

SECOND REGULAR SESSION

HOUSE BILL NO. 2032

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

5963H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.055, 311.060, 311.070, 311.080, 311.085, 311.086, 311.088, 311.089, 311.090, 311.091, 311.092, 311.095, 311.096, 311.099, 311.100, 311.101, 311.130, 311.140, 311.150, 311.160, 311.170, 311.180, 311.174, 311.176, 311.178, 311.179, 311.181, 311.190, 311.191, 311.193, 311.195, 311.200, 311.205, 311.210, 311.211, 311.212, 311.218, 311.220, 311.230, 311.240, 311.250, 311.260, 311.265, 311.270, 311.290, 311.293, 311.294, 311.297, 311.298, 311.299, 311.330, 311.333, 311.370, 311.380, 311.390, 311.410, 311.430, 311.440, 311.480, 311.482, 311.483, 311.485, 311.486, 311.487, and 311.489, RSMo, and to enact in lieu thereof forty-three new sections relating to licenses to sell intoxicating liquor, with a penalty provision.

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

Section A. Sections 311.055, 311.060, 311.070, 311.080, 311.085, 311.086, 311.088, 2 311.089, 311.090, 311.091, 311.092, 311.095, 311.096, 311.099, 311.100, 311.101, 311.130, 3 311.140, 311.150, 311.160, 311.170, 311.180, 311.174, 311.176, 311.178, 311.179, 311.181, 4 311.190, 311.191, 311.193, 311.195, 311.200, 311.205, 311.210, 311.211, 311.212, 311.218, 5 311.220, 311.230, 311.240, 311.250, 311.260, 311.265, 311.270, 311.290, 311.293, 311.294, 6 311.297, 311.298, 311.299, 311.330, 311.333, 311.370, 311.380, 311.390, 311.410, 311.430, 7 311.440, 311.480, 311.482, 311.483, 311.485, 311.486, 311.487, and 311.489, RSMo, are 8 repealed and forty-three new sections enacted in lieu thereof, to be known as sections 311.052, 9 311.055, 311.060, 311.070, 311.080, 311.099, 311.100, 311.101, 311.130, 311.140, 311.150, 10 311.160, 311.170, 311.180, 311.181, 311.190, 311.191, 311.193, 311.195, 311.200, 311.205, 11 311.211, 311.212, 311.220, 311.230, 311.240, 311.250, 311.260, 311.265, 311.270, 311.294,

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.

12 311.297, 311.299, 311.330, 311.333, 311.370, 311.380, 311.390, 311.410, 311.430, 311.440,
13 311.480, and 311.482, to read as follows:

311.052. 1. Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, the following types of license to sell intoxicating liquor as defined in this chapter:

(1) Intoxicating liquor in the original package not for consumption on the premises where sold; or

(2) Poured liquor for consumption on the premises where sold.

2. A license authorized in subsection 1 of this section shall be issued for:

(1) Ten years;

(2) One year; or

(3) A special event, not to exceed fourteen days.

3. (1) A ten year license shall cost three thousand dollars;

(2) A one year license shall cost three hundred dollars; and

(3) A special event license shall cost fifty dollars.

4. A county may charge a county license fee in an amount not to exceed the state license fee. If the premises for which a license is sought is not located within a municipality or a city not within a county:

(1) The county shall, in addition to the county license fee, collect the state license fee and remit such fee to the division of alcohol and tobacco control; and

(2) The county shall issue separate county and state licenses.

5. If the premises for which a license is sought is located within a municipality including a city not within a county:

(1) The municipality may charge a municipal license fee of not less than the amount of the state license fee and up to one and one-half times the amount of the state license fee;

(2) The municipality shall, in addition to the municipal license fee, collect the county and state license fees and remit such fees to the county governing body and the division of alcohol and tobacco control, respectively; and

(3) The municipality shall issue separate municipal, county, and state licenses.

6. All licenses authorized and issued under this section shall be valid for every day of the week and for all hours of each day that the premises is authorized by law to remain open.

7. A criminal background check shall be conducted on all applicants for a license to sell intoxicating liquor prior to the issuance of the license.

34 **8. (1) A ten year license is transferable by a licensee from one business location to**
35 **another for the remaining duration of the license period without requiring a new**
36 **background check;**

37 **(2) A ten year license is transferable from a licensee to another person for the**
38 **remaining duration of the license period if the other person is qualified to obtain a license**
39 **under this chapter and meets all license requirements, including a new background check.**

40 **9. The supervisor of alcohol and tobacco control or an employee of the supervisor**
41 **shall, during the duration of the ten year license, conduct at least two inspections of the**
42 **licensed premises that are not less than six months apart.**

311.055. 1. No person at least twenty-one years of age shall be required to obtain a
2 license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family
3 use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed
4 two hundred gallons per calendar year if there are two or more persons over the age of
5 twenty-one years in such household, or one hundred gallons per calendar year if there is only one
6 person over the age of twenty-one years in such household. Any intoxicating liquor
7 manufactured under this section may not be offered for sale.

8 2. Beer brewed under this section may be removed from the premises where brewed for
9 personal or family use, including use at organized affairs, exhibitions, or competitions, such as
10 home brewer contests, tastings, or judging. The use may occur off licensed retail premises[,] or
11 on any premises under a [temporary] retail license issued under [sections 311.218,] **section**
12 **311.482], 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises**
13 **as described in section 311.090].**

311.060. 1. No person shall be granted a license hereunder unless such person is of good
2 moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or
3 village, nor shall any corporation be granted a license hereunder unless the managing officer of
4 such corporation is of good moral character and a qualified legal voter and taxpaying citizen of
5 the county, town, city or village; and no person shall be granted a license or permit hereunder
6 whose license as such dealer has been revoked, or who has been convicted, since the ratification
7 of the twenty-first amendment to the Constitution of the United States, of a violation of the
8 provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who
9 employs in his or her business as such dealer any person whose license has been revoked or who
10 has been convicted of violating such law since the date aforesaid; provided, that nothing in this
11 section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign
12 corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the
13 sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

14 2. (1) No person, partnership or corporation shall be qualified for a license under this
15 law if such person, any member of such partnership, or such corporation, or any officer, director,
16 or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of
17 the stock of such corporation, or other financial interest therein, or ten percent or more of the
18 interest in the business for which the person, partnership or corporation is licensed, or any person
19 employed in the business licensed under this law shall have had a license revoked under this law
20 or shall have been convicted of violating the provisions of any law applicable to the manufacture
21 or sale of intoxicating liquor since the ratification of the twenty-first amendment to the
22 Constitution of the United States, or shall not be a person of good moral character.

23 (2) No license issued under this chapter shall be denied, suspended, revoked or otherwise
24 affected based solely on the fact that an employee of the licensee has been convicted of a felony
25 unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the
26 identity of any employee convicted of a felony to the division of [liquor] **alcohol and tobacco**
27 control. The division of [liquor] **alcohol and tobacco** control shall promulgate rules to enforce
28 the provisions of this subdivision.

29 (3) No wholesaler license shall be issued to a corporation for the sale of intoxicating
30 liquor containing alcohol in excess of five percent by weight, except to a resident corporation
31 as defined in this section.

32 3. A "resident corporation" is defined to be a corporation incorporated under the laws
33 of this state, all the officers and directors of which, and all the stockholders, who legally and
34 beneficially own or control sixty percent or more of the stock in amount and in voting rights,
35 shall be qualified legal voters and taxpaying citizens of the county and municipality in which
36 they reside and who shall have been bona fide residents of the state for a period of three years
37 continuously immediately prior to the date of filing of application for a license, provided that a
38 stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall
39 own, legally and beneficially, at least sixty percent of all the financial interest in the business to
40 be licensed under this law; provided, that no corporation, licensed under the provisions of this
41 law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed
42 on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of
43 Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new
44 requirements herein, except corporations engaged in the manufacture of alcoholic beverages
45 containing alcohol in excess of five percent by weight, or owned or controlled, directly or
46 indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of
47 alcoholic beverages containing alcohol in excess of five percent by weight.

