

123.178A Authority under class “B” native wine permit.

1. A person holding a class “B” native wine permit may sell native wine only at retail for consumption off the premises. Native wine shall be sold for consumption off the premises in original containers except as provided in [subsection 4](#).

2. A class “B” native wine permittee having more than one place of business where wine is sold shall obtain a separate permit for each place of business.

3. A person holding a class “B” native wine permit may purchase wine for resale only from a native winery holding a class “A” wine permit.

4. Subject to the rules of the division, sales made pursuant to [this section](#) may be made in a container other than the original container only if all of the following requirements are met:

a. The wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means.

b. The person transferring the wine from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of wine has been tampered with or the sealed container has otherwise been reopened.

5. A container of wine other than the original container that is sold and sealed in compliance with the requirements of [subsection 4](#) and the rules of the division shall not be deemed an open container subject to the requirements of [sections 321.284](#) and [321.284A](#) if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

[2003 Acts, ch 143, §11, 17; 2020 Acts, ch 1114, §6, 7](#)

Subsection 1 amended
NEW subsections 4 and 5