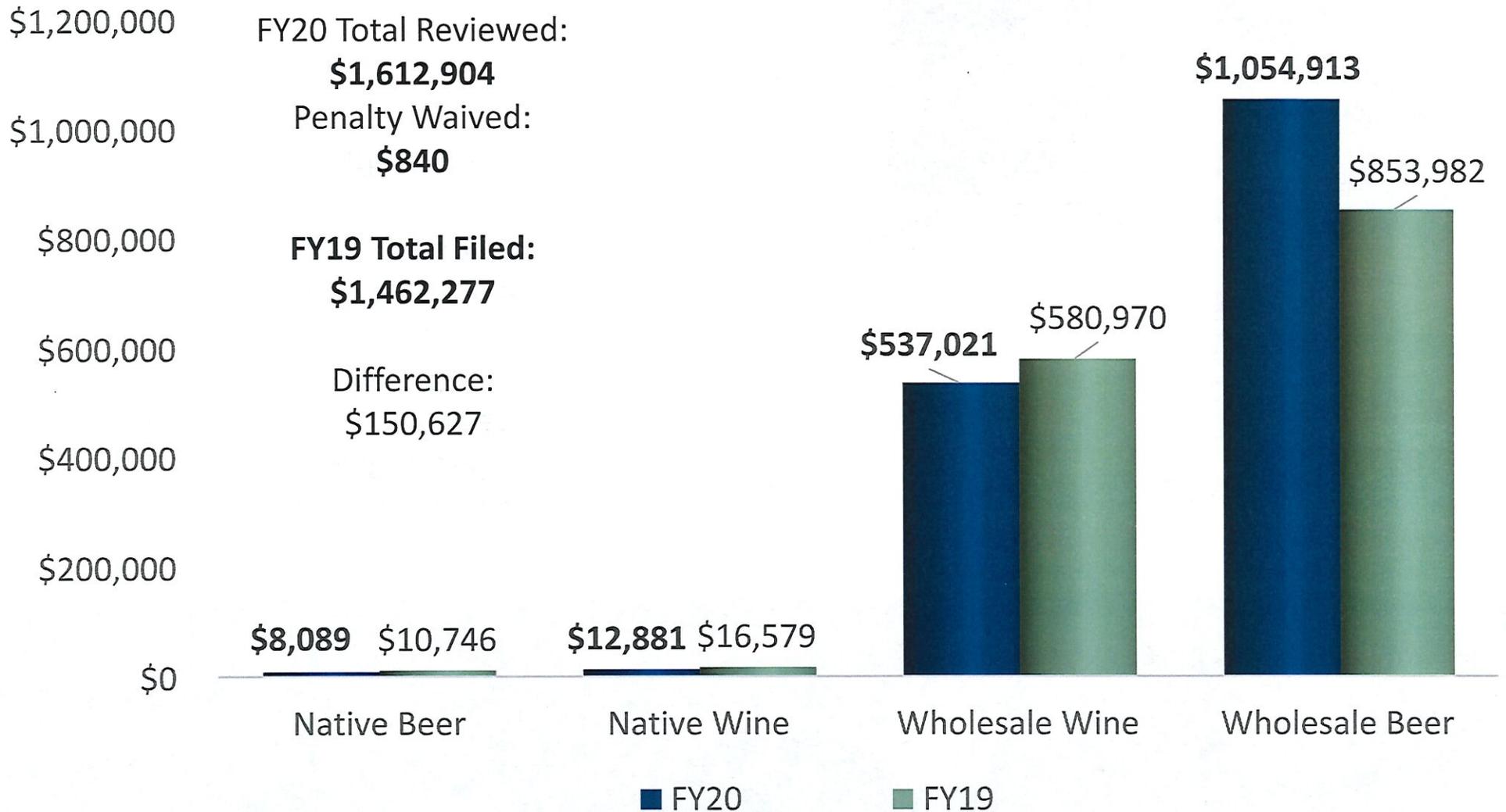
Revenue Impact – Deferred Beer and Wine Tax