48 4. The term "financial interest" as used in this chapter is defined to mean all interest,
49 legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such

50 interest in the net profits of the enterprise, after the payment of reasonable and necessary
51 operating business expenses and taxes, including interest in dividends, preferred dividends,
52 interest and profits, directly or indirectly paid as compensation for, or in consideration of interest
53 in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned
54 or otherwise made available to the enterprise, except by way of ordinary commercial credit or
55 bona fide bank credit not in excess of credit customarily granted by banking institutions, whether
56 paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any
57 other form whatsoever.

58 5. The supervisor shall by regulation require all applicants for licenses to file written
59 statements, under oath, containing the information reasonably required to administer this section.
60 Statements by applicants for licenses as wholesalers and retailers shall set out, with other
61 information required, full information concerning the residence of all persons financially
62 interested in the business to be licensed as required by regulation. All material changes in the
63 information filed shall be promptly reported to the supervisor.

311.070. 1. Distillers, wholesalers, winemakers, brewers or their employees, officers
2 or agents shall not, except as provided in this section, directly or indirectly, have any financial
3 interest in the retail business for sale of intoxicating liquors, and shall not, except as provided
4 in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or
5 property of any kind, except ordinary commercial credit for liquors sold to such retail dealers.
6 However, notwithstanding any other provision of this chapter to the contrary, for the purpose of
7 the promotion of tourism, a distiller whose manufacturing establishment is located within this
8 state may apply for [and the supervisor of liquor control may issue] a license to sell intoxicating
9 liquor, as in this chapter defined, [by the drink] at retail for consumption on the premises where
10 sold; and provided further that the premises so licensed shall be in close proximity to the
11 distillery [and may remain open between the hours of 6:00 a.m. and midnight, Monday through
12 Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the
13 collection of fees by cities and counties as provided in section 311.220, and all other laws and
14 regulations relating to the sale of liquor by the drink for consumption on the premises where
15 sold, shall apply to the holder of a license issued under the provisions of this section in the same
16 manner as they apply to establishments licensed under the provisions of section 311.085,
17 311.090, or 311.095].

18 2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of
19 subsection 1 of this section, or permit his employees, officers or agents to do so, shall be guilty
20 of a misdemeanor, and upon conviction thereof shall be punished as follows:

21 (1) For the first offense, by a fine of one thousand dollars;

22 (2) For a second offense, by a fine of five thousand dollars; and

23 (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of
24 such person shall be revoked.

25 3. As used in this section, the following terms mean:

26 (1) "Consumer advertising specialties", advertising items that are designed to be carried
27 away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic
28 mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches,
29 printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;

30 (2) "Equipment and supplies", glassware (or similar containers made of other material),
31 dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice.
32 "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards,
33 hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

34 (3) "Permanent point-of-sale advertising materials", advertising items designed to be
35 used within a retail business establishment for an extended period of time to attract consumer
36 attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall
37 only include inside signs (electric, mechanical or otherwise), mirrors, and sweepstakes/contest
38 prizes displayed on the licensed premises;

39 (4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the
40 primary function of which is to hold and display consumer products;

41 (5) "Promotion", an advertising and publicity campaign to further the acceptance and sale
42 of the merchandise or products of a distiller, wholesaler, winemaker or brewer;

43 (6) "Temporary point-of-sale advertising materials", advertising items designed to be
44 used for short periods of time. Such materials include, but are not limited to: banners,
45 decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters,
46 cups, or menus.

47 4. Notwithstanding other provisions contained herein, the distiller, wholesaler,
48 winemaker or brewer, or their employees, officers or agents may engage in the following
49 activities with a retail licensee licensed pursuant to this chapter:

50 (1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to
51 a retail business if all of the following requirements are met:

52 (a) The total value of all product displays given or sold to a retail business shall not
53 exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be
54 no combining or pooling of the three hundred dollar limits to provide a retail business a product
55 display in excess of three hundred dollars per brand. The value of a product display is the actual
56 cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product
57 display. Transportation and installation costs shall be excluded;

58 (b) All product displays shall bear in a conspicuous manner substantial advertising
59 matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name
60 and address of the retail business may appear on the product displays; and

61 (c) The giving or selling of product displays may be conditioned on the purchase of
62 intoxicating beverages advertised on the displays by the retail business in a quantity necessary
63 for the initial completion of the product display. No other condition shall be imposed by the
64 distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business
65 to obtain the product display;

66 (2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler,
67 winemaker or brewer may provide, give or sell any permanent point-of-sale advertising
68 materials, temporary point-of-sale advertising materials, and consumer advertising specialties
69 to a retail business if all the following requirements are met:

70 (a) The total value of all permanent point-of-sale advertising materials provided to a
71 retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred
72 dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale
73 advertising materials is the actual cost to the distiller, wholesaler, winemaker or brewer who
74 initially purchased such item. Transportation and installation costs shall be excluded. All
75 permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records
76 shall be maintained for a period of three years;

77 (b) The provider of permanent point-of-sale advertising materials shall own and
78 otherwise control the use of permanent point-of-sale advertising materials that are provided by
79 any distiller, wholesaler, winemaker, or brewer;

80 (c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising
81 materials, and consumer advertising specialties shall bear in a conspicuous manner substantial
82 advertising matter about the product or the name of the distiller, wholesaler, winemaker or
83 brewer. The name, address and logos of the retail business may appear on the permanent
84 point-of-sale advertising materials, temporary point-of-sale advertising materials, or the
85 consumer advertising specialties; and

86 (d) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or
87 credit the retail business for using or distributing the permanent point-of-sale advertising
88 materials, temporary point-of-sale advertising materials, or consumer advertising specialties or
89 for any incidental expenses arising from their use or distribution;

90 (3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value
91 of one thousand dollars per year to a holder of a temporary permit as defined in section 311.482;

92 (4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a
93 retail business if all the following requirements are met:

94 (a) The equipment and supplies shall be sold at a price not less than the cost to the
95 distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies;
96 and

97 (b) The price charged for the equipment and supplies shall be collected in accordance
98 with credit regulations as established in the code of state regulations;

99 (5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at
100 the retail business establishment, which shall include for the purposes of beer equipment to
101 properly preserve and serve draught beer only and to facilitate the delivery to the retailer the
102 brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the
103 following items or render to retail licensees any of the following services: beer coils and coil
104 cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers,
105 beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer
106 line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps,
107 blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting
108 platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor
109 runways; and damage caused by any beer delivery excluding normal wear and tear and a
110 complete record of equipment furnished and installed and repairs and service made or rendered
111 must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of
112 not less than one year;

113 (6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning
114 service to a retailer of distilled spirits, wine or malt beverages;

115 (7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a
116 sample of distilled spirits or wine as long as the retailer has not previously purchased the brand
117 from that wholesaler, if all the following requirements are met:

118 (a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of
119 any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of
120 wine; if a particular product is not available in a size within the quantity limitations of this
121 subsection, a wholesaler may furnish or give to a retailer the next larger size;

122 (b) The wholesaler shall keep a record of the name of the retailer and the quantity of each
123 brand furnished or given to such retailer;

124 (c) For the purposes of this subsection, no samples of intoxicating liquor provided to
125 retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened
126 on the premises of the retailer except as provided by the retail license;

127 (d) For the purpose of this subsection, the word "brand" refers to differences in brand
128 name of product or differences in nature of product; examples of different brands would be
129 products having a difference in: brand name; class, type or kind designation; appellation of origin

