

House Study Bill 90 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF COMMERCE/ALCOHOLIC
BEVERAGES DIVISION BILL)

A BILL FOR

1 An Act relating to alcohol beverage control concerning certain
2 class "C" liquor control licensees.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.30, subsection 3, paragraph c,
2 subparagraph (1), Code 2021, is amended to read as follows:

3 (1) A class "C" liquor control license may be issued to
4 a commercial establishment but must be issued in the name of
5 the individuals who actually own the entire business and shall
6 authorize the holder to purchase alcoholic liquors in original
7 unopened containers from class "E" liquor control licensees
8 only, wine from class "A" wine permittees or class "B" wine
9 permittees who also hold class "E" liquor control licenses
10 only as provided in [sections 123.173](#) and [123.177](#), and to sell
11 alcoholic beverages to patrons by the individual drink for
12 consumption on the premises only. However, alcoholic liquor,
13 wine, and beer in original unopened containers may also be sold
14 for consumption off the premises. In addition, mixed drinks
15 or cocktails may also be sold for consumption off the premises
16 subject to the requirements of [section 123.49, subsection 2](#),
17 paragraph "d". The holder of a class "C" liquor control license
18 may also hold a special class "A" beer permit for the premises
19 licensed under a class "C" liquor control license for the
20 purpose of operating a brewpub pursuant to [this chapter](#).

21 Sec. 2. Section 123.49, subsection 2, paragraph d,
22 subparagraph (3), Code 2021, is amended to read as follows:

23 (3) Mixed drinks or cocktails mixed on premises covered
24 by a class "C" liquor control license or a class "C" native
25 distilled spirits liquor control license for consumption
26 off the licensed premises may be sold if the mixed drink or
27 cocktail is immediately sealed with a lid or other method of
28 securing the product and is promptly taken from the licensed
29 premises prior to consumption of the mixed drink or cocktail.
30 A mixed drink or cocktail that is sold and sealed in compliance
31 with the requirements of this subparagraph and rules adopted
32 by the division shall not be deemed an open container subject
33 to the requirements of [sections 321.284](#) and [321.284A](#) if the
34 sealed container is unopened and the seal has not been tampered
35 with, and the contents of the container have not been partially

1 removed.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

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This bill relates to alcoholic beverage control.

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Code section 123.30, relating to class "C" liquor control
7 licensees, is amended to provide that alcoholic liquor, wine,
8 and beer sold by a licensee for consumption off the premises
9 shall be in original unopened containers.

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Code section 123.49 is amended to provide that mixed drinks
11 or cocktails mixed on premises covered by a class "C" liquor
12 control license or a class "C" native distilled spirits liquor
13 control license for consumption off the licensed premises shall
14 be sold and sealed in compliance with rules adopted by the
15 alcoholic beverages division of the department of commerce.

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