February Reports



Revenue Impact – Deferred Beer and Wine Tax

March Reports

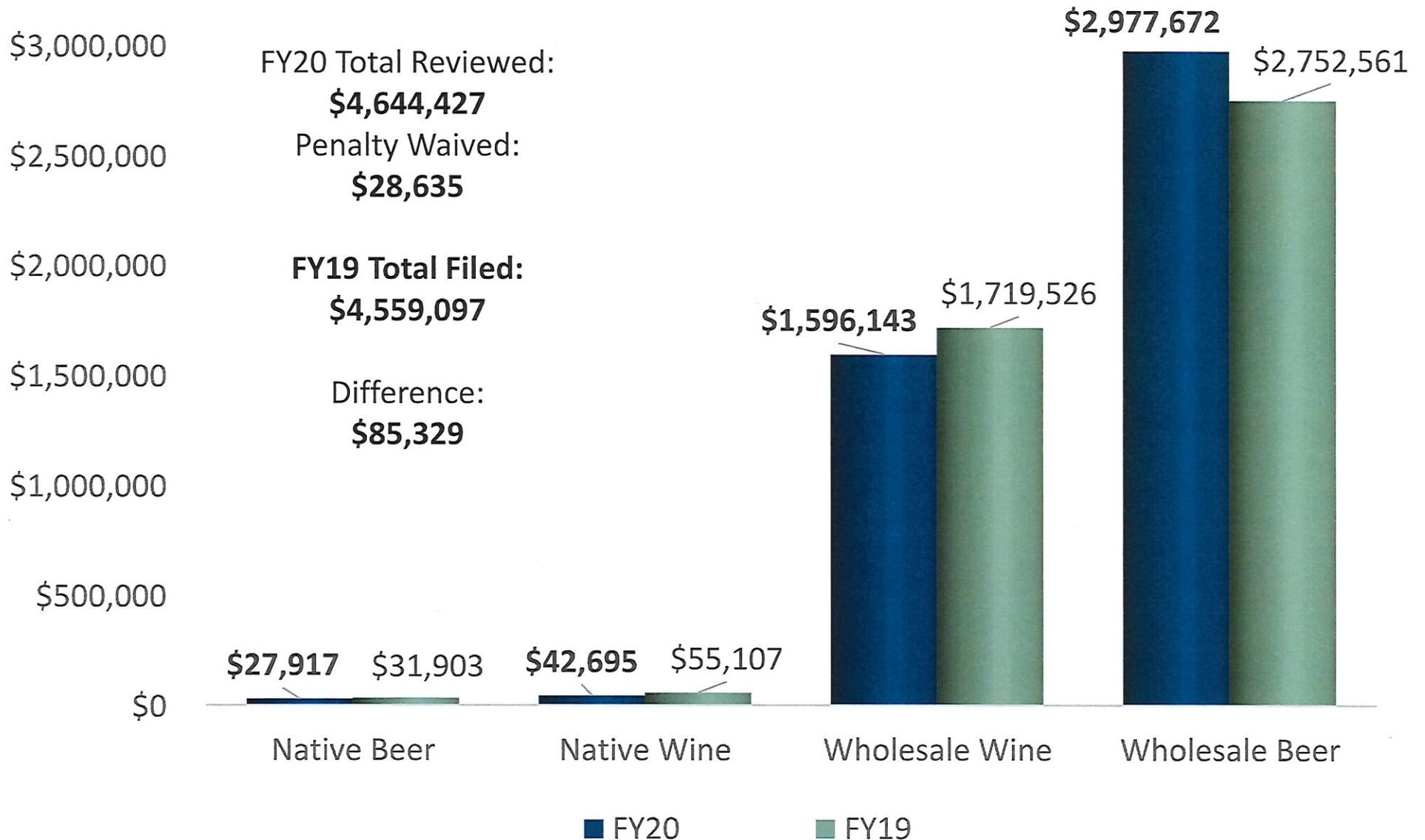


Revenue Impact – Deferred Beer and Wine Tax

April Reports



Revenue Impact – Deferred Beer and Wine Tax February , March , April Combined



Price Floor Timeline

- **January 16, 2020**
 - Recommendation approved
- **February 19, 2020**
 - Communicated to suppliers
- **June 5, 2020**
 - Letters sent to affected suppliers to adjust prices accordingly
- **June 11, 2020**
 - Conference call with Luxco and SGWS
- **June 12, 2020**
 - Meeting with Sazerac
- **June 12, 2020**
 - Letters sent to affected suppliers stating new price floor implementation will be delayed

