

Senate File 401 - Introduced

SENATE FILE 401
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1032)

(COMPANION TO LSB 1194HV BY
COMMITTEE ON COMMERCE)

A BILL FOR

1 An Act relating to sales of mixed drinks or cocktails for
2 consumption off the premises and including effective date
3 provisions.

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

1 Section 1. Section 123.49, subsection 2, paragraph d,
2 subparagraph (4), subparagraph division (a), Code 2023, is
3 amended to read as follows:

4 (a) *"Sealed container"* means a vessel, ~~including a~~
5 ~~substantial or sturdy plastic container and a vacuum or~~
6 ~~heat-sealed pouch,~~ containing a mixed drink or cocktail
7 that is designed to prevent consumption without removal of
8 a tamper-evident lid, cap, or seal. *"Sealed container"* does
9 not include a container with a sipping hole or other opening
10 for a straw, ~~unless the hole or other opening includes a~~
11 ~~tamper-evident seal, but a straw may be separately provided~~
12 ~~with a sealed container to the consumer for off-premises~~
13 consumption a cup made of plastic that is intended for one-time
14 use, or a cup made of paper or polystyrene foam.

15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
16 importance, takes effect upon enactment.

17 EXPLANATION

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

20 This bill concerns the sale of mixed drinks or cocktails
21 mixed on premises covered by a class "C" retail alcohol license
22 for consumption off the licensed premises.

23 Current law allows a mixed drink or cocktail sold in a
24 sealed container to not be considered an open container for
25 purposes of restrictions on drivers and passengers possessing a
26 receptacle containing an alcoholic beverage in a motor vehicle.
27 The bill modifies the definition of sealed container by
28 providing that a cup made of plastic intended for one-time use,
29 a cup made of paper or foam, a cup with a hole that includes
30 a tamper-evident seal, or a vacuum or heat-sealed pouch, is
31 not considered a sealed container. The bill takes effect upon
32 enactment.