

ALCOHOL REGULATION AND SUBSTANCE ABUSE

HOUSE FILE 788 - Alcoholic Beverage Control and Persons Under Legal Age

RELATED LEGISLATION

SENATE FILE 2088 - State Government Reorganization
SEE STATE GOVERNMENT. Divisions IX through XIII of this Act concern alcohol regulation.

Division IX relates to the manufacture and sale of micro-distilled spirits by a micro-distillery, and provides for the obtaining of a class "A" micro-distilled spirits permit.

Division X allows certain nonprofit entities to obtain a permit and conduct a charity auction, which includes beer and wine. The objective of the auction shall be to raise funds for educational, religious, or charitable purposes.

Division XI establishes two new beer permits, a class "AA" and special class "AA" permit, which allow for the sale and manufacture of high alcoholic content beer in the same manner as current class "A" and special class "A" permits relative to beer. "High alcoholic content beer" is defined as beer that contains more than 5 percent, but not more than 12 percent, of alcohol by weight. Previously, the law provided that beer with more than 5 percent of alcohol by weight would be considered alcoholic liquor.

Division XII concerns certain operations of the Alcoholic Beverages Division of the Department of Commerce, and provides that the administrator of the division is required to close the main state alcoholic liquor warehouse every Friday from July 1, 2010, until June 30, 2015, and also restricts the number of checks conducted by the division to ensure licensed retail establishment compliance with tobacco laws, regulations, and ordinances applicable to minors to one such check for the 2010-2011 fiscal year.

Division XIII authorizes the direct shipment of wine from wine manufacturers in Iowa or another state to residents of Iowa under specified circumstances.

SENATE FILE 2367 - Appropriations — Administration and Regulation
SEE APPROPRIATIONS. This Act relates to and appropriates funds from the General Fund of the State and other funds to various administrative and regulatory state departments and agencies for FY 2010-2011. The Act provides that the provisions of Code Chapter 123 concerning alcoholic beverage control and applicable to beer are also applicable to high alcoholic content beer. This provision of this Act takes effect April 29, 2010, and is retroactively applicable to March 10, 2010, which is the effective date of the provision in S.F. 2088 (see State Government) creating the new category of high alcoholic content beer within Code Chapter 123.

HOUSE FILE 2233 - Alcohol-Related Offenses — Expunging of Convictions
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act relates to expunging the record of conviction for public intoxication and for possessing, purchasing, or attempting to purchase alcohol under legal age, and similar local ordinances.

HOUSE FILE 2374 - Serious Injury — Definition
SEE CRIMINAL LAW, PROCEDURE, AND CORRECTIONS. This Act modifies the definition of "serious injury" in Code Chapters 321J (Operating While Intoxicated) and 462A (Water Navigation Regulations) in order to make the definition consistent with the definition of "serious injury" in Code Section 702.18 (Criminal Code — definitions).

HOUSE FILE 2403 - Controlled Substances — Miscellaneous Changes
SEE HEALTH AND SAFETY. This Act makes changes to the Uniform Controlled

Substances Act. The Act adds the substances "tapentadol" and "lacosamide" to the list of controlled substances to maintain uniformity between state and federal regulations.

HOUSE FILE 2519

- Federal Block Grant Appropriations and Other Federal Funding

SEE APPROPRIATIONS. This Act appropriates federal block grant, federal American Recovery and Reinvestment Act of 2009 (often referred to as the "federal stimulus package" or ARRA), and other nonstate moneys to state agencies for the federal fiscal year beginning October 1, 2010, and ending September 30, 2011, and for the state fiscal year beginning July 1, 2010, and ending June 30, 2011. The Act includes funding for various substance abuse and drug enforcement programs.

HOUSE FILE 2522

- Appropriations — Economic Development

SEE APPROPRIATIONS. This Act makes appropriations and transfers from the General Fund of the State and other funds to the Department of Cultural Affairs, the Department of Economic Development, the University of Iowa, the University of Northern Iowa, Iowa State University, the Department of Workforce Development, and the Public Employment Relations Board for FY 2010-2011, and provides for certain related matters.

HOUSE FILE 2526

- Appropriations — Health and Human Services

SEE APPROPRIATIONS. This Act relates to and makes appropriations for health and human services for FY 2010-2011, and includes funding for tobacco cessation, substance abuse, and gambling treatment.

HOUSE FILE 2531

- State and Local Government Financial and Regulatory Matters — Appropriations and Miscellaneous Changes

SEE APPROPRIATIONS. This Act makes, reduces, and transfers appropriations; provides salaries and compensation of state employees; and covers other properly related matters. Division VII of the Act relates to the purchase and sale of high alcoholic content beer. Division XIII relates to the direct shipment of wine.

ALCOHOL REGULATION AND SUBSTANCE ABUSE

HOUSE FILE 788 - Alcoholic Beverage Control and Persons Under Legal Age

BY COMMITTEE ON STATE GOVERNMENT. This Act concerns alcoholic beverage control, relating to minors and public intoxication or possession of alcohol and concerning penalties relating to criminal activity occurring in parking lots and areas adjacent to the premises of certain liquor control licensees or permittees.

The Act specifies that a person who is 18, 19, or 20 years of age, other than a licensee or permittee under the alcoholic beverages laws, who purchases, attempts to purchase, or possesses alcohol is subject to a simple misdemeanor punishable as a scheduled fine of \$200 for a first offense, a simple misdemeanor punishable by a \$500 fine and a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year for a second offense, or a simple misdemeanor punishable by a \$500 fine and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year for a third or subsequent offense. Prior law imposed those same penalties upon a person under legal age, defined as a person under the age of 21. The Act also applies to open container violations that occur in motor vehicles pursuant to Code Sections 321.284 and 321.284A.

The Act requires that a peace officer who finds a person who is under the age of 18 to be in violation of Code Section 123.46 relating to the consumption of alcohol in public, or Code Section 124.47 relating to the possession of alcohol, to refer such person to juvenile court. A juvenile court officer is then required to notify the person's custodial parent, legal guardian, or custodian of the violation and, if the person is enrolled in an elementary or secondary school, make a reasonable effort to notify the appropriate school personnel of the violation. A reasonable effort to notify includes a telephone call or notice by first-class mail.

Concerning the prohibition in Code Section 123.49 on liquor control licensees and wine and beer permittees to knowingly permit criminal activity on the premises of the licensee or permittee, the Act provides that the absence of security personnel on the licensed premises is insufficient to prove that criminal activity occurring on the premises was knowingly permitted. In addition, the Act provides that for a liquor licensee authorized to sell alcoholic beverages for consumption on the licensed premises, "premises" includes parking lots and areas adjacent to the licensed premises that are used by patrons of the liquor licensee or permittee.