Current Price Floor

Determined based on each category by size

American Vodkas – 750ml

- Fleischmanns Vodka
- 750ml / 12pk
- 80 proof
- ABD Sell Price: \$4.50/btl

100% Agave Tequila – 750ml

- Margaritaville Silver Tequila
- 750ml / 12pk
- 80 proof
- ABD Sell Price \$11.27/btl

Our Process

- 10% increase in the average minimum price for all alcoholic beverages was associated with a 32% reduction in wholly alcohol attributable deaths
- Increase needs to include all products equally
- $(\text{Quantity in ml} \times \text{ABV}) / (12.67\text{ml} \times 100) = \text{price per standard drink}$
- Lowest priced product was 19 cents per standard drink
- Percentage of affected products
 - 30 cents per standard drink = 10% of products
 - **25 cents per standard drink = 7% of products**
 - 20 cents per standard drink = 2% of products
- Calculating the price floor this way treats all products equally based on the actual amount of pure alcohol in that particular bottle

Who Currently Has A Floor?

- We do
- More than a dozen states
- Canada
 - All provinces except Québec have minimum prices
 - Parts have had minimum pricing for more than 40 years
 - Range from 38 – 75 cents per standard drink
- Scotland
 - Implemented in 2018
 - Equates to 63 cents per standard drink

Real Examples

Typical Vodka/Gin

80 proof

Size	Current Minimum Price	New Minimum Price
750ml	\$4.50	\$5.92
1 liter	\$5.25	\$7.89
1.75 liter	\$9.75	\$13.81

Public Health

- Alcohol Related Deaths Workgroup
- Excessive drinking is linked to 88,000 deaths each year in the US (**CDC**), making it the third leading cause of preventable death in America... (**National Institute on Alcohol Abuse and Alcoholism**)
- From 2008-2018 the alcohol death rate increased by 43% (**National Center for Health Statistics**)

Public Health

- National Institute of Health - *Minimum Pricing of Alcohol versus Volumetric Taxation: Which Policy Will Reduce Heavy Consumption without Adversely Affecting Light and Moderate Consumers?*
 - A 10% increase in the average minimum price for all alcoholic beverages was associated with a 32% reduction in wholly AA (alcohol attributable) deaths

Sharma, Anurag., Vandenberg, Brian., Hollingsworth, Bruce. (2014). *Minimum Pricing of Alcohol versus Volumetric Taxation: Which Policy Will Reduce Heavy Consumption without Adversely Affecting Light and Moderate Consumers?*. US National Library of Medicine, National Institutes of Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3898955/>

- American Journal of Public Health - *Effects of Alcohol Tax and Price Policies on Morbidity and Mortality: A Systematic Review*
 - Alcohol-related diseases
 - Injury rates
 - Traffic crash deaths

Wagenaar, Alexander C., Tobler, Amy L., Komro, Kelli A. (2010) *Effects of Alcohol Tax and Price Policies on Morbidity and Mortality: A Systematic Review*. American Journal of Public Health. <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2009.186007>

Who Does This Affect?

School of Health and Related Research, University of Sheffield, Sheffield, UK - *Effects of minimum unit pricing for alcohol on different income and socioeconomic groups: a modelling study*

- Irrespective of income, moderate drinkers were little affected
- Greatest effects noted for harmful drinkers
- Low income, harmful drinkers?

Holmes, John., Meng, Yang., Meier, Petra. S., Brennan, Alan., Angus, Colin., Campbell-Burton, Alexia., Guo, Yelan., Hill-McManus, Daniel., Purshouse, Robin. C. (2014). *Effects of minimum unit pricing for alcohol on different income and socioeconomic groups: a modelling study*. The Lancet. [https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(13\)62417-4.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(13)62417-4.pdf)

Alcohol Pricing Generally

Adam Looney, PhD Economics, Harvard - Joseph A. Pechman Senior Fellow - Economic Studies, Center on Regulation and Markets, Brookings Institution

- “Based on economic evidence of the negative externalities imposed by alcohol, the total local, state and federal tax on alcohol should be roughly four times higher than it is now...”