130 (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled
131 spirits); differences in packaging such a different style, type, size of container, or differences in
132 color or design of a label are not considered different brands;

133 (8) The distiller, wholesaler, winemaker or brewer may package and distribute
134 intoxicating beverages in combination with other nonalcoholic items as originally packaged by
135 the supplier for sale ultimately to consumers; notwithstanding any provision of law to the
136 contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not
137 required to charge for nonalcoholic items any more than the actual cost of purchasing such
138 nonalcoholic items from the supplier;

139 (9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business
140 newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;

141 (10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the
142 names and addresses of two or more unaffiliated retail businesses selling its product if all of the
143 following requirements are met:

144 (a) The advertisement shall not contain the retail price of the product;

145 (b) The listing of the retail businesses shall be the only reference to such retail businesses
146 in the advertisement;

147 (c) The listing of the retail businesses shall be relatively inconspicuous in relation to the
148 advertisement as a whole; and

149 (d) The advertisement shall not refer only to one retail business or only to a retail
150 business controlled directly or indirectly by the same retail business;

151 (11) Distillers, winemakers, wholesalers, brewers or retailers may conduct a local or
152 national sweepstakes/contest upon a licensed retail premise. The sweepstakes/contest prize
153 dollar amount shall not be limited and can be displayed in a photo, banner, or other temporary
154 point-of-sale advertising materials on a licensed premises, if the following requirements are met:

155 (a) No money or something of value is given to the retailer for the privilege or
156 opportunity of conducting the sweepstakes or contest; and

157 (b) The actual sweepstakes/contest prize is not displayed on the licensed premises if the
158 prize value exceeds the permanent point-of-sale advertising materials dollar limit provided in this
159 section;

160 (12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset
161 the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the
162 retail business so long as the products of any other distiller, wholesaler, winemaker or brewer
163 are not altered or disturbed;

164 (13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf
165 plan or shelf schematic for distilled spirits, wine or malt beverages;

166 (14) The distiller, wholesaler, winemaker or brewer participating in the activities of a
167 retail business association may do any of the following:

168 (a) Display, serve, or donate its products at or to a convention or trade show;

169 (b) Rent display booth space if the rental fee is the same paid by all others renting similar
170 space at the association activity;

171 (c) Provide its own hospitality which is independent from the association activity;

172 (d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase
173 or payment is the same as that paid by all attendees, participants or exhibitors at the association
174 activity;

175 (e) Make payments for advertisements in programs or brochures issued by retail business
176 associations if the total payments made for all such advertisements are fair and reasonable;

177 (f) Pay dues to the retail business association if such dues or payments are fair and
178 reasonable;

179 (g) Make payments or donations for retail employee training on preventive sales to
180 minors and intoxicated persons, checking identifications, age verification devices, and the liquor
181 control laws;

182 (h) Make contributions not to exceed one thousand dollars per calendar year for
183 transportation services that shall be used to assist patrons from retail establishments to his or her
184 residence or overnight accommodations;

185 (i) Donate or serve up to five hundred dollars per event of alcoholic products at retail
186 business association activities; and

187 (j) Any retail business association that receives payments or donations shall, upon
188 written request, provide the division of alcohol and tobacco control with copies of relevant
189 financial records and documents to ensure compliance with this subsection;

190 (15) The distiller, wholesaler, winemaker or brewer may sell or give a permanent outside
191 sign to a retail business if the following requirements are met:

192 (a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable,
193 rigid material, with or without illumination, or painted or otherwise printed onto a rigid material
194 or structure, shall bear in a conspicuous manner substantial advertising matter about the product
195 or the name of the distiller, wholesaler, winemaker or brewer;

196 (b) The retail business shall not be compensated, directly or indirectly, for displaying the
197 permanent sign or a temporary banner;

198 (c) The cost of the permanent sign shall not exceed five hundred dollars; and

199 (d) Temporary banners of a seasonal nature or promoting a specific event shall not be
200 constructed to be permanent outdoor signs and may be provided to retailers. The total cost of

201 temporary outdoor banners provided to a retailer in use at any one time shall not exceed five
202 hundred dollars per brand;

203 (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of
204 identical product or allow credit against outstanding indebtedness for intoxicating liquor with
205 alcohol content of less than five percent by weight that was delivered in a damaged condition or
206 damaged while in the possession of the retailer;

207 (17) To assure and control product quality, wholesalers at the time of a regular delivery
208 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
209 intoxicating liquor with alcohol content of less than five percent by weight in its undamaged
210 original carton from the retailer's stock, if the wholesaler replaces the product with an equal
211 quantity of identical product;

212 (18) In addition to withdrawals authorized pursuant to subdivision (17) of this
213 subsection, to assure and control product quality, wholesalers at the time of a regular delivery
214 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
215 intoxicating liquor with alcohol content of less than five percent by weight in its undamaged
216 original carton from the retailer's stock and give the retailer credit against outstanding
217 indebtedness for the product if:

218 (a) The product is withdrawn at least thirty days after initial delivery and within
219 twenty-one days of the date considered by the manufacturer of the product to be the date the
220 product becomes inappropriate for sale to a consumer; and

221 (b) The quantity of product withdrawn does not exceed the equivalent of twenty-five
222 cases of twenty-four twelve-ounce containers; and

223 (c) To assure and control product quality, a wholesaler may, but not be required to, give
224 a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight,
225 in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler
226 removes the product within seven days of the initial delivery; and

227 (19) Nothing in this section authorizes consignment sales.

228 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona
229 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic
230 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic
231 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of
232 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in
233 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,
234 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are
235 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the
236 supervisor of alcohol and tobacco control;

237 (2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler,
238 winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by
239 the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of
240 alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures,
241 equipment, or furnishings shall be identified by the retail licensee as being furnished by a
242 licensed distiller, wholesaler, winemaker, or brewer.

243 6. Distillers, wholesalers, brewers and winemakers, or their officers or directors shall not
244 require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such
245 distillers, wholesalers, brewers or winemakers to the exclusion in whole or in part of intoxicating
246 liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers.

247 7. Notwithstanding any other provisions of this chapter to the contrary, a distiller or
248 wholesaler may install dispensing accessories at the retail business establishment, which shall
249 include for the purposes of distilled spirits equipment to properly preserve and serve premixed
250 distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler
251 may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the
252 following items or render to retail licensees any of the following services: coils and coil
253 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves
254 and other minor tapping equipment components, and damage caused by any delivery excluding
255 normal wear and tear. A complete record of equipment furnished and installed and repairs or
256 service made or rendered shall be kept by the distiller or wholesaler furnishing, making or
257 rendering the same for a period of not less than one year.

258 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be
259 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that
260 is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section
261 313.005, or an educational institution if such contributions are unrelated to such organization's
262 retail operations.

263 9. Distillers, brewers, wholesalers, and winemakers may make payments for
264 advertisements in programs or brochures of tax-exempt organizations licensed under section
265 311.090 if the total payments made for all such advertisements are the same as those paid by
266 other vendors.

267 10. A brewer or manufacturer, its employees, officers or agents may have a financial
268 interest in the retail business for sale of intoxicating liquors at entertainment facilities owned,
269 in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not
270 limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all
271 kinds.

272 11. For the purpose of the promotion of tourism, a wine manufacturer, its employees,
273 officers or agents located within this state may apply for [and the supervisor of liquor control
274 may issue] a license to sell intoxicating liquor, as defined in this chapter, [by the drink] at retail
275 **as poured liquor** for consumption on the premises where sold, if the premises so licensed is in
276 close proximity to the winery. [Such premises shall be closed during the hours specified under
277 section 311.290 and may remain open between the hours of 9:00 a.m. and midnight on Sunday.]

