

123.46A Delivery of alcoholic beverages by retailers.

1. Licensees and permittees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home, another licensed premises if there is identical ownership of the premises by the licensee or permittee, or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit. Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the liquor control license or retail wine or beer permit covering the premises to which the alcoholic beverages will be delivered. Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee or permittee who will receive the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee or permittee who fulfilled the order.

2. Licensees and permittees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the wine, beer, or mixed drinks or cocktails to a home or other designated location in this state only if the container other than the original container has been sold and securely sealed in compliance with [this chapter](#) or the rules of the division. Deliveries shall be limited to alcoholic beverages authorized by the licensee's or permittee's license or permit.

3. All deliveries of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be subject to the following requirements and restrictions:

a. Payment for the alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be received by the licensee or permittee at the time of order.

b. Orders for deliveries may be taken by the licensee or permittee between the hours of 2:00 a.m. and 6:00 a.m. on a day other than Sunday, and orders for deliveries may be taken between the hours of 2:00 a.m. and 6:00 a.m. on a Sunday provided the licensee or permittee has been granted the privilege of selling alcoholic liquor, wine, beer, or mixed drinks or cocktails on Sunday, notwithstanding any provision of [section 123.49, subsection 2, paragraph "b"](#), to the contrary.

c. Alcoholic liquor, wine, beer, or mixed drinks or cocktails delivered to a person shall be for personal use and not for resale.

d. Deliveries shall only be made to persons in this state who are twenty-one years of age or older.

e. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication.

f. Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Sunday.

g. Delivery of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be made by the licensee or permittee, the licensee's or permittee's employee, or a third party, provided the licensee or permittee has entered into a written agreement with the third party that authorizes the third party to act as an agent of the licensee or permittee for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. Each licensee or permittee shall submit to the division electronically, or in a manner prescribed by the administrator, a list of names and addresses of all third parties it has authorized to act as its agent for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. The licensee or permittee shall provide the division with amendments to the list as necessary to ensure the division possesses an accurate, current list.

h. Delivery personnel shall be twenty-one years of age or older.

i. Valid proof of the recipient's identity and age shall be obtained at the time of delivery, and the signature of a person twenty-one years of age or older shall be obtained as a condition of delivery.

j. Licensees and permittees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic liquor, wine, beer, or mixed drinks or cocktails. The records shall be maintained on the licensed premises for a period of three years.

4. A violation of [this section](#) or any other provision of [this chapter](#) shall subject the licensee or permittee to the penalty provisions of [section 123.39](#). If the licensee or permittee, an

employee of the licensee or permittee, or a person delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails for a third party acting on behalf of the licensee or permittee pursuant to a written agreement violates [this section](#), the licensee or permittee shall not be assessed a penalty under [section 123.39](#) if the licensee or permittee establishes all of the following:

a. The violation was committed off of the licensee's or permittee's premises after the liquor, wine, beer, or mixed drinks or cocktails was removed from the licensee's or permittee's premises in fulfillment of a delivery order.

b. (1) If the person who committed the violation is an employee of the licensee or permittee, that no other violation of [this section](#) was committed by any employee of the licensee or permittee within the two-year period immediately preceding the date of violation.

(2) If the person who committed the violation is a person delivering for a third party acting on behalf of the licensee or permittee, that no other violation of [this section](#) was committed by any person delivering for the same third party while the third party was acting on behalf of the licensee or permittee within the two-year period immediately preceding the date of violation.

5. Nothing in [this section](#) shall impact the direct shipment of wine as regulated by [section 123.187](#).

[2011 Acts, ch 30, §5; 2019 Acts, ch 113, §64 – 66, 68; 2021 Acts, ch 99, §1 – 3; 2021 Acts, ch 155, §4, 5; 2021 Acts, ch 174, §11, 12, 36](#)

Referred to in [§123.49, 123.187](#)

See Code editor's note on simple harmonization at the beginning of this Code volume
Section amended and editorially internally renumbered