Looney, Adam. (2017) *Measuring the loss of life from the Senate's tax cuts for alcohol producers*. Brookings Institution. https://www.brookings.edu/research/measuring-the-loss-of-life-from-the-senates-tax-cuts-for-alcohol-producers/?utm_campaign=Brookings%20Brief&utm_source=hs_email&utm_medium=email&utm_content=58721243

2020 Legislative Session Final Update

June 23, 2020

The Legislative Session Final Update is a recap of action taken by the 88th General Assembly in 2020 relating to the Alcoholic Beverages Division and Iowa Code Chapter 123.

2020 LEGISLATION – Alcohol Regulation

HOUSE FILE 684 – MEDICAL AMNESTY

HF684 provides limited immunity from certain criminal offenses and prohibiting certain disciplinary sanctions for persons under twenty-one years of age who report, seek, or require emergency assistance for alcohol overdoses, and modifying penalties. *Effective July 1, 2020.*

HOUSE FILE 2540 – ALCOHOLIC BEVERAGE CONTROL

HF2540 is a bill that is comprised of three divisions. **Division I** incorporates language originally passed by the Iowa House on March 4, 2020 as HF2540, which would establish a new charity event permit with a fee. **Division II** incorporates language originally passed by the Iowa House on March 11, 2020 as HF2514, which would allow for the sale of wine growlers by retail wine permittees. **Division III** codifies the temporary suspension of regulatory provisions related to the sale of alcoholic beverages that were authorized by the Proclamations of Disaster Emergency issued March 19, 2020, and March 31, 2020, in response to the COVID-19 pandemic. *Division I and Division II are effective July 1, 2019; Division III is effective upon enactment.*

DIVISION I - CHARITY BEER, SPIRITS, AND WINE EVENT PERMIT

This division creates a new charity beer, spirits, and wine event permit that allows authorized non-profit entities to conduct ticket sales for events conducted for charitable purposes.

- **Section 1** adds charity beer, spirits, and wine event permit to the list of license and permit application types that require action by the local authorities and the division.
- **Section 2** establishes the following:
 - Only authorized non-profit entities are eligible to obtain a charity, beer, spirits, and wine event permit.
 - The charitable event must be conducted on the premises of another licensee or permittee, with the written agreement of the licensee/permittee.
 - Proceeds from the event are to be used for charitable purposes.
 - Alcoholic beverages, including any alcoholic beverages included as part of the ticket price, must be sold by the licensee or permittee whose premises is being used to conduct the event.
 - Permit is valid for 36 hours. Authorized non-profit entities may obtain not more than two permits on an annual basis.
- **Section 3** establishes a \$100 fee for the permit.

DIVISION II - WINE SALES

This division allows retail wine permittees authorized to sell wine or native wine for off-premises consumption to fill growlers with wine or native wine and sell for off-premises consumption, subject to the rules of the Division.

- **Sections 4 and 5** make the following changes for class “B” wine permits:

- Wine growlers must be filled at the time the sale is made on the premises or via telephonic or electronic means.
 - Wine growlers must be filled at the time of sale to a customer and are not pre-filled.
 - Wine growlers must be filled by a person 18 years of age or older.
 - Wine growlers must be no larger than 72 ounces in size.
 - Wine growlers must be sealed in a method authorized by ABD so that it is visibly apparent that the growler has been reopened or the seal has been tampered with.
- **Sections 6 and 7** make the above changes for class “B” native wine permits.
 - **Sections 8 and 9** make the above changes for class “C” native wine permits.

DIVISION III - ALCOHOLIC BEVERAGES SALES

This division codifies the temporary suspension of regulatory provisions related to the sale of alcoholic beverages that were authorized by the Proclamations of Disaster Emergency issued March 19, 2020, and March 31, 2020, in response to the COVID-19 pandemic.

- **Section 10** authorizes the following additional privileges:
 - The sale of original containers of alcoholic liquor and wine for off-premises consumption by class “C” liquor licensees without obtaining an additional license or permit.
 - The sale of mixed drinks and cocktails for off-premises consumption by class “C” liquor licensees (bars, restaurants).