278 12. For the purpose of the promotion of tourism, a person may apply for [and the
279 supervisor of liquor control may issue] a license to sell intoxicating liquor [by the drink] at retail
280 **as poured liquor** for consumption on the premises where sold, but seventy-five percent or more
281 of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines
282 received from manufacturers licensed under section 311.190. [Such premises may remain open
283 between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours
284 of 11:00 a.m. and 9:00 p.m. on Sundays.]

311.080. 1. No license shall be granted for the sale of intoxicating liquor, as defined in
2 this chapter, within one hundred feet of any school, church or other building regularly used as
3 a place of religious worship, unless the applicant for the license shall first obtain the consent in
4 writing of the board of alderman, city council, or other proper authorities of any incorporated
5 city, town, or village, except that when a school, church or place of worship shall hereafter be
6 established within one hundred feet of any place of business licensed to sell intoxicating liquor,
7 the license shall not be denied for this reason. Such consent shall not be granted until at least ten
8 days' written notice has been provided to all owners of property within one hundred feet of the
9 proposed licensed premises.

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

18 3. Subsection 1 of this section shall not apply to a license issued [by the supervisor of
19 alcohol and tobacco control for the sale of intoxicating liquor pursuant to section 311.218 or to
20 a license issued] to any church, school, civic, service, fraternal, veteran, political, or charitable
21 club or organization which has obtained an exemption from the payment of federal taxes.

22 4. Subsection 1 of this section shall not apply to any premises holding a license issued
23 before January 1, 2004, by the supervisor of alcohol and tobacco control for the sale of

24 intoxicating liquor. To retain a license under this subsection, the licensed premises shall not
25 change license type, amend the legal description, or be without a liquor license for more than
26 ninety days.

311.099. 1. As used in this section, the following terms mean:

2 (1) "Controlled access liquor cabinet", a closed container, either refrigerated in whole
3 or in part or nonrefrigerated, access to the interior of which is restricted by means of a locking
4 device which requires the use of a key, access by means of a locking device as hereinabove
5 described;

6 (2) "Controlled access liquor cabinet system", a system for the sale of intoxicating liquor
7 in qualified packages or containers in the rooms provided for the overnight accommodation of
8 transient guests in a qualified establishment by means of a controlled access liquor cabinet, and
9 such system shall permit the licensee to maintain in the rooms provided for the overnight
10 accommodation of transient guests a controlled access liquor cabinet in which such licensee may
11 maintain for sale intoxicating liquor in qualified packages or containers, together with, if desired,
12 other beverages or food, and such system shall permit the adult registered guests of the room in
13 which such controlled access liquor cabinet is located to use the key, magnetic card or other
14 similar device to gain access to such controlled access liquor cabinet to obtain the intoxicating
15 liquor or other beverages or food for consumption;

16 (3) "Qualified establishment", any establishment having at least forty rooms for the
17 overnight accommodation of transient guests and having a restaurant or similar facility on the
18 premises at least sixty percent of the gross income of which is derived from the sale of prepared
19 meals or food, which restaurant's annual gross food sales for the past two years immediately
20 preceding its application for a license shall not have been less than one hundred thousand dollars
21 per year or, if such restaurant has been in operation for less than two years, such restaurant has
22 been in operation for at least ninety days preceding the application for license for sale of
23 intoxicating liquor by means of controlled access liquor cabinets and has a projected experience
24 based upon its sale of food during the preceding ninety days which would exceed one hundred
25 thousand dollars per year;

26 (4) "Qualified packages or containers", packages or containers for intoxicating liquor,
27 other than beer or other malt liquor, which hold not less than fifty milliliters and not more than
28 two hundred milliliters, and any packages or containers for beer or other malt liquor;

29 (5) "Registered guest", each person who signs his name to the guest register of the
30 qualified establishment or takes some other equivalent action for the purpose of registering as
31 a guest of such qualified establishment;

32 (6) "Room", a room in a qualified establishment which is intended to be used as, and
33 which is provided for, the overnight accommodation of transient guests.

34 2. Notwithstanding any other provision of this chapter to the contrary, any person who
35 possesses the qualifications required by this chapter, and who now or hereafter meets the
36 requirements of and complies with the provisions of this chapter, and who operates a qualified
37 establishment and who is licensed to sell liquor [by the drink] at retail **as poured liquor** with
38 respect to such qualified establishment, may apply for[, and the supervisor of liquor control shall
39 issue,] a license to sell intoxicating liquor in the rooms of such qualified establishment by means
40 of a controlled access liquor cabinet system on and subject to the following terms and conditions:

41 (1) The key, magnetic card or other similar device required to attain access to the
42 controlled access liquor cabinet in a particular room may be provided only to each adult
43 registered guest who is registered to stay in such room;

44 (2) Prior to providing a key, magnetic card or other similar device required to attain
45 access to the controlled access liquor cabinet in a particular room to the registered guest, the
46 licensee shall verify that each such registered guest to whom such key, magnetic card or similar
47 device is to be provided is not a minor, as defined by section 311.310;

48 (3) All employees handling the intoxicating liquor to be placed in the controlled access
49 liquor cabinet, including without limitation any employee who inventories and/or restocks and
50 replenishes the intoxicating liquor in the controlled access liquor cabinet, shall be at least
51 eighteen years of age and shall obtain such employee permits as the city, county or other local
52 governmental entity in which the qualified establishment is located requires to be obtained by
53 employees of the restaurant operated at such qualified establishment; provided, however, that
54 no such employee permits shall be required of any employee who handles the intoxicating liquor
55 in the original case and who does not open such original case;

56 (4) Registered guests may use the key, magnetic card or other similar device required to
57 attain access to the controlled access liquor cabinet in such registered guest's room at any time;
58 provided, however, that no controlled access liquor cabinet may be restocked or replenished with
59 intoxicating liquor, nor shall any intoxicating liquor be delivered to a room in order to restock
60 or replenish the supply of intoxicating liquor in the controlled access liquor cabinet, at any time
61 when the restaurant operated at the qualified establishment is not permitted to sell liquor by the
62 drink at retail pursuant to the provisions of this chapter;

63 (5) Upon request from the registered guest at any time, the qualified establishment shall
64 cause all intoxicating liquor to be removed from the controlled access liquor cabinet in the room
65 of such registered guest as soon as reasonably practicable; and

66 (6) The qualified establishment shall have the right to collect payment for the
67 intoxicating liquor or other beverages or food taken from the controlled access liquor cabinet in
68 the room of a registered guest in such manner as it shall determine to be appropriate, including
69 without limitation the inclusion of such charges together with the charges made to such

70 registered guest for the use of the room or for purchase of meals at the restaurant operated at such
71 qualified establishment.

72 3. [Any new qualified establishment having been in operation for less than ninety days
73 may be issued a temporary license to sell intoxicating liquor in the rooms of such qualified
74 establishment by means of a controlled access liquor cabinet system for a period not to exceed
75 ninety days if such establishment can show a projection of an annual business from prepared
76 meals or food which would exceed not less than one hundred thousand dollars per year.

77 4.] In addition to any right to sell granted pursuant to any other provision of this chapter,
78 a duly licensed wholesaler shall be permitted to sell intoxicating liquor to a qualified
79 establishment in any size of qualified packages or containers for use in a controlled access liquor
80 cabinet system; provided, however, that as to any size of qualified packages or containers which
81 could not be legally sold to the qualified establishment except for the provisions of this section,
82 any such size of qualified packages or containers shall be sold by the qualified establishment
83 only by means of the controlled access liquor cabinet system.

311.100. The sale of any intoxicating liquor except malt liquor, in the original package,
2 in any quantity less than fifty milliliters shall be deemed ["sale by the drink"] **the sale of poured**
3 **liquor**, and may be made only by a holder of a retail liquor dealer's license and when so made,
4 the container in every case shall be emptied and the contents thereof served as other intoxicating
5 liquors sold [by the drink] **as poured liquors** are served.

