

SS SCS SB 114 -- INTOXICATING LIQUOR

SPONSOR: Schmitt (Jones, 50)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 12 to 1.

This substitute specifies that beer brewed for personal or family use may be removed from the premises where it was brewed for use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license, or on any tax-exempt organization's licensed premises. Intoxicating liquor manufactured for personal or family use may not be offered for sale.

The substitute specifies that distillers, wholesalers, winemakers, retailers, brewers, or their employees or officers may make financial contributions for festivals where alcohol is sold at retail to a not-for-profit organization if it is registered as a not-for-profit organization with the Secretary of State; no part of the net earnings or contributions benefits a private shareholder or a retail liquor licensee member of the organization; and the contributions are only used to pay for special event infrastructure expenses that are unrelated to any retail alcohol sales including, but not limited to, security, sanitation, fencing, advertising, and transportation.

Currently, the Supervisor of Alcohol and Tobacco Control within the Department of Public Safety may issue a license to serve liquor by the drink at retail for consumption on a boat that is licensed by the United States Coast Guard to carry 100 or more passengers. The substitute allows a person who possesses and meets specified requirements to apply for and the supervisor to issue a license to serve liquor by the drink at retail for consumption on a boat that is licensed by the coast guard to carry 45 to 99 passengers on Table Rock Lake.

A wholesaler may give, and a retailer may accept, a sample of malt liquor that is no more than 72 fluid ounces if the retailer has not previously purchased the brand of malt liquor from that wholesaler, the wholesaler keeps a record of the transaction, and no samples are consumed or opened on the premises of the retailer except as provided by the retail license. If a particular product is not available in a size of 72 ounces or less, a wholesaler may give the next larger size to the retailer.

Currently, a liquor license does not permit sales at retail in any railroad car while it is stopped at any station. The substitute

repeals that provision.

Currently, most businesses licensed to sell alcohol by the drink must be closed from 1:30 a.m. to 6:00 a.m. on weekdays and between 1:30 a.m. Sunday and 6:00 a.m. Monday. The substitute adds bowling alleys to the list of businesses that are not required to be closed during those hours, but which may not dispense liquor during those hours. Any rooms in which alcohol is dispensed in a bowling alley must be locked during those hours. If its business is conducted in one room only, the bowling alley must keep the refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed securely locking during the specified hours. Currently, a restaurant whose business is conducted in one room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed may stay open during those hours if it keeps the refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed securely locked. The substitute removes the requirement that substantial quantities of food and merchandise be dispensed at the restaurant.

The substitute authorizes the Supervisor of Liquor Control to issue a temporary liquor permit to a person licensed to sell intoxicating liquor by the drink on the premises at a festival as defined in Chapter 316. An application for a festival permit must be made at least five business days prior to the festival and must be effective for no more than 168 consecutive hours. The permittee must pay the Director of the Department of Revenue \$10 for each day for which it is issued.

A wholesaler may, but is not required to, give a retailer credit for liquor that is delivered, but not used, if the wholesaler removes the product within 72 hours of the expiration of the permit. The substitute specifies that no law or regulation can be interpreted as preventing a wholesaler, retailer, or distributor from providing customary storage, cooling, or dispensing equipment for use at a festival.

Currently, a "festival" is defined as any musical activity likely to attract 5,000 or more people which will continue uninterrupted for a period of 12 hours or more and to which members of the public are invited or admitted for a charge. The substitute removes the word "uninterrupted".

The provisions of the substitute regarding beer brewed for personal or family use contain an emergency clause.

**PROPOSERS:** Supporters say that the bill allows individuals who brew beer in their homes to participate in festivals and other similar events which they are currently prevented from doing.

Testifying for the bill were Senator Schmitt; Missouri Beer Wholesalers Association; and Anheuser-Busch, Incorporated.

OPPONENTS: There was no opposition voiced to the committee.