

**123.30 Liquor control licenses — classes.**

1. *a.* A liquor control license may be issued to any person who is of good moral character as defined by [this chapter](#).

*b.* As a condition for issuance of a liquor control license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff or deputy sheriff; members of the department of public safety; representatives of the division and of the department of inspections and appeals; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of [this chapter](#) or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under [section 421.17](#) or a warrant is required for inspection of private records, a private business office, or attached living quarters. Persons who are not certified peace officers shall limit the scope of their inspections of licensed premises to the regulatory authority under which the inspection is conducted. All persons who enter upon a licensed premises to conduct an inspection shall present appropriate identification to the owner of the establishment or the person who appears to be in charge of the establishment prior to commencing an inspection; however, this provision does not apply to undercover criminal investigations conducted by peace officers.

*c.* As a further condition for the issuance of a class “E” liquor control license, the applicant shall post a bond in a sum of not less than five thousand nor more than fifteen thousand dollars as determined on a sliding scale established by the division; however, a bond shall not be required if all purchases of alcoholic liquor from the division by the licensee are made by means that ensure that the division will receive full payment in advance of delivery of the alcoholic liquor.

*d.* A class “E” liquor control license may be issued to a city council for premises located within the limits of the city if there are no class “E” liquor control licensees operating within the limits of the city and no other applications for a class “E” license for premises located within the limits of the city at the time the city council’s application is filed. If a class “E” liquor control license is subsequently issued to a private person for premises located within the limits of the city, the city council shall surrender its license to the division within one year of the date that the class “E” liquor control licensee begins operating, liquidate any remaining assets connected with the liquor store, and cease operating the liquor store.

2. A liquor control license shall not be issued for premises which do not constitute a safe and proper place or building and which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the administrator in the form of a living quarters permit.

3. Liquor control licenses issued under [this chapter](#) shall be of the following classes:

*a.* *Class “A”.* A class “A” liquor control license may be issued to a club and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in [sections 123.173](#) and [123.177](#), and to sell alcoholic beverages to bona fide members and their guests by the individual drink for consumption on the premises only.

*b.* *Class “B”.* A class “B” liquor control license may be issued to a hotel or motel and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in [sections 123.173](#) and [123.177](#), and to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. Each license shall be effective throughout the premises described in the application.

*c.* *Class “C”.*

(1) A class “C” liquor control license may be issued to a commercial establishment but

must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class “E” liquor control licensees only, wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in [sections 123.173 and 123.177](#), and to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, alcoholic liquor, wine, and beer in original unopened containers may also be sold for consumption off the premises. In addition, mixed drinks or cocktails may also be sold for consumption off the premises subject to the requirements of [section 123.49, subsection 2](#), paragraph “d”. The holder of a class “C” liquor control license may also hold a special class “A” beer permit for the premises licensed under a class “C” liquor control license for the purpose of operating a brewpub pursuant to [this chapter](#).

(2) A special class “C” liquor control license may be issued to a commercial establishment and shall authorize the holder to purchase wine from class “A” wine permittees or class “B” wine permittees who also hold class “E” liquor control licenses only as provided in [sections 123.173 and 123.177](#), and to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, beer may also be sold for consumption off the premises. The license issued to holders of a special class “C” liquor control license shall clearly state on its face that the license is limited.

(3) A class “C” native distilled spirits liquor control license may be issued to a native distillery but shall be issued in the name of the individuals who actually own the business and shall only be issued to a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of distilled spirits on an annual basis. The license shall authorize the holder to sell native distilled spirits manufactured on the premises of the native distillery to patrons by the individual drink for consumption on the premises and mixed drinks or cocktails for consumption off the premises subject to the requirements of [section 123.49, subsection 2](#), paragraph “d”. All native distilled spirits sold by a native distillery for on-premises consumption and mixed drinks or cocktails sold for consumption off the premises shall be purchased from a class “E” liquor control licensee in original unopened containers.

*d. Class “D”.*

(1) A class “D” liquor control license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages to passengers for consumption only on trains, watercraft as described in [this section](#), or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under [chapter 99F](#), the owner shall obtain a separate class “D” liquor control license for each excursion gambling boat operating in the waters of this state.

(2) A class “D” liquor control licensee who operates a train or a watercraft intrastate only, or an excursion gambling boat licensed under [chapter 99F](#), shall purchase alcoholic liquor in original unopened containers from a class “E” liquor control licensee only, wine from a class “A” wine permittee or a class “B” wine permittee who also holds a class “E” liquor control license only as provided in [sections 123.173 and 123.177](#), and beer from a class “A” beer permittee only.

*e. Class “E”.*

(1) A class “E” liquor control license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the division only and high alcoholic content beer from a class “A” beer permittee only and to sell the alcoholic liquor in original unopened containers and high alcoholic content beer at retail to patrons for consumption off the licensed premises and at wholesale to other liquor control licensees, provided the holder has filed with the division a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A holder of a class “E” liquor control license may hold other retail liquor control licenses or retail wine or beer permits, but the premises licensed under a class “E” liquor control license shall be

separate from other licensed premises, though the separate premises may have a common entrance. However, the holder of a class “E” liquor control license may also hold a class “B” wine or class “C” beer permit or both for the premises licensed under a class “E” liquor control license.

(2) The division may issue a class “E” liquor control license for premises covered by a liquor control license or wine or beer permit for on-premises consumption under any of the following circumstances:

(a) If the premises are in a county having a population under nine thousand five hundred in which no other class “E” liquor control license has been issued by the division, and no other application for a class “E” liquor control license has been made within the previous twelve consecutive months.

(b) If, notwithstanding any provision of [this chapter](#) to the contrary, the premises covered by a liquor control license is a grocery store that is at least five thousand square feet.

4. Notwithstanding any provision of [this chapter](#) to the contrary, a person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee’s agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of [this subsection](#) is subject to the requirements of [sections 321.284](#) and [321.284A](#). A person holding a liquor control license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to carry an open container of wine from the person’s licensed premises into another immediately adjacent licensed premises that is covered by a license or permit that authorizes the consumption of wine, a temporarily closed public right-of-way, or a private place.

[C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.30]

85 Acts, ch 32, §22; 86 Acts, ch 1246, §741, 742; 87 Acts, ch 22, §4 – 6; 88 Acts, ch 1088, §2, 3; 88 Acts, ch 1241, §6, 7; 90 Acts, ch 1175, §6; 91 Acts, ch 203, §1; 93 Acts, ch 91, §7, 8; 2009 Acts, ch 41, §263; 2009 Acts, ch 74, §1; 2010 Acts, ch 1193, §111, 140; 2011 Acts, ch 17, §6; 2013 Acts, ch 30, §22; 2014 Acts, ch 1092, §28; 2016 Acts, ch 1008, §3; 2017 Acts, ch 29, §38, 39; 2017 Acts, ch 119, §5, 19, 40; 2018 Acts, ch 1060, §12; 2018 Acts, ch 1172, §54 – 60; 2019 Acts, ch 113, §11 – 13; 2020 Acts, ch 1114, §10, 11, 16; 2021 Acts, ch 155, §2

Referred to in §12.43, 123.33, 123.36, 123.43, 123.43A, 123.95, 123.127, 123.128, 123.129, 123.138, 123.175, 123.185

Subsection 3, paragraph c, subparagraph (1) amended