

123.31A Authority under class “B”, class “C”, special class “C”, and class “E” retail alcohol license.

1. The holder of a class “B”, class “C”, special class “C”, or class “E” retail alcohol license shall be allowed to sell beer and wine to consumers at retail for consumption off the premises. The sales made pursuant to [this section](#) shall be made in original containers except as provided in [subsection 3](#).

2. Every person holding a class “B”, class “C”, special class “C”, or class “E” retail alcohol license having more than one place of business where beer and wine is sold which places do not constitute a single premises within the meaning of [section 123.3, subsection 29](#), shall be required to have a separate license for each separate place of business, except as otherwise provided by [this chapter](#).

3. Subject to the rules of the department, 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 beer or wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale.

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

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 department 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 beer or wine has been tampered with or the sealed container has otherwise been reopened.

4. A container of beer or wine other than the original container that is sold and sealed in compliance with the requirements of [subsection 3](#) and the department’s rules 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.

5. a. The holder of a class “C” or special class “C” retail alcohol license, or the licensee’s agents or employees, shall not sell beer or wine to other retail alcohol license holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment.

b. A holder of any retail alcohol permit shall not sell wine except wine which is purchased from a person holding a class “A” wine permit and on which the tax imposed by [section 123.183](#) has been paid.

[2022 Acts, ch 1099, §3, 6; 2023 Acts, ch 19, §2385 – 2387](#)

Subsection 3, unnumbered paragraph 1 amended

Subsection 3, paragraph d amended

Subsection 4 amended