311.101. 1. Notwithstanding any other provision of law, it shall not be unlawful for the
2 owner, operator, or employees of a restaurant bar, as defined in section [311.097] **311.196**, to
3 allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for
4 patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the
5 following conditions:

6 (1) The patron must have ordered a meal;

7 (2) The bottle or bottles of wine must have been at least partially consumed during the
8 meal;

9 (3) The restaurant bar must provide a dated receipt for the unfinished bottle or bottles
10 of wine; and

11 (4) The restaurant bar must securely reseal the bottle or bottles of wine and place them
12 in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

13 2. Notwithstanding any other provision of law, no person who transports one or more
14 bottles of unfinished wine which came from a restaurant bar under the circumstances described
15 in subsection 1 of this section, in a vehicle, shall be considered to have violated any state law or
16 local ordinance regarding open containers in vehicles so long as such person has in his or her
17 possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in

18 the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

19 3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator,
20 or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine
21 and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished
22 wine under the following conditions:

23 (1) The bottle or bottles of wine must have been at least partially consumed at the
24 winery;

25 (2) The winery must provide a dated receipt for the unfinished bottle or bottles of wine;
26 and

27 (3) The winery must securely reseal the bottle or bottles of wine and place them in one
28 or more one-time-use, tamperproof, transparent bags and securely seal the bags.

29 4. Notwithstanding any other provision of law, no person who transports one or more
30 bottles of unfinished wine which came from a winery under the circumstances described under
31 subsection 3 of this section shall be considered to have violated any state law or local ordinance
32 regarding open containers in vehicles so long as such person has in his or her possession the
33 dated receipt from the winery and the bottle or bottles of wine remain in the winery-furnished,
34 one-time-use, tamperproof, transparent bags with the seals intact.

35 5. As used in this section "winery" means any establishment at which wine is made.

311.130. The question shall be submitted in substantially the following form: Shall
2 intoxicating liquor, containing alcohol in excess of five percent (5%) by weight, be sold [by the
3 drink] **as poured liquor** at retail for consumption on the premises where sold?

311.140. If a majority of the votes cast on the question be for the sale of intoxicating
2 liquor, containing alcohol in excess of five percent by weight, [by the drink] at retail **as poured**
3 **liquor** for consumption on the premises where sold, such intoxicating liquors may be sold under
4 the provisions of existing laws regulating the sale thereof and the procuring of a license for that
5 purpose; and if a majority of the votes cast on the question be against the sale of intoxicating
6 liquor, containing alcohol in excess of five percent by weight, [by the drink] at retail **as poured**
7 **liquor** for consumption on the premises where sold, the board of aldermen, city council or other
8 proper authorities of such incorporated city submitting the question shall publish the result once
9 a week for four consecutive weeks in the same newspaper in which the notice of submission of
10 the question was published, and the provisions of this chapter shall take effect and be in force
11 from and after the date of the last insertion of the publication last above referred to; and provided
12 further, that no license to sell intoxicating liquor, [by the drink] at retail **as poured liquor** for
13 consumption on the premises where sold, other than malt liquor containing not to exceed five
14 percent of alcohol by weight, shall be granted during the time of publication last above
15 mentioned; provided further, that this law shall not be construed to interfere with any license

16 issued before the date of the filing of the petition for the submission of the question, but such
17 license may run until the date of its expiration and shall not be renewed. The election in this
18 chapter provided for, and the result thereof, may be contested in the same manner as is now
19 provided for by law for the contest of elections of county officers in this state, by any voter of
20 such incorporated city in which said election shall be held, by an action to contest, and which
21 shall be brought against the city holding such election.

311.150. If a majority of the votes cast on the question held under the provisions of this
2 chapter shall be against the sale of intoxicating liquor containing alcohol in excess of five percent
3 by weight, [by the drink] at retail **as poured liquor** for consumption on the premises where sold,
4 it shall not be lawful for any person within the limits of such incorporated city to, directly or
5 indirectly, sell, give away or barter in any manner whatever intoxicating liquor, [by the drink]
6 at retail **as poured liquor** for consumption on the premises where sold, except malt liquor,
7 containing alcohol not to exceed five percent by weight, under proper license, in any quantity
8 whatever, under the penalties prescribed in this chapter.

311.160. Whenever the question submitted in this chapter provided for has been decided
2 for or against the sale of intoxicating liquor containing alcohol in excess of five percent by
3 weight, [by the drink] at retail **as poured liquor** for consumption on the premises where sold,
4 then the question shall not be again submitted within four years next thereafter in the same
5 incorporated city, and then only on a petition and in every respect conforming to the provisions
6 of this law.

311.170. The provisions made by this chapter for local option shall be held to be
2 applicable only to sales for consumption on the premises where sold, and shall not be construed
3 to prevent the sale of intoxicating liquor in the original package and not to be opened or
4 consumed on the premises where sold, nor to prevent the sale, at retail [by the drink] **as poured**
5 **liquor** for consumption on the premises where sold, of malt liquor containing not to exceed five
6 percent of alcohol by weight, under license issued in accordance with the provisions of this
7 chapter.

311.180. 1. No person, partnership, association of persons or corporation shall
2 manufacture, distill, blend, sell or offer for sale intoxicating liquor within this state at wholesale
3 [or retail], or solicit orders for the sale of intoxicating liquor within this state without procuring
4 a license from the supervisor of alcohol and tobacco control authorizing them so to do. For such
5 license there shall be paid to and collected by the director of revenue annual charges as follows:

6 (1) For the privilege of manufacturing and brewing in this state malt liquor containing
7 not in excess of five percent of alcohol by weight and the privilege of selling to duly licensed
8 wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five

9 percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the
10 sum of two hundred fifty dollars;

11 (2) For the privilege of manufacturing in this state intoxicating liquor containing not in
12 excess of twenty-two percent of alcohol by weight and the privilege of selling to duly licensed
13 wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of
14 twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this
15 state, the sum of two hundred dollars;

16 (3) For the privilege of manufacturing, distilling or blending intoxicating liquor of all
17 kinds within this state and the privilege of selling to duly licensed wholesalers and soliciting
18 orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler
19 within this state, the sum of four hundred and fifty dollars;

20 (4) For the privilege of selling to duly licensed wholesalers and soliciting orders for the
21 sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through
22 a duly licensed wholesaler within this state, the sum of fifty dollars;

23 (5) For the privilege of selling to duly licensed wholesalers and soliciting orders for the
24 sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight,
25 to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars;

26 (6) For the privilege of selling to duly licensed wholesalers and soliciting orders for the
27 sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this
28 state, the sum of two hundred and fifty dollars;

29 (7) For the privilege of selling intoxicating liquor containing not in excess of five percent
30 of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail
31 and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt
32 liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly
33 licensed wholesaler within this state, the sum of one hundred dollars;

34 (8) For the privilege of selling intoxicating liquor containing not in excess of twenty-two
35 percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating
36 liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for
37 the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by
38 weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred
39 dollars;

40 (9) For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person
41 duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed
42 wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through
43 a duly licensed wholesaler within this state, the sum of five hundred dollars, except that a license
44 authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of

45 intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder
46 thereof to sell within the state of Missouri, direct to retailers;

47 (10) For the privilege of selling to duly licensed wholesalers and soliciting orders for the
48 sale of vintage wine as defined in section 311.191, to, by, or through a duly licensed wholesaler
49 within this state, the sum of five hundred dollars.

50 2. Solicitors, manufacturers and blenders of intoxicating liquor shall not be required to
51 take out a merchant's license for the sale of their products at the place of manufacture or in
52 quantities of not less than one gallon.

