

FIRST REGULAR SESSION

HOUSE BILL NO. 405

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOHNSON (47) (Sponsor) AND VILLA (Co-sponsor).

Read 1st time February 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1304L.011

AN ACT

To repeal section 311.080, RSMo, and to enact in lieu thereof one new section relating to the sale of liquor.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 311.080, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.080, to read as follows:

311.080. 1. No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within one hundred feet of any school, church or other building regularly used as a place of religious worship, except that when a school, church or place of worship shall hereafter be established within one hundred feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason.

2. The board of aldermen, city council or other proper authorities of any incorporated city, town or village may by ordinance prohibit the granting of a license for the sale of intoxicating liquor within a distance as great as three hundred feet of any school, church, or other building regularly used as a place of religious worship. In such cases, and where the ordinance has been lawfully enacted, no license of any character shall be issued in conflict with the ordinance while it is in effect; except, that when a school, church or place of worship is established within the prohibited distance from any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason.

3. Subsection 1 of this section shall not apply to [a holder of] a license issued [pursuant to section 311.090, 311.218, or 311.482, or to any premises holding a license issued before January 1, 2004,] by the supervisor of alcohol and tobacco control for the sale of intoxicating

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 liquor pursuant to section 311.218 or to a license issued to any church, school, civic, service,
18 fraternal, veteran, political, or charitable club or organization which has obtained an
19 exemption from the payment of federal taxes.

20 **4. Subsection 1 of this section shall not apply to any premises holding a license**
21 **issued before January 1, 2004, by the supervisor of alcohol and tobacco control for the sale**
22 **of intoxicating liquor. To retain a license under this subsection, the licensed premises shall**
23 **not change license type, amend the legal description, or be without a liquor license for more**
24 **than ninety days.**