This section expands the authority of a class “C” liquor control license by allowing the holder to sell original, unopened containers of alcoholic liquor and wine in the same manner as class “E” liquor control license holders (liquor stores, grocery stores, convenience stores), without having to obtain an additional license or permit.

- **Section 11** allows a native distiller who also holds a class “C” native distilled spirits liquor control license to sell mixed drinks and cocktails for off-premises consumption.
- **Section 12** allows a native distiller who also holds a class “C” native distilled spirits liquor control license to sell mixed drinks and cocktails for off-premises consumption, regardless of whether the native distiller also holds a class “A” wine permit or a class “A” beer permit.
- **Section 13** allows for containers of mixed drinks or cocktails to not be considered an open container provided the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed. Containers of mixed drinks or cocktails would not be considered an open container pursuant to Iowa Code sections 321.284 and 321.284A, provided the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

Enforcement of the requirements of Iowa Code sections 321.284 and 321.284A falls to the Iowa Department of Transportation (DOT) and to the Iowa Department of Public Safety (DPS). Questions related to the requirements of these sections should be directed to DOT. Questions related to the enforcement of these provisions should be directed to DPS.

- **Section 14** allows class “B” beer permit holders, such as native breweries and some brewpubs, to take orders for growlers of beer over the telephone or internet.
- **Section 15 Emergency Rules.** The ABD may adopt emergency rule under section 17A. 4 (3) and 17A.5 (2)

“b”, to implement the provisions of Division III. The rules shall be effective immediately upon filing, unless later date is specified in the rules. Any rules adopted in accordance with his section shall also be published as a notice of intended action as provided in section 17A.4.

- **Section 16 Enactment date.** Division III of House File 2540 is effective upon enactment.

HOUSE FILE 2536 – CODE EDITOR BILL

House File 2536 makes statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions. *Signed by the Governor on June 17, 2020. Effective July 1, 2020.*

- **Section 53** amends 123.36, subsection 5, paragraph c, Code 2020, to read as follows:
 - c. For air common carriers, each company shall pay a base an annual fee of five hundred dollars.
- **Section 54** amends 123.45, subsection 1, paragraph a, Code 2020, to read as follows:
 - a. Directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, ~~wine, beer,~~ or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail.
- **Section 55** amends 123.45, subsection 3, Code 2020, to read as follows:
 3. ~~However, a~~ A person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, a person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class “A” beer permit, may be granted not more than one class “B” beer permit as defined in section 123.124 for that purpose regardless of whether that person is also a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license or a manufacturer of native wine pursuant to a class “A” wine permit.
- **Section 56** amends 123.90, Code 2020, to read as follows:

123.90 Penalties generally.

Unless other penalties are ~~herein~~ provided in this chapter, any person, except a person under legal age, who violates any of the provisions of this chapter, or who makes a false statement concerning any material fact in submitting an application for a permit or license, shall be guilty of a serious misdemeanor. Any person under legal age who violates any of the provisions of this chapter shall upon conviction be guilty of a simple misdemeanor.
- **Section 57** amends 123.188, subsection 1, Code 2020, to read as follows:
 1. A person desiring to deliver wine subject to direct shipment within this state pursuant to section 123.187 shall submit an application for a wine carrier permit electronically, or in a manner prescribed by the administrator, ~~and~~ which shall be accompanied by a fee in the amount of one hundred dollars.

SENATE FILE 2134 – CANNED COCKTAILS

Senate File 2134 is a bill relating to the manufacturing of canned cocktails by a beer manufacturer and including effective date provisions. Allows a manufacturer of beer to obtain and possess alcoholic liquor for the purpose of manufacturing canned cocktails. *Signed by the Governor on March 12, 2020. Effective upon enactment.*

2020 LEGISLATION – Other

SENATE FILE 2268 – TOBACCO AND VAPING, MINIMUM AGE

Senate File 2536 establishes the minimum age relative to various activities relating to tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes, making penalties applicable, and including effective date provisions *Effective upon enactment.*