53 3. The provisions of this section relating to the privilege of selling malt liquor are subject
54 to and limited by the provisions of sections 311.181 and 311.182.

55 4. The licenses prescribed in this section for the privilege of selling intoxicating liquor
56 by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail shall allow such
57 wholesaler to sell intoxicating liquor to licensees licensed by the gaming commission to sell beer
58 or alcoholic beverages pursuant to section 313.840.

311.181. 1. In addition to any other information or documents required by law, an
2 applicant for a license which grants alone or with other privileges the privilege of selling
3 intoxicating liquor containing not in excess of five percent of alcohol by weight by a wholesaler
4 to a person duly licensed to sell such malt liquor at retail shall submit to the supervisor of
5 [liquor] **alcohol and tobacco** control a statement under oath designating clearly the geographical
6 area within which the applicant has been authorized by the brewer to sell such malt liquor, the
7 brand or brands [he] **the applicant** proposes to sell, and the brewer or brewers who manufacture
8 the brands, and affirming that the applicant will maintain a warehouse and delivery facilities
9 within the designated geographical area. Each such wholesaler applicant shall enter into a
10 written agreement with the brewer of the brand or brands which the applicant proposes to sell,
11 which agreement must specifically designate a geographic area within which such wholesaler
12 applicant is authorized to sell such brand or brands. A copy of such written agreement shall be
13 filed with the supervisor of [liquor] **alcohol and tobacco** control as a part of such application.
14 It shall be unlawful for any such wholesaler applicant, who is granted a license hereunder, to sell
15 any brand or brands of malt liquor in the state of Missouri except in the designated geographic
16 area described in said agreement. Provided, however, that when such an applicant is prevented
17 from servicing the designated geographic area due to fire, flood, or other causes beyond his
18 reasonable control, another licensed wholesaler not within the designated geographic area may
19 sell the specified brands of malt liquor in that designated geographic area, if the applicant
20 wholesaler who is prevented from servicing the area consents thereto and approval is obtained
21 from the applicable brewer and the supervisor of [liquor] **alcohol and tobacco** control.

22 2. A specified geographic area designation in any agreement required by this section
23 shall be changed only upon a written agreement between the wholesaler and the brewer, and shall
24 be filed pursuant to this section and the supervisor shall require the brewer and wholesaler to
25 verify that the level of service within the designated geographic area will not be affected by such
26 change.

27 3. No provision of any written agreement required by this section shall expressly or by
28 implication or in its operation establish or maintain the resale price of any brand or brands of
29 beer by the licensed wholesaler.

30 4. The provisions of section 311.720 shall not apply to this section.

311.190. 1. For the privilege of manufacturing wine or brandy, which manufacturing
2 shall be in accordance with all provisions of federal law applicable thereto except as may
3 otherwise be specified in this section, in quantities not to exceed five hundred thousand gallons,
4 not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty-four
5 percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit products, honey,
6 and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits,
7 there shall be paid to and collected by the director of revenue, in lieu of the charges provided in
8 section 311.180, a license fee of five dollars for each five hundred gallons or fraction thereof of
9 wine or brandy produced up to a maximum license fee of three hundred dollars.

10 2. Notwithstanding the provisions of subsection 1 of this section, a manufacturer
11 licensed under this section may use in any calendar year such wine- and brandy-making material
12 produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of
13 the manufacturer's wine entered into fermentation in the prior calendar year.

14 3. In any year when a natural disaster causes substantial loss to the Missouri crop of
15 grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the
16 director of the department of agriculture shall determine the percent of loss and allow a certain
17 additional percent, based on the prior calendar year's production of such products, to be
18 purchased outside the state of Missouri to be used and offered for sale by Missouri wineries.

19 4. A manufacturer licensed under this section may purchase and sell bulk or packaged
20 wines or brandies received from other manufacturers licensed under this section and may also
21 purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any
22 day [except Sunday], and a manufacturer licensed under this section may offer samples of wine,
23 may sell wine and brandy in its original package directly to consumers at the winery, and may
24 open wine so purchased by customers so that it may be consumed on the winery premises [on
25 Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m.
26 and 10:00 p.m].

311.191. 1. As used herein, the term "vintage wine" means bottled domestic white, rose
2 or sparkling wine which is not less than five years old, domestic red wine which is not less than
3 ten years old, or imported white, rose, red, sparkling or port wine which is not less than three
4 years old.

5 2. Notwithstanding any other provisions of this chapter, any municipality or person
6 legally owning, controlling or possessing a private collection of vintage wines in their original
7 packages, including an executor, administrator, personal representative, guardian or conservator
8 of an estate, sheriff, trustee in bankruptcy, or person appointed or authorized by a court to act
9 upon or execute a court order or writ of execution with regard to the disposition of that vintage
10 wine, is authorized to sell that vintage wine at auction on consignment through an auctioneer
11 licensed herein. The auctioneer involved in such sale shall ensure that each bottle of vintage
12 wine sold from a private collection has a permanently fixed label stating that the bottle was
13 acquired from a private collection.

14 3. The supervisor of [liquor] **alcohol and tobacco** control is hereby authorized to issue
15 a license to conduct auctions of vintage wine to any person licensed as an auctioneer pursuant
16 to chapter 343 and regularly conducting business as an auctioneer at a fixed location in this state
17 within a city in a county of the first classification with a charter form of government; provided,
18 however, that no such license to auction vintage wine may be issued to any person, or any entity
19 controlled in whole or in part by a person, who:

20 (1) Has been convicted of a felony or of any offense under this chapter;

21 (2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or
22 previously possessed such a license which was revoked for cause; or

23 (3) Has not been continuously in business in this state as an auctioneer for a period of
24 ten years prior to making application for such license to auction vintage wine. The license to
25 auction vintage wine shall be in addition to any license or permit requirements imposed by
26 ordinance within the county or municipal jurisdictions in which the auctioneer conducts such
27 business.

28 4. No auction of vintage wine may be conducted off the business premises of the
29 auctioneer. No vintage wine sold at auction shall be consumed on the premises of the auctioneer,
30 nor shall any original package of vintage wine be opened on such premises in the course of any
31 such auction, except as provided herein. A license to conduct auctions of vintage wine shall be
32 issued for a period of one year and shall authorize the auctioneer to conduct not more than six
33 auctions of vintage wine during such year. The license shall be issued in such form and upon
34 the completion of such application as may be required by the supervisor of [liquor] **alcohol and**
35 **tobacco** control. The fee for such license shall be five hundred dollars per year.

36 5. A municipality or person legally owning, controlling or possessing a private collection
37 of vintage wines in their original packages may ship the vintage wine in such packages from any
38 location within the state of Missouri to an auctioneer licensed pursuant to this act. Upon receipt
39 of the vintage wine the auctioneer shall be responsible for the storage and warehousing thereof,
40 for the labeling thereof pursuant to the requirements of subsection 2 of this section, for the
41 delivery of the vintage wine to the purchasers at auction, and for the payment and transfer of any
42 applicable state and local taxes in connection with the auction sale.

43 6. An auctioneer licensed to sell vintage wine pursuant to this section may hold vintage
44 wine tastings on the premises where an auction of such vintage wine is to be conducted within
45 the period of twenty-four hours immediately preceding the commencement of the auction.

46 7. An auctioneer licensed pursuant to this section shall be subject to all restrictions,
47 regulations and provisions of this chapter governing the acquisition, storage and sale of
48 intoxicating liquor for off-premises consumption which are not inconsistent with the provisions
49 of this section.

50 8. An auctioneer who affixes a label to any bottle of vintage wine, as provided in
51 subsection 2 of this section, without having determined through the exercise of reasonable
52 diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class
53 C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor,
54 shall be subject to cancellation of the license issued pursuant to subsection 3 of this section.

