

701—1000.22(123) Filling and selling of mixed drinks or cocktails in a container other than the original container. Class “C,” special class “C” retail alcohol licensees, and special class “C” retail native wine licensees and the licensee’s employees may fill and sell mixed drinks or cocktails in a container other than the original container subject to Iowa Code section 123.49(2) “d”(3) and this rule.

1000.22(1) Definitions.

“*Alcoholic liquor*,” for the purposes of this rule, means the same as defined in Iowa Code section 123.3(5) and includes “native distilled spirits” as defined in Iowa Code section 123.3(34).

“*Beer*,” for the purposes of this rule, means “beer” as defined in Iowa Code section 123.3(7) and includes “high alcoholic content beer” as defined in Iowa Code section 123.3(22).

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

“*Original container*,” for the purposes of this rule, means a vessel containing alcoholic liquor, beer, or wine that has been lawfully obtained and has been securely capped, sealed, or corked at the location of manufacture.

“*Sealed container*,” for the purposes of this rule, means the same as defined in Iowa Code section 123.49(2) “d”(4)(b).

“*Tamper-evident*,” for the purposes of this rule, means the same as defined in Iowa Code section 123.49(2) “d”(4)(c).

“*Wine*,” for the purposes of this rule, means “wine” as defined in Iowa Code section 123.3(53) and includes “native wine” as defined in Iowa Code section 123.3(36).

1000.22(2) Filling conditions.

a. A sealed container may be filled and sold only by the licensee or the licensee’s employees who are 18 years of age or older.

b. A sealed container may be filled only upon receipt of an order by a consumer of legal age.

c. A sealed container may be filled only with mixed drinks or cocktails composed in whole or in part with alcoholic liquor, beer, or wine from an original container purchased as prescribed by Iowa Code chapter 123.

d. The filling of a sealed container needs to be conducted in compliance with applicable state and federal food safety statutes and regulations at all times.

1000.22(3) Sealing conditions. A sealed container must bear one of the following tamper-evident sealing methods:

a. A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid to form a seal that must be broken when the sealed container is opened.

b. A screw top cap or lid that breaks apart when the sealed container is opened.

c. A vacuum- or heat-sealed pouch containing the mixed drink or cocktail.

d. A lid permanently affixed to the sealed container with a can seamer.

1000.22(4) Labeling conditions. A sealed container must bear a label affixed to the sealed container in a conspicuous place and legibly state the following information:

a. The business name of the licensee that sold the mixed drink or cocktail.

b. The words “CONTAINS ALCOHOL.”

1000.22(5) Additional conditions.

a. A sealed container is not allowed to be filled in advance of a sale.

b. A licensee or a licensee’s employees must not allow a consumer to fill a sealed container.

c. The filling and selling of a sealed container is limited to the hours in which alcoholic beverages may be legally sold.

d. A sealed container must not be sold to any consumer who is under legal age, intoxicated, or simulating intoxication.

1000.22(6) Recordkeeping.

a. A licensee must maintain records, in printed or electronic format, of all sales of sealed containers. The records shall state the following:

(1) The business name of the licensee that sold the mixed drink or cocktail.

(2) The date and time of the sale.

- (3) A description of the product sold.
 - b. A licensee must keep the necessary records for a three-year period from the date the record was created.
 - c. Records must be open to inspection pursuant to Iowa Code section 123.30(1) and may be subject to an administrative subpoena issued by the director.

1000.22(7) *Violations.* Failure to follow this rule shall subject the licensee to the penalty provisions provided in Iowa Code chapter 123.

This rule is intended to implement Iowa Code sections 123.30, 123.33, and 123.49.

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