

**House Study Bill 663 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON KAUFMANN)

**A BILL FOR**

1 An Act concerning the sale and off-premises transportation and  
2 consumption of certain containers of wine.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.178, subsection 1, Code 2020, is  
2 amended to read as follows:

3 1. A person holding a class "B" wine permit may sell wine at  
4 retail for consumption off the premises. Wine shall be sold  
5 for consumption off the premises in original containers ~~only~~  
6 except as provided in subsection 4.

7 Sec. 2. Section 123.178, Code 2020, is amended by adding the  
8 following new subsections:

9 NEW SUBSECTION. 4. Subject to the rules of the division,  
10 sales made pursuant to this section may be made in a container  
11 other than the original container only if all of the following  
12 requirements are met:

13 a. The wine is transferred from the original container to  
14 the container to be sold on the licensed premises at the time  
15 of sale.

16 b. The person transferring the wine from the original  
17 container to the container to be sold shall be eighteen years  
18 of age or more.

19 c. The container to be sold shall be no larger than  
20 seventy-two ounces.

21 d. The container to be sold shall be securely sealed by a  
22 method authorized by the division that is designed so that if  
23 the sealed container is reopened or the seal tampered with, it  
24 is visibly apparent that the seal on the container of wine has  
25 been tampered with or the sealed container has otherwise been  
26 reopened.

27 NEW SUBSECTION. 5. A container of wine other than the  
28 original container that is sold and sealed in compliance  
29 with the requirements of subsection 4 and the rules of the  
30 division shall not be deemed an open container subject to the  
31 requirements of sections 321.284 and 321.284A if the sealed  
32 container is unopened and the seal has not been tampered with,  
33 and the contents of the container have not been partially  
34 removed.

35 Sec. 3. Section 123.178A, subsection 1, Code 2020, is

1 amended to read as follows:

2 1. A person holding a class "B" native wine permit may sell  
3 native wine only at retail for consumption off the premises.  
4 Native wine shall be sold for consumption off the premises in  
5 original containers ~~only~~ except as provided in subsection 4.

6 Sec. 4. Section 123.178A, Code 2020, is amended by adding  
7 the following new subsections:

8 NEW SUBSECTION. 4. Subject to the rules of the division,  
9 sales made pursuant to this section may be made in a container  
10 other than the original container only if all of the following  
11 requirements are met:

12 a. The wine is transferred from the original container to  
13 the container to be sold on the licensed premises at the time  
14 of sale.

15 b. The person transferring the wine from the original  
16 container to the container to be sold shall be eighteen years  
17 of age or more.

18 c. The container to be sold shall be no larger than  
19 seventy-two ounces.

20 d. The container to be sold shall be securely sealed by a  
21 method authorized by the division that is designed so that if  
22 the sealed container is reopened or the seal tampered with, it  
23 is visibly apparent that the seal on the container of wine has  
24 been tampered with or the sealed container has otherwise been  
25 reopened.

26 NEW SUBSECTION. 5. A container of wine other than the  
27 original container that is sold and sealed in compliance  
28 with the requirements of subsection 4 and the rules of the  
29 division shall not be deemed an open container subject to the  
30 requirements of sections 321.284 and 321.284A if the sealed  
31 container is unopened and the seal has not been tampered with,  
32 and the contents of the container have not been partially  
33 removed.

34 Sec. 5. Section 123.178B, subsection 1, Code 2020, is  
35 amended to read as follows:

1 1. A person holding a class "C" native wine permit may  
2 sell native wine only at retail for consumption on or off the  
3 premises. Sales of wine for consumption off the premises made  
4 pursuant to this section shall be made in original containers  
5 except as provided in subsection 5.

6 Sec. 6. Section 123.178B, Code 2020, is amended by adding  
7 the following new subsections:

8 NEW SUBSECTION. 5. Subject to the rules of the division,  
9 sales made pursuant to this section may be made in a container  
10 other than the original container only if all of the following  
11 requirements are met:

12 a. The wine is transferred from the original container to  
13 the container to be sold on the licensed premises at the time  
14 of sale.

15 b. The person transferring the wine from the original  
16 container to the container to be sold shall be eighteen years  
17 of age or more.

18 c. The container to be sold shall be no larger than  
19 seventy-two ounces.

20 d. The container to be sold shall be securely sealed by a  
21 method authorized by the division that is designed so that if  
22 the sealed container is reopened or the seal tampered with, it  
23 is visibly apparent that the seal on the container of wine has  
24 been tampered with or the sealed container has otherwise been  
25 reopened.

26 NEW SUBSECTION. 6. A container of wine other than the  
27 original container that is sold and sealed in compliance  
28 with the requirements of subsection 5 and the rules of the  
29 division shall not be deemed an open container subject to the  
30 requirements of sections 321.284 and 321.284A if the sealed  
31 container is unopened and the seal has not been tampered with,  
32 and the contents of the container have not been partially  
33 removed.

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EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1                   the explanation's substance by the members of the general assembly.

2       This bill provides that a person holding a class "B" wine  
3 permit, class "B" native wine permit, or class "C" native wine  
4 permit who is authorized to sell wine for consumption off  
5 the licensed premises may sell wine for consumption of the  
6 premises in a container other than the original container if  
7 certain requirements are met. The bill requires the wine to  
8 be transferred from the original container to the container  
9 to be sold on the licensed premises, the person transferring  
10 the wine shall be 18 years of age or more, the container to be  
11 sold shall be no larger than 72 ounces, and the container to  
12 be sold shall be securely sealed by a method authorized by the  
13 alcoholic beverages division of the department of commerce.  
14 The bill also provides that the sealed container of wine is  
15 not considered an open container for purposes of those Code  
16 sections prohibiting open containers of alcohol in vehicles.