

Senate Study Bill 1032 - Introduced

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

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 (3), Code 2023, is amended to read as follows:

3 (3) Mixed drinks or cocktails mixed on premises covered
4 by a class "C" retail alcohol license for consumption off the
5 licensed premises may be sold if the mixed drink or cocktail is
6 ~~immediately filled in a sealed container~~ packaged upon receipt
7 of an order by a consumer of legal age in a container bearing a
8 lid or other method of securing the contents of the container
9 and is promptly taken from the licensed premises prior to
10 consumption of the mixed drink or cocktail. A mixed drink
11 or cocktail that is sold ~~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. 2. Section 123.49, subsection 2, paragraph d,
19 subparagraph (4), Code 2023, is amended by striking the
20 subparagraph.

21 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
22 importance, takes effect upon enactment.

23 EXPLANATION

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

26 This bill concerns the sale of mixed drinks or cocktails
27 mixed on premises covered by a class "C" retail alcohol
28 license for consumption off the licensed premises. The bill
29 eliminates the requirement that the mixed drinks or cocktails
30 be immediately filled in a sealed container and strikes
31 provisions defining a sealed container. Instead, the bill
32 requires the mixed drink or cocktail to be packaged upon
33 receipt of an order in a container with a lid or other method of
34 securing the contents. The bill further provides that mixed
35 drinks or cocktails sold in compliance with the requirements of

S.F. _____ H.F. _____

1 the bill shall be considered an open container for purposes of
2 restrictions on drivers and passengers possessing a receptacle
3 containing an alcoholic beverage in a motor vehicle. The bill
4 takes effect upon enactment.