311.193. 1. As used in this section, the term "vintage wine" means bottled domestic
2 white, rose, or sparkling wine which is not less than five years old, domestic red wine which is
3 not less than ten years old, or imported white, rose, red, sparkling, or port wine which is not less
4 than three years old.

5 2. Notwithstanding any other provisions of this chapter, any municipality legally owning,
6 controlling or possessing a private collection of vintage wines in their original packages is
7 authorized to sell such vintage wine through a sealed bid process. The municipality may set a
8 minimum bid and may reserve the right to reject all bids. The municipality shall designate a
9 municipal employee to sell vintage wine through a sealed bid process who shall ensure that each
10 bottle of vintage wine sold from a private collection has a permanently fixed label stating that
11 the bottle was acquired from a private collection.

12 3. The supervisor of [liquor] **alcohol and tobacco** control is hereby authorized to issue
13 a license to a designated municipal employee provided that no such license to sell vintage wine
14 through a sealed bid process may be issued to any person, who:

15 (1) Has been convicted of a felony or of any offense under this chapter;

16 (2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or
17 previously possessed such a license which was revoked for cause.

18 4. The license to sell vintage wine through a sealed bid process shall be in addition to
19 any license or permit requirements imposed by ordinance within the county or municipality.

20 5. No vintage wine sold through the sealed bid process shall be consumed on the
21 premises of the municipality, nor shall any original package of vintage wine be opened on such
22 premises, except as provided herein. A license to sell vintage wine through a sealed bid process
23 shall be issued for a period of one year and shall authorize the designated municipal employee
24 to sell such wine not more than six different times during that year. The license shall be issued
25 in such form and upon completion of such application as may be required by the supervisor of
26 [liquor] **alcohol and tobacco** control. The fee for such license shall be fifty dollars per year
27 which shall be paid by the municipality.

28 6. The municipality legally owning, controlling, or possessing a private collection of
29 vintage wines in their original packages may ship the vintage wine in such packages from any
30 location within the state of Missouri to the designated municipal employee licensed pursuant to
31 this section. Upon receipt of the vintage wine the designated municipal employee shall be
32 responsible for the storage and warehousing thereof, for the labeling thereof pursuant to the
33 requirements of subsection 2 of this section, for the delivery of the vintage wine to the
34 purchasers, and for the payment and transfer of any applicable state and local taxes in connection
35 with the sale.

36 7. The designated municipal employee licensed to sell vintage wine pursuant to this
37 section may hold vintage wine tastings on the premises where the vintage wine is stored within
38 the period of twenty-four hours immediately preceding the first date on which sealed bids will
39 be accepted.

40 8. The designated municipal employee licensed pursuant to this section shall be subject
41 to all restrictions, regulations, and provisions of this chapter governing the acquisition, storage,
42 and sale of intoxicating liquor for off-premises consumption which are not inconsistent with the
43 provisions of this section.

44 9. A municipal employee designated by the municipality to sell vintage wine through a
45 sealed bid process who affixes a label to any bottle of wine, as provided in subsection 2 of this
46 section, without having determined through the exercise of reasonable diligence that the wine
47 was acquired from a bona fide private collection, shall be guilty of a class C misdemeanor and,
48 upon a finding of or plea of guilty with regard to any such misdemeanor, shall be subject to a
49 cancellation of the license issued pursuant to subsection 3 of this section.

311.195. 1. As used in this section, the term "microbrewery" means a business whose
2 primary activity is the brewing and selling of beer, with an annual production of ten thousand
3 barrels or less.

4 2. A microbrewer's license shall authorize the licensee to manufacture beer and malt
5 liquor in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided
6 in section 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof,
7 up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the
8 director of revenue.

9 3. Notwithstanding any other provision of this chapter to the contrary, the holder of a
10 microbrewer's license may apply for[, and the supervisor of alcohol and tobacco control may
11 issue,] a license to sell intoxicating liquor [by the drink] at retail **as poured liquor** for
12 consumption on the premises. No holder of a microbrewer's license, or any employee, officer,
13 agent, subsidiary, or affiliate thereof, shall have more than ten licenses to sell intoxicating liquor
14 [by the drink] at retail **as poured liquor** for consumption on the premises. The authority for the
15 collection of fees by cities and counties as provided in section 311.220, and all other laws and
16 regulations relating to the sale of liquor by the drink for consumption on the premises where
17 sold, shall apply to the holder of a license issued under the provisions of this section [in the same
18 manner as they apply to establishments licensed under the provisions of section 311.085,
19 311.090, 311.095, or 311.097].

20 4. The holder of a microbrewer's license may also sell beer and malt liquor produced on
21 the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license
22 shall not, under any circumstances, directly or indirectly, have any financial interest in any
23 wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of
24 sections 311.181 and 311.182.

25 5. A microbrewer who is a holder of a license to sell intoxicating liquor [by the drink]
26 at retail **as poured liquor** for consumption on the premises shall be exempt from the provisions
27 of section 311.280, for such intoxicating liquor that is produced on the premises in accordance
28 with the provisions of this chapter. For all other intoxicating liquor sold [by the drink] at retail
29 **as poured liquor** for consumption on the premises that the microbrewer possesses a license for
30 must be obtained in accordance with section 311.280.

311.200. 1. No license shall be issued for the sale of intoxicating liquor in the original
2 package, not to be consumed upon the premises where sold, except to a person engaged in, and
3 to be used in connection with, the operation of one or more of the following businesses: a drug
4 store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or
5 delicatessen store, nor to any such person who does not have and keep in his **or her** store a stock
6 of goods having a value according to invoices of at least one thousand dollars, exclusive of
7 fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed
8 on the premises where sold nor shall any original package be opened on the premises of the
9 vendor except as otherwise provided in this law. [For every license for sale at retail in the

10 original package, the licensee shall pay to the director of revenue the sum of one hundred dollars
11 per year.

12 2. For a permit authorizing the sale of malt liquor not in excess of five percent by weight
13 by grocers and other merchants and dealers in the original package direct to consumers but not
14 for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall
15 be required.] The phrase "original package" shall be construed and held to refer to any package
16 containing three or more standard bottles of beer. [Notwithstanding the provisions of section
17 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail
18 between the hours of 9:00 a.m. and midnight on Sunday.

19 3. For every license issued for the sale of malt liquor at retail by drink for consumption
20 on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty
21 dollars per year. Notwithstanding the provisions of section 311.290, any person licensed
22 pursuant to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and
23 midnight on Sunday.

24 4. For every license issued for the sale of malt liquor and light wines containing not in
25 excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other
26 fruits and vegetables, at retail by the drink for consumption on the premises where sold, the
27 licensee shall pay to the director of revenue the sum of fifty dollars per year.

28 5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the
29 drink for consumption on premises of the licensee, the licensee shall pay to the director of
30 revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating
31 liquor in the original package.

32 6.] 2. For every license issued to any railroad company, railway sleeping car company
33 operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at
34 retail for consumption on its dining cars, buffet cars and observation cars, the sum of one
35 hundred dollars per year. A duplicate of such license shall be posted in every car where such
36 beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate
37 license.

38 [7.] 3. All applications for licenses shall be made upon such forms and in such manner
39 as the supervisor of alcohol and tobacco control shall prescribe. [No license shall be issued until
40 the sum prescribed by this section for such license shall be paid to the director of revenue.]

311.205. 1. Any person licensed to sell liquor at retail [by the drink] **as poured liquor**
2 for consumption on the premises where sold may use a table tap dispensing system to allow
3 patrons of the licensee to dispense beer at a table. Before a patron may dispense beer, an
4 employee of the licensee must first authorize an amount of beer, not to exceed thirty-two ounces
5 per patron per authorization, to be dispensed by the table tap dispensing system.

