

House File 384

S-3095

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 1, before line 30 by inserting:

20 <Sec. _____. Section 123.43A, subsection 6, Code 2021, is
21 amended to read as follows:

22 6. Notwithstanding any provision of [this chapter](#) to the
23 contrary or the fact that a person is the holder of a class
24 "A" native distilled spirits license, a native distillery
25 which, combining all production facilities of the business,
26 produces and manufactures not more than one hundred thousand
27 proof gallons of native distilled spirits on an annual basis
28 may sell those native distilled spirits manufactured on the
29 premises of the native distillery for consumption on the
30 premises by applying for a class "C" native distilled spirits
31 liquor control license as provided in [section 123.30](#). A
32 native distillery may be granted not more than ~~one~~ two class
33 "C" native distilled spirits liquor control ~~license~~ licenses.
34 All native distilled spirits sold by a native distillery for
35 on-premises consumption and mixed drinks or cocktails sold

1 for consumption off the premises shall be purchased from a
2 class "E" liquor control licensee. A manufacturer of native
3 distilled spirits may be issued a class "C" native distilled
4 spirits liquor control license regardless of whether the
5 manufacturer is also a manufacturer of beer pursuant to a class
6 "A" beer permit or a manufacturer of native wine pursuant to a
7 class "A" wine permit.

8 Sec. _____. Section 123.45, subsection 3, Code 2021, is
9 amended to read as follows:

10 3. A person engaged in the wholesaling of beer or wine
11 may sell only disposable glassware, which is constructed of
12 paper, paper laminated, or plastic materials and designed
13 primarily for personal consumption on a one-time usage
14 basis, to retailers for use within the premises of licensed
15 establishments, for an amount which is greater than or equal
16 to an amount which represents the greater of either the amount
17 paid for the disposable glassware by the supplier or the amount
18 paid for the disposable glassware by the wholesaler. Also, a
19 person engaged in the business of manufacturing beer may sell
20 beer at retail for consumption on or off the premises of the
21 manufacturing facility and, notwithstanding any other provision
22 of [this chapter](#) or the fact that a person is the holder of a
23 class "A" beer permit, may be granted not more than ~~one~~ two
24 class "B" beer ~~permit~~ permits as defined in [section 123.124](#)
25 for that purpose regardless of whether that person is also a
26 manufacturer of native distilled spirits pursuant to a class
27 "A" native distilled spirits license or a manufacturer of
28 native wine pursuant to a class "A" wine permit.>

29 3. Page 2, line 25, by striking <8:00> and inserting <8:00
30 6:00>

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

33 5. Page 4, after line 10 by inserting:

34 <Sec. _____. Section 123.49, subsection 2, paragraph b, Code
35 2021, is amended to read as follows:

1 **b.** Sell or dispense any alcoholic beverage on the premises
2 covered by the license or permit, or permit its consumption
3 thereon between the hours of 2:00 a.m. and 6:00 a.m. on a
4 weekday, and between the hours of 2:00 a.m. on Sunday and 6:00
5 a.m. on the following Monday, however, a holder of a liquor
6 control license or retail wine or beer permit granted the
7 privilege of selling alcoholic liquor, wine, or beer on Sunday
8 may sell or dispense alcoholic liquor, wine, or beer between
9 the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the
10 following Monday.>

11 6. By striking page 4, line 32, through page 6, line 10, and
12 inserting:

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

28 Sec. _____. Section 123.49, subsection 2, paragraph d, Code
29 2021, is amended by adding the following new subparagraph:

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

31 (a) "*Sealed container*" means a vessel, including a
32 substantial or sturdy plastic container and a vacuum or
33 heat-sealed pouch, containing a mixed drink or cocktail
34 that is designed to prevent consumption without removal of
35 a tamper-evident lid, cap, or seal. "*Sealed container*" does

1 not include a container with a sipping hole or other opening
2 for a straw, unless the hole or other opening includes a
3 tamper-evident seal, but a straw may be separately provided
4 with a sealed container to the consumer for off-premises
5 consumption.

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

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

10 4. Any club, hotel, motel, or commercial establishment
11 holding a class "B" beer permit, subject to the provisions of
12 section 123.49, subsection 2, paragraph "b", may apply for
13 and receive permission to sell and dispense beer to patrons
14 on Sunday for consumption on or off the premises between
15 the hours of ~~8:00~~ 6:00 a.m. on Sunday and 2:00 a.m. on the
16 following Monday. Any class "C" beer permittee may sell beer
17 for consumption off the premises between the hours of ~~8:00~~ 6:00
18 a.m. on Sunday and 2:00 a.m. on the following Monday. For the
19 privilege of selling beer on Sunday the beer permit fees of the
20 applicant shall be increased by twenty percent of the regular
21 fees prescribed for the permit pursuant to [this section](#) and the
22 privilege shall be noted on the beer permit.

23 Sec. _____. Section 123.150, Code 2021, is amended to read as
24 follows:

25 **123.150 Sunday sales before New Year's Day.**

26 Notwithstanding [section 123.36, subsection 6](#), section
27 123.49, subsection 2, paragraph "b", and section 123.134,
28 subsection 4, a holder of any class of liquor control license
29 or the holder of a class "B" beer permit may sell or dispense
30 alcoholic liquor, wine, or beer to patrons for consumption on
31 the premises between the hours of ~~8:00~~ 6:00 a.m. on Sunday and
32 2:00 a.m. on Monday when that Monday is New Year's Day and beer
33 for consumption off the premises between the hours of ~~8:00~~ 6:00
34 a.m. on Sunday and 2:00 a.m. on the following Monday when that
35 Sunday is the day before New Year's Day. The liquor control

1 license fee or beer permit fee of licensees and permittees
2 permitted to sell or dispense liquor, wine, or beer on a Sunday
3 when that Sunday is the day before New Year's Day shall not be
4 increased because of this privilege. The special privileges
5 granted in [this section](#) are in force only during the specified
6 times provided in [this section](#).>

7 7. Page 6, after line 10 by inserting:

8 <Sec. _____. Section 123.130, subsection 2, Code 2021, is
9 amended to read as follows:

10 2. Pursuant to [section 123.45, subsection 3](#), a native
11 brewery may be granted not more than ~~one~~ two class "B" beer
12 ~~permit~~ permits as defined in [section 123.124](#) for the purpose of
13 selling beer at retail for consumption on or off the premises
14 of the manufacturing facility.

15 Sec. _____. Section 123.176, subsection 5, Code 2021, is
16 amended to read as follows:

17 5. Notwithstanding any other provision of [this chapter](#), a
18 person engaged in the business of manufacturing native wine may
19 sell native wine at retail for consumption on the premises of
20 the manufacturing facility by applying for a class "C" native
21 wine permit as provided in [section 123.178B](#). A manufacturer
22 of native wine may be granted not more than ~~one~~ two class "C"
23 native wine ~~permit~~ permits. A manufacturer of native wine may
24 be issued a class "C" native wine permit regardless of whether
25 the manufacturer is also a manufacturer of beer pursuant to a
26 class "A" beer permit or a manufacturer of native distilled
27 spirits pursuant to a class "A" native distilled spirits
28 license.>

29 8. Title page, line 1, after <concerning> by inserting
30 <native distilleries, beer manufacturers, native breweries, and
31 native wine manufacturers,>

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

34 10. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
ROBY SMITH, CHAIRPERSON