HOUSE FILE 2643 – FY 2021 OMNIBUS APPROPRIATIONS BILL

House File 2643 relates to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and including effective date and retroactive applicability provisions. The Bill provides status quo funding for FY 2021 for the majority of the General Fund and other fund appropriations for State agencies' operations and programs. Appropriates \$ 1,075,454 to ABD for Fiscal Year 2021. *Effective upon enactment.*



State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER SIX

WHEREAS, an outbreak of Novel Coronavirus 2019 (COVID-19) has spread throughout Iowa and the world resulting in a global pandemic; and

WHEREAS, the Iowa economy has been profoundly impacted by the pandemic, as an unprecedented number of Iowans have been unemployed and nearly all sectors of the economy have been affected, including agriculture, food service and accommodation, manufacturing, health care and social assistance, retailers, and the self-employed; and

WHEREAS, the people of Iowa have stood strong together throughout this pandemic, taking actions to reduce the spread of the virus, providing essential goods and services in new ways, and developing creative solutions to adapt and rebuild; and

WHEREAS, these current challenges present an opportunity for the people of Iowa to innovate and rebuild our state so that it will grow even stronger in the years to come; and

WHEREAS, the people of Iowa shall benefit from a centralized coordination effort to learn from the challenges and innovations of Iowans across the state in response to this pandemic and to guide the continued rebuilding and growth of the Iowa economy.

NOW, THEREFORE, I, Kim Reynolds, Governor of the State of Iowa do hereby order the establishment of the Governor's Economic Recovery Advisory Board to serve as the central point of coordination of efforts to learn from the challenges and innovations of Iowans across the state in response to this pandemic and to guide the continued rebuilding and growth of the Iowa economy.

PURPOSES AND DUTIES

- I.** The Governor's Economic Recovery Advisory Board shall serve as the central point of coordination of state activities for the recovery and rebuilding efforts following the COVID-19 pandemic. The Advisory Board will work across all areas of state government to deliver an effective and efficient rebuilding and strengthening of Iowa's economy.
- II.** The duties of the Governor's Economic Recovery Advisory Board shall include, but are not limited to, advising the Governor on:
 - A.** Assessing the impact of the pandemic and innovative response and recovery efforts already underway across our state and all sectors of Iowa's economy; and

- D. Identifying funding sources and innovative funding alternatives for stabilization, recovery, and growth efforts; and
 - E. Developing solutions to fill the gaps in current and long-term recovery and rebuilding efforts; and
 - F. Identifying appropriate metrics and benchmarks that measure Iowa's economic stabilization, recovery, and growth; and
- III. The Governor's Economic Recovery Advisory Board shall also provide oversight and coordination of all working groups established by this Executive Order.

ORGANIZATION AND OPERATION

- IV. **Advisory Board Membership.** The Governor's Economic Recovery Advisory Board shall consist of a chair, the State's Chief Economist, and any additional members deemed necessary by the Governor. Each appointed member shall serve at the pleasure of the Governor and without compensation.
- V. **Working Groups.** The Governor shall appoint working groups charged with assisting the Advisory Board in coordinating a comprehensive recovery and growth effort. The Governor shall appoint a chair and any additional members she deems necessary for each working group. The working group chairs and members shall serve at the pleasure of the Governor and without compensation. The following working groups shall be established:
- A. Agriculture
 - B. Connectivity
 - C. Economic Growth
 - D. Education
 - E. Government
 - F. Public Health and Healthcare
 - G. Expanding Iowa's Workforce
- VI. **Meetings.** The Governor's Economic Recovery Advisory Board shall hold public meetings as scheduled by the chair of the Advisory Board.
- VII. **Staffing and Support.** Staffing and administrative assistance for the Governor's Economic Recovery Advisory Board shall be provided by the Office of the Governor and by other agencies, persons, or organizations from time to time as deemed necessary or appropriate by the Advisory Board or the Office of the Governor.

