

Senate amendment to
House File 384

H-1434

1 Amend House File 384, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, after line 29 by inserting:

4 <Sec. _____. Section 123.36, subsection 6, Code 2021, is
5 amended to read as follows:

6 6. Any club, hotel, motel, native distillery,
7 passenger-carrying boat or ship, railway corporation, air
8 common carrier, or commercial establishment holding a liquor
9 control license, subject to [section 123.49, subsection 2](#),
10 paragraph "b", may apply for and receive permission to sell and
11 dispense alcoholic beverages as authorized by [section 123.30](#) to
12 patrons between the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00
13 a.m. on the following Monday. For the privilege of selling
14 beer, wine, and alcoholic liquor on the premises on Sunday the
15 liquor control license fee of the applicant shall be increased
16 by twenty percent of the regular fee prescribed for the license
17 pursuant to [this section](#), and the privilege shall be noted on
18 the liquor control license.>

19 2. Page 2, line 25, by striking <8:00> and inserting <~~8:00~~
20 6:00>

21 3. Page 3, by striking lines 3 and 4 and inserting <Monday
22 through ~~Saturday, and between 8:00 a.m. and 10:00 p.m.~~ Sunday.>

23 4. Page 4, after line 10 by inserting:

24 <Sec. _____. Section 123.49, subsection 2, paragraph b, Code
25 2021, is amended to read as follows:

26 *b.* Sell or dispense any alcoholic beverage on the premises
27 covered by the license or permit, or permit its consumption
28 thereon between the hours of 2:00 a.m. and 6:00 a.m. on a
29 weekday, and between the hours of 2:00 a.m. on Sunday and 6:00
30 a.m. on the following Monday, however, a holder of a liquor
31 control license or retail wine or beer permit granted the
32 privilege of selling alcoholic liquor, wine, or beer on Sunday
33 may sell or dispense alcoholic liquor, wine, or beer between
34 the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the
35 following Monday.>

1 5. By striking page 4, line 32, through page 6, line 10, and
2 inserting:

3 <(3) Mixed drinks or cocktails mixed on premises covered
4 by a class "C" liquor control license or a class "C" native
5 distilled spirits liquor control license for consumption
6 off the licensed premises may be sold if the mixed drink or
7 cocktail is immediately ~~sealed with a lid or other method~~
8 ~~of securing the product~~ filled in a sealed container and is
9 promptly taken from the licensed premises prior to consumption
10 of the mixed drink or cocktail. A mixed drink or cocktail
11 that is sold ~~and sealed~~ in a sealed container in compliance
12 with the requirements of this subparagraph and rules adopted
13 by the division shall not be deemed an open container subject
14 to the requirements of [sections 321.284](#) and [321.284A](#) if the
15 sealed container is unopened and the seal has not been tampered
16 with, and the contents of the container have not been partially
17 removed.

18 Sec. _____. Section 123.49, subsection 2, paragraph d, Code
19 2021, is amended by adding the following new subparagraph:

20 NEW SUBPARAGRAPH. (4) For purposes of this paragraph:

21 (a) "*Sealed container*" means a vessel, including a
22 substantial or sturdy plastic container and a vacuum or
23 heat-sealed pouch, containing a mixed drink or cocktail
24 that is designed to prevent consumption without removal of
25 a tamper-evident lid, cap, or seal. "*Sealed container*" does
26 not include a container with a sipping hole or other opening
27 for a straw, unless the hole or other opening includes a
28 tamper-evident seal, but a straw may be separately provided
29 with a sealed container to the consumer for off-premises
30 consumption.

31 (b) "*Tamper-evident*" means a lid, cap, or seal that visibly
32 demonstrates when a container has been opened.

33 Sec. _____. Section 123.134, subsection 4, Code 2021, is
34 amended to read as follows:

35 4. Any club, hotel, motel, or commercial establishment

1 holding a class "B" beer permit, subject to the provisions of
2 section 123.49, subsection 2, paragraph "b", may apply for
3 and receive permission to sell and dispense beer to patrons
4 on Sunday for consumption on or off the premises between
5 the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the
6 following Monday. Any class "C" beer permittee may sell beer
7 for consumption off the premises between the hours of ~~8:00~~ 6:00
8 a.m. on Sunday and 2:00 a.m. on the following Monday. For the
9 privilege of selling beer on Sunday the beer permit fees of the
10 applicant shall be increased by twenty percent of the regular
11 fees prescribed for the permit pursuant to [this section](#) and the
12 privilege shall be noted on the beer permit.

13 Sec. _____. Section 123.150, Code 2021, is amended to read as
14 follows:

15 **123.150 Sunday sales before New Year's Day.**

16 Notwithstanding [section 123.36, subsection 6](#), section
17 123.49, subsection 2, paragraph "b", and section 123.134,
18 subsection 4, a holder of any class of liquor control license
19 or the holder of a class "B" beer permit may sell or dispense
20 alcoholic liquor, wine, or beer to patrons for consumption on
21 the premises between the hours of ~~8:00~~ 6:00 a.m. on Sunday and
22 2:00 a.m. on Monday when that Monday is New Year's Day and beer
23 for consumption off the premises between the hours of ~~8:00~~ 6:00
24 a.m. on Sunday and 2:00 a.m. on the following Monday when that
25 Sunday is the day before New Year's Day. The liquor control
26 license fee or beer permit fee of licensees and permittees
27 permitted to sell or dispense liquor, wine, or beer on a Sunday
28 when that Sunday is the day before New Year's Day shall not be
29 increased because of this privilege. The special privileges
30 granted in [this section](#) are in force only during the specified
31 times provided in [this section](#).>

32 6. Title page, line 2, after <licenses> by inserting <,
33 hours of sale of alcoholic beverages on Sunday,>

34 7. By renumbering as necessary.