

**Disclaimer:**

This document is not intended to provide legal advice. Laws on alcohol sales and service may vary greatly by city, county or state. For complete information on the alcohol laws in effect in your region, please contact the liquor authority in your state and/or municipality.

**Iowa**

<b>STATE LIQUOR AUTHORITY</b>	Alcoholic Beverage Division 19185 S.E Hulsizer Road Ankeny, Iowa 50021 Phone: 515-281-7407 Fax: 515-281-7385 Website Address: <a href="http://www.iowaabd.com">www.iowaabd.com</a>
<b>AGE TO CONSUME</b>	21
<b>AGE TO SERVE</b>	18 (Barbacks/busboys may be 16 years of age as long as there is no serving of alcohol.)
<b>AGE TO POUR</b>	18
<b>AGE TO SELL (PACKAGED LIQUOR)</b>	16
<b>MINORS ALLOWED ON PREMISE?</b>	There are no state laws prohibiting minors in licensed establishments. However, local authorities may have ordinances prohibiting minors in licensed establishments. It is unlawful to serve or sell alcohol to anyone under the age of 21.
<b>CAN PARENTS SERVE?</b>	Liquor, wine or beer may be given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian for beverage or medicinal purposes.
<b>HOURS OF SERVICE</b>	<b>On Premise Establishments:</b> Monday thru Saturday: 6:00 a.m. until 2:00 a.m. Sunday: 8:00 until 2:00 a.m. (with Sunday sales privilege). <b>Off Premise/Retail Stores:</b> Monday thru Saturday: 6:00 a.m. until 2:00 a.m. Sunday: 8:00 a.m. until 2:00 a.m. (Sunday sales privilege for beer sales).
<b>ACCEPTED ID'S</b>	Iowa law does not govern acceptable forms of identification. However, the Alcoholic Beverages Division recommends that licensees request identification – valid forms of which include a person's photo and date of birth, such as those found on a driver's license or state-issued ID card. Note: When licensees or employees are charged with a sales-to-minor violation, a defense to the charge is available to them if (1) the minor who made the purchase misrepresented their age and (2) a reasonable inquiry was made to determine if the purchaser was of legal age.
<b>LEGAL LEVEL OF INTOXICATION WHILE DRIVING</b>	.08 BAC
<b>DRAM SHOP LAW</b>	Licensees are civilly liable if an intoxication guest is served, or if the guest is served to the point of visible intoxication, or if a reasonable person should have known the alcohol service would lead to intoxication. All licensees, except Class E licensees, must carry liquor liability insurance. (Note to servers: Though not civilly liable, servers are still criminally liable for serving intoxicated guests.) It is possible to use the defense that the guest's intoxication did not contribute to the injury or damages. <b>NOTE:</b> Although it is not stated, it can be inferred that both licensees and employees are liable if the guest is a minor.
<b>ID CONFISCATION</b>	Licensees may retain false IDs. If it appears to be altered, falsified or belong to someone else. If the ID is a state-issued license or ID card, the licensee must provide written receipt of retainment to the person from whom the card was taken. Within twenty-four hours the card must be delivered to local law enforcement and the licensee must file a written report of the incident. Licensees may be subject to criminal prosecution or civil liability for retaining state-issued ID if proper procedures are not followed or if excessive force is used in obtaining the identification. See Iowa code section 123.48.

<b>HAPPY HOUR &amp; OTHER SERVICE RESTRICTIONS</b>	Iowa does not have laws regulating Happy Hours or promotions, but local ordinance may apply. The law allows a licensee to offer a food and drink combination for a special price. "Happy Hour", "Drink special" and "Promotions" are not regulated by Iowa laws. However Iowa Civil rights Act prohibits bar promotions based on gender, therefore "Ladies Night" promotions are not allowed.
<b>PENALTIES FOR SERVING OR SELLING TO A MINOR</b>	Serious misdemeanor <b>1<sup>st</sup> violation or 1<sup>st</sup> within 2 years:</b> punishable by minimum of \$500 up to \$1500 fine or 14 days suspension; <b>2<sup>nd</sup> violation within 2 years:</b> 30 day suspension plus \$1500 fine; <b>3<sup>rd</sup> violation within 2-3 years:</b> 60 days suspension plus \$1500 fine; <b>4<sup>th</sup> violation within 3 years:</b> revocation
<b>WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?</b>	Not required by state.

### **ADDENDUMA; IOWA DRAM SHOP LAW**

123.92 Civil liability for dispensing or sale and service of beer, wine, or intoxicating liquor (Dram shop Act) - liability insurance - underage persons.

Any person who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for all damages actually sustained, severally or jointly, against any licensee or permittee, whether or not the license or permit was issued by the division or by the licensing authority of any other state, who sold and served any beer, wine, or intoxicating liquor to the intoxicated person when the licensee or permittee knew or should have known the person was intoxicated, or who sold to and served the person to a point where the licensee or permittee knew or should have known the person would become intoxicated. If the injury was caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person. The remedy provided by this section shall apply both prospectively, to actions filed on or after July 1, 1992, and retrospectively, to actions pending in trial or appellate courts prior to July 1, 1992.

Every liquor control licensee and class "B" beer permittee, except a class "E" liquor control licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the division.

Notwithstanding section 123.49, subsection 1, any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee or permittee and who dispensed or gave any beer, wine, or intoxicating liquor to the intoxicated underage person when the non-licensee or non-permittee who dispensed or gave the beer, wine, or intoxicating liquor to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave beer, wine, or intoxicating liquor to the underage person to a point where the non-licensee or non-permittee knew or should have known that the underage person would become intoxicated. If the injury was caused by an intoxicated person who is under legal age, a person who is not a licensee or permittee and who dispensed or gave beer, wine, or intoxicating liquor to the underage person may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the underage person. For purposes of this paragraph, "dispensed" or "gave" means the act of physically presenting a receptacle containing beer, wine, or intoxicating liquor to the underage person whose actions or intoxication results in the sustaining of damages by another person. However, a person who dispenses or gives beer, wine, or intoxicating liquor to an underage person shall only be liable for any damages if the person knew or should have known that the underage person was under legal age.

[C73, §1557; C97, §2418; C24, 27, 31, 35, 39, § 2055; C46, 50, 54, 58, 62, §129.2; C66, 71, §123.95, 129.2; C73, 75, 77, 79, 81, §123.92]

85 Acts, ch 32, §57; 86 Acts, ch 1211, §12; 88 Acts, ch 1158, §30; 92 Acts, ch 1136, §1; 97 Acts,

ch 126, §7

123.49 MISCELLANEOUS PROHIBITIONS.

1. A person shall not sell, dispense, or give to an intoxicated person, or one simulating intoxication, any alcoholic liquor, wine, or beer.

a. A person other than a person required to hold a license or permit under this chapter who dispenses or gives an alcoholic beverage, wine, or beer in violation of this subsection is not civilly liable to an injured person or the estate of a person for injuries inflicted on that person as a result of intoxication by the consumer of the alcoholic beverage, wine, or beer.

b. The general assembly declares that this subsection shall be interpreted so that the holding of *Clark v. Mincks*, 364 N.W.2d. 226 (Iowa 1985) is abrogated in favor of prior judicial interpretation finding the consumption of alcoholic beverages, wine, or beer rather than the serving of alcoholic beverages, wine, or beer as the proximate cause of injury inflicted upon another by an intoxicated person.