IMPLEMENTATION AND INTERPRETATION

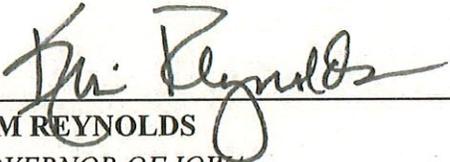
- VIII. All departments, agencies, boards, or other political subdivisions of any state and local governments shall cooperate fully with the Governor's Economic Recovery Advisory Board. The Advisory Board may seek the expertise and services of individuals and entities outside of its membership for research, advice, and other needs, as necessary or appropriate, to accomplish its mission.
- IX. All work of the Governor's Economic Recovery Advisory Board shall be done in a manner consistent with the laws and regulations of the State of Iowa, and of the laws

XI. This Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the State of Iowa, its departments, agencies, or political subdivisions, or its officers, employees, agents, or any other persons.

XII. This Executive Order shall apply prospectively only as of its effective date.



IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SUBSCRIBED MY NAME AND
CAUSED THE GREAT SEAL OF IOWA TO BE
AFFIXED TO THIS EXECUTIVE ORDER.
DONE IN DES MOINES, IOWA THIS 18TH
DAY OF JUNE IN THE YEAR OF OUR LORD
TWO THOUSAND AND NINETEEN.



KIM REYNOLDS
GOVERNOR OF IOWA

ATTEST:



PAUL D. PATE
SECRETARY OF STATE



RELEASE: Gov. Reynolds signs Executive Order 6 establishing the Governor's Economic Recovery Advisory Board

message

Press Releases from Iowa Governor's Office <iowaGovernorsOffice@public.govdelivery.com>
Reply-To: iowaGovernorsOffice@public.govdelivery.com
From: strauss@iowaabd.com

Thu, Jun 18, 2020 at 1:45 PM

OFFICE OF THE GOVERNOR
Governor Kim Reynolds ★ Lt. Governor Adam Gregg

FOR IMMEDIATE RELEASE: Thursday, Jun. 18, 2020
CONTACT: Pat Garrett, (515) 802-0986

Gov. Reynolds signs Executive Order 6 establishing the Governor's Economic Recovery Advisory Board

DES MOINES— Today, Governor Kim Reynolds signed an Executive Order establishing the Governor's Economic Recovery Advisory Board. The advisory board will be led by Ben McLean, CEO of Ruan Transportation Management Systems and it will focus on modernizing Iowa's economy as well as education, health care, workforce and quality of life.

"Iowa's success has always been about turning obstacles into opportunities," said Gov. Reynolds. "The Governor's Economic Recovery Advisory Board assembles an impressive group of business leaders to propel our recovery efforts forward and position Iowa for growth. Iowans will be at the center of this effort as we continue to make our state the best place to live, work and raise a family. I want to thank Ben McLean, CEO of Ruan Transportation for his willingness to serve as the chair and appreciate all those serving on this advisory board."

"I look forward to getting to work as soon as possible with the incredibly capable and talented group of leaders that will serve on the Governor's Economic Recovery Advisory Board," said Ben McLean, CEO of Ruan Transportation Management Systems and Chair of the Governor's Economic Recovery Advisory Board. "This is about the future and taking an incredibly difficult situation and using it as an opportunity to make Iowa an even better place to live, work, and raise a family."

The governor's full remarks from today's press conference can be viewed [here](#).

Initial members of the Governor's Executive Advisory Board are:

Ben McLean, CEO of Ruan Transportation Management Systems (Advisory Board Chairman)

Nick Bodesh, President & CEO of Elite Octane

Mary Andringa, Chair of the Board of Vermeer

Randy Edeker, CEO of Hy-Vee

Rosalind Fox, Factory Manager at John Deere

Dr. Suresh Gunasekaran, CEO of UHIC

Dan Houston, Chairman, President & CEO of Principal Financial Group

AJ Loss, CEO of Bush Construction

Megan Mckay, President of Peace Tree Brewing Company

Emily Schmit, General Counsel of Sukup Manufacturing Co.

Barbara Sloniker, Executive Vice President at the Siouxland Chamber

Adam Wright, President & CEO of MidAmerican Energy Company

Diane Young, Director of Technical Services/Owner at Foundation Analytical Lab

The signed executive order can be found [here](#).

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185—9.2(123) Personal importation in excess of the amounts provided—waiver. The administrator may provide for the issuance of a waiver for an individual of legal age desiring to import alcoholic liquor, wine, or beer in excess of the amounts provided in Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4. The decision on whether the circumstances justify the issuance of a waiver shall be made at the discretion of the administrator upon consideration of all the relevant factors.

