

701—1000.19(123) Mixed drinks or cocktails not for immediate consumption. A class “C,” class “D,” or class “F” retail alcohol licensee may mix, store, and allow the consumption of mixed drinks or cocktails that are not for immediate consumption for up to 72 hours, subject to Iowa Code section 123.49(2) “d” and this rule.

1000.19(1) Definitions.

“*Immediate consumption*,” for the purposes of this rule, means the compounding and fulfillment of a mixed drink or cocktail order at the time of sale of the mixed drink or cocktail.

“*Mixed drink or cocktail*,” for the purposes of this rule, means an alcoholic beverage as defined in Iowa Code section 123.3(32).

1000.19(2) Mixing and storing conditions. A mixed drink or cocktail that is not for immediate consumption is to be in a container compliant with applicable state and federal food safety statutes and regulations at all times.

a. The mixed drink or cocktail must be mixed and stored in the same container.

b. The mixed drink or cocktail may only be removed from the stored container for one of the following dispensing purposes:

(1) To compound and fulfill a mixed drink or cocktail order at the time of sale.

(2) For transfer into a pourable container. The pourable container needs to have an affixed label displaying information identical to that on the container from which the contents were poured. The transfer of product to a pourable container will not extend the expiration date and time.

c. The mixed drink or cocktail may be strained into another container when it is returned without delay to the labeled container from which it was strained.

d. The container and process need to be conducted in compliance with applicable state and federal food safety statutes and regulations.

e. The mixed drink or cocktail shall not be mixed, stored, or dispensed from a container bearing an alcoholic beverage name brand.

f. A dispensing machine that contains a mixed drink or cocktail is subject to the conditions of this rule.

1000.19(3) Labeling conditions.

a. When a mixed drink or cocktail is placed into a container, a label must be affixed in a conspicuous place and legibly state the following information:

(1) The month, day, year, and time the contents are placed into the container.

(2) The month, day, year, and time the contents expire.

(3) The title of the recipe used.

(4) The identity of the person who prepared the contents of the container.

(5) The size of the batch within the container.

(6) The words “CONTAINS ALCOHOL.”

b. The label is subject to the following conditions:

(1) The label must be removed from the container once the entire contents have been consumed, transferred to a pourable container pursuant to subparagraph 1000.19(2) “b”(2), or destroyed and disposed of in accordance with applicable law.

(2) A label must not be reused or reapplied to a container.

(3) A new label must be placed on the container for each prepared batch of mixed drinks or cocktails that is not for immediate consumption.

c. A licensee may access a label template on the website of the department located at revenue.iowa.gov.

1000.19(4) Content conditions.

a. Contents of a mixed drink or cocktail may include alcoholic beverages, nonalcoholic ingredients, or a combination of both that are not for immediate consumption.

b. A licensee may use in the mixed drink or cocktail only alcoholic beverages allowed by the license type and obtained as specified by Iowa Code chapter 123.

c. The added flavors and other nonbeverage ingredients of the mixed drink or cocktail shall not include hallucinogenic substances; added caffeine or added stimulants, including but not limited to guarana,

ginseng, and taurine; or a controlled substance as defined in Iowa Code section 124.101, including tetrahydrocannabinol.

1000.19(5) *Disposal conditions.*

a. Any mixed drink or cocktail, or portion thereof, not consumed within 72 hours of the contents being placed into the empty container is expired and must be destroyed and disposed of in accordance with applicable law.

b. An expired mixed drink or cocktail that is not for immediate consumption shall not be:

- (1) Added to an empty container and relabeled; or
- (2) Added to another mixed drink or cocktail that is not for immediate consumption.

1000.19(6) *Recordkeeping.* A licensee must maintain accurate and legible records for each prepared batch of mixed drinks or cocktails that is not for immediate consumption.

a. Records must contain:

- (1) The month, day, year, and time the contents were placed into the empty container.
- (2) The contents placed in the container, including alcoholic beverages and nonalcoholic ingredients.
- (3) The recipe title and directions for preparing the contents of the container.
- (4) The size of the batch.

(5) The identity of the person who prepared the contents of the container.

(6) The month, day, year, and time the contents of the container were destroyed and disposed of or entirely consumed.

(7) The method of destruction and disposal or the record that the entire contents were consumed.

(8) The identity of the person who destroyed and disposed of the contents, if the contents were not consumed.

b. A licensee may access recordkeeping forms on the website of the department located at revenue.iowa.gov.

c. Records must be maintained on the licensed premises for a period of three years and shall be open to inspection pursuant to Iowa Code sections 123.30(1) and 123.33.

1000.19(7) *Federal alcohol compliance.* A licensee who mixes, stores, and allows the consumption of mixed drinks or cocktails that are not for immediate consumption is subject to all applicable federal statutes and regulations. Prohibitions include but are not limited to processing with non-tax-paid alcoholic liquor, aging alcoholic liquor in barrels, heating alcoholic liquor, bottling alcoholic liquor, and refilling alcoholic liquor or wine bottles.

1000.19(8) *Violations.* Failure to follow this rule subjects the licensee to the penalty provisions of Iowa Code section 123.39.

This rule is intended to implement Iowa Code sections 123.49 and 123.49A.

[ARC 9085C, IAB 4/2/25, effective 5/7/25]