

123.31C Authority under special class “C” retail native wine license.

1. A person holding a special class “C” retail native wine license may sell beer and native wine only at retail for consumption on or off the premises. Sales of beer and native wine for consumption off the premises made pursuant to [this section](#) shall be made in original containers except as provided in [subsection 5](#).

2. A special class “C” retail native wine licensee having more than one place of business where wine is sold and served shall obtain a separate permit for each place of business.

3. A person holding a special class “C” retail native wine license may purchase wine for resale only from a native winery holding a class “A” wine permit.

4. A person holding a special class “C” retail native wine license may purchase beer as follows:

a. From class “A” beer permittees.

b. From class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by [this subsection](#).

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

6. A container of beer or native wine other than the original container that is sold and sealed in compliance with the requirements of [subsection 5](#) and the rules of the department 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.

[2023 Acts, ch 157, §5](#)

Referred to in [§123.30](#)