9.2(1) Criteria. The division may, in response to a completed request, issue a waiver, as applied to the circumstances of a specific situation if the division finds each of the following:

- a. The requester is an individual of legal age;
- b. The requester is an individual who was domiciled outside the state within one year of the request;
- c. The alcoholic liquor, wine, or beer imported pursuant to the waiver shall be only for personal consumption in a private home or other private accommodation and only if it is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of Iowa Code chapter 123; and
- d. The alcoholic liquor, wine, or beer imported pursuant to the waiver shall be in unopened original containers.

9.2(2) Domicile. Domicile, for the purposes of establishing when an individual is “domiciled outside the state,” shall be determined in accordance with rule 701—38.17(422).

9.2(3) Request. All requests for a waiver to import alcoholic liquor, wine, or beer in excess of the amount provided in Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4, shall be submitted in writing by completing a request for import authorization form and returning it to the division, as instructed.

9.2(4) Content of form. A request for import authorization form shall be prescribed by the division and shall include the following information: the name, date of birth, and personal contact information of the requester; full residential history of the requester for the past three years without gaps; a statement of reasons that the requester believes will justify import authorization; the destination address for the imported alcoholic beverages; the name, date of birth, and personal contact information of the recipient of the alcoholic beverages, if different from that of the requester; a detailed inventory of the alcoholic beverages for which the requester seeks import authorization; and any other information the administrator may require.

9.2(5) Burden of persuasion. When a request is filed for a waiver pursuant to this rule, the burden of persuasion shall be on the requester to demonstrate by clear and convincing evidence that the division should exercise its discretion in the granting of the waiver.

9.2(6) Notice. The division shall acknowledge a request for a waiver upon receipt of a completed request for import authorization form.

9.2(7) Additional information. Prior to granting or denying a request for a waiver, the division may request additional information from the requester relative to the request and surrounding circumstances.

9.2(8) Investigation. The division may conduct an investigation as the administrator deems necessary to determine that the requester meets the criteria in subrule 9.2(1) or to verify the accuracy of the information provided by the requester.

9.2(9) Ruling. A letter granting or denying a request for a waiver to import alcoholic liquor, wine, or beer in excess of the amount provided in Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4, shall be in writing and shall contain a description of the precise scope and duration of the waiver if one is issued.

9.2(10) Duration of waiver. A waiver issued pursuant to this rule shall allow only for the importation of the inventory of alcoholic beverages detailed on the request for import authorization form. If a waiver is granted, there is no automatic right to renewal.

9.2(11) *Public availability.* The division shall maintain a record of all waivers granted or denied under this rule. All rulings in response to requests for waivers shall be indexed and available to members of the public at the Alcoholic Beverages Division, 1918 S.E. Hulsizer Road, Ankeny, Iowa 50021. Waivers containing information that the division is authorized or required to keep confidential shall be edited prior to public inspection.

9.2(12) *Cancellation.* A waiver issued by the division pursuant to this rule may be withdrawn, canceled, or modified if, after appropriate notice, the division finds any of the following:

a. The requester of the waiver withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

b. The recipient of the waiver has failed to comply with any of the conditions contained in the waiver.

9.2(13) *Violations.* Violation of a condition in a waiver is equivalent to a violation of Iowa Code section 123.10 as amended by 2018 Iowa Acts, Senate File 2347, section 1; Iowa Code section 123.22 as amended by 2018 Iowa Acts, Senate File 2347, section 2; Iowa Code section 123.171 as amended by 2018 Iowa Acts, Senate File 2347, section 5; or 2018 Iowa Acts, Senate File 2347, section 4, as applicable. The recipient of a waiver under this rule who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the applicable Iowa Code or Iowa Acts section.

9.2(14) *Defense.* After the division grants a waiver under this rule, the waiver is a defense within its terms and the specific facts indicated therein for the recipient of the waiver in any proceedings in which the waiver in question is sought to be invoked.

9.2(15) *Appeals.* Granting or denying a request for a waiver is final agency action under Iowa Code chapter 17A.

[ARC 3994C, IAB 9/12/18, effective 10/17/18]