6 2. No provision of law or rule or regulation of the supervisor shall be interpreted to allow
7 any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish table tap dispensing
8 or cooling equipment or provide services for the maintenance, sanitation, or repair of table tap
9 dispensing systems.

 311.211. Sales of tickets for participation in fishing contests wherein the skill of the
2 participant is an element shall not be construed as gambling or participation in gambling
3 activities for the purpose of administering the provisions of this chapter or rules and regulations
4 made pursuant thereto. [The division of liquor control shall not deny, suspend or revoke any
5 license issued under those chapters] **No license issued under this chapter shall be denied,**
6 **suspended, or revoked** because of the sale of such tickets on the licensed premises.

 311.212. The division of liquor control shall not suspend[,] **or** revoke[, refuse to renew
2 or refuse to grant] a license issued under the provisions of this chapter based on a violation of
3 any provision of this chapter or of any rule or regulation promulgated by the supervisor of
4 [liquor] **alcohol and tobacco** control, when such violation occurred more than three years prior
5 to the division's decision to suspend[,] **or** revoke[, refuse to renew or refuse to grant] such
6 license.

 311.220. [1. In addition to the permit fees and license fees and inspection fees by this
2 law required to be paid into the state treasury, every holder of a permit or license authorized by
3 this law shall pay into the county treasury of the county wherein the premises described and
4 covered by such permit or license are located, or in case such premises are located in the city of
5 St. Louis, to the collector of revenue of said city, a fee in such sum not in excess of the amount
6 by this law required to be paid into the state treasury for such state permit or license, as the
7 county commission, or the corresponding authority in the city of St. Louis, as the case may be,
8 shall by order of record determine, and shall pay into the treasury of the municipal corporation,
9 wherein said premises are located, a license fee in such sum, not exceeding one and one-half
10 times the amount by this law required to be paid into the state treasury for such state permit or
11 license, as the lawmaking body of such municipality, including the city of St. Louis may by
12 ordinance determine.

13 2.] The board of aldermen, city council or other proper authorities of incorporated cities,
14 may charge for licenses issued to manufacturers, distillers, brewers, **and** wholesalers [and
15 retailers] of all intoxicating liquor, located within their limits, fix the amount to be charged for
16 such license, subject to the limitations of this law, and provide for the collection thereof, make
17 and enforce ordinances for the regulation and control of the sale of all intoxicating liquors within
18 their limits, provide for penalties for the violation of such ordinances, where not inconsistent
19 with the provisions of this law.

311.230. Application for a license to manufacture [or sell] intoxicating liquor, under the provisions of this law, shall be made to the supervisor of [liquor] **alcohol and tobacco** control.

311.240. 1. [On approval of the application and payment of the license tax provided in this chapter, the supervisor of liquor control shall grant the applicant a license to conduct business in the state for a term to expire with the thirtieth day of June next succeeding the date of such license. A separate license shall be required for each place of business. Of the license tax to be paid for any such license, the applicant shall pay as many twelfths as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first.

2. No such] A license **issued under this chapter** shall be effective, and no right granted thereby shall be exercised by the licensee, unless and until the licensee shall have obtained and securely affixed to the license in the space provided therefor an original stamp or other form of receipt issued by the duly authorized representative of the federal government, evidencing the payment by the licensee to the federal government of whatever excise or occupational tax is by any law of the United States then in effect required to be paid by a dealer engaged in the occupation designated in said license. Within ten days from the issuance of said federal stamp or receipt, the licensee shall file with the supervisor of [liquor] **alcohol and tobacco** control a photostat copy thereof, or such duplicate or indented and numbered stub therefrom as the federal government may have issued to the taxpayer with the original.

[3.] 2. Every license issued under the provisions of this chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.

[4. Applications for renewal of licenses must be filed on or before the first day of May of each calendar year.

5. In case of failure to submit the completed renewal application required under subsection 4 of this section on or before the first day of May, there shall be added to the amount of the renewal fee a late charge of one hundred dollars from the second day of May to the last day of May; a late charge of two hundred dollars if the renewal application is submitted on the first day of June to the last day of June; or a late charge of three hundred dollars if the renewal application is submitted after the last day of June.]

311.250. [1. No license issued under this chapter shall be transferable or assignable except as herein provided.] In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the supervisor of liquor control may transfer such license to permit the

5 operation of the business of the deceased for the remainder of the period for which a license fee
6 has been paid by the deceased.

7 [2.] Whenever one or more members of a partnership withdraws from the partnership
8 [the supervisor of liquor control] **a city or county**, upon being requested, shall permit the
9 remaining partner, or partners, originally licensed, to continue to operate for the remainder of the
10 period for which the license fee has been paid, without obtaining a new license.

311.260. 1. No person, corporation, employee, officer, agent, subsidiary, or affiliate
2 thereof, shall:

3 (1) Have more than five licenses; or

4 (2) Be directly or indirectly interested in any business of any other person, corporation,
5 or employee, officer, agent, subsidiary, or affiliate thereof, who sells intoxicating liquor at retail
6 [by the drink] **as poured liquor** for consumption on the premises described in any license; or

7 (3) Sell intoxicating liquor at retail [by the drink] **as poured liquor** for consumption at
8 the place of sale at more than five places in this state.

9 2. Notwithstanding any other provision of this chapter or municipal ordinance to the
10 contrary, for the purpose of determining whether a person, corporation, employee, officer, agent,
11 subsidiary, or affiliate thereof has a disqualifying interest in more than five licenses pursuant to
12 subsection 1 of this section, there shall not be counted any license to sell intoxicating liquor at
13 retail [by the drink] **as poured liquor** for consumption on the following premises:

14 (1) Restaurants where at least fifty percent of the gross income of which is derived from
15 the sale of prepared meals or food consumed on the premises where sold; or

16 (2) Establishments which have an annual gross income of at least two hundred thousand
17 dollars from the sale of prepared meals or food consumed on the premises where sold; or

18 (3) Facilities designed for the performance of live entertainment and where the receipts
19 for admission to such performances exceed one hundred thousand dollars per calendar year; or

20 (4) Any establishment having at least forty rooms for the overnight accommodation of
21 transient guests.

311.265. When a retailer licensed under this chapter is delinquent beyond the permissible
2 ordinary commercial credit period, the wholesaler shall notify the [supervisor of liquor control]
3 **city or county** in writing of the debt and no new or renewal license shall be issued to the retailer
4 until the reported debt is satisfied. The wholesaler shall immediately notify the [supervisor of
5 liquor control] **city or county** in writing when the debt is satisfied. As used in this section, the
6 term "retailer" shall include an individual, corporation, partnership or limited liability company,
7 all officers and directors of such person or entity and all stockholders owning, legally or
8 beneficially, directly or indirectly, ten percent or more of the stock of such person or entity.

311.270. 1. It shall be unlawful for any person, holding a license for the sale of malt liquor only, to possess, consume, store, sell or offer for sale, give away or otherwise dispose of, upon or about the premises mentioned in said license, or, upon or about said premises, to suffer or permit any person to possess, consume, store, sell or offer for sale, give away or otherwise dispose of, any intoxicating liquor of any kind whatsoever other than malt liquor brewed or manufactured by the method, in the manner, and of the ingredients, required by the laws of this state. Whosoever shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction shall be punished as in this chapter provided as to misdemeanors. Upon such conviction becoming final, the license of the person so convicted shall forthwith, and without other or further action, order or proceeding, be deemed to have been revoked, and shall by the licensee be forthwith surrendered to the [supervisor] **city or county** and cancelled.

2. No license for the sale of malt liquor only shall be issued to any person having in his possession or on the premises to be licensed a federal excise or occupational tax stamp or receipt, designating such person or premises as the person or place for dealing in intoxicating liquor other than malt liquors, or evidencing the payment of a tax for being a dealer in liquors other than malt liquors. If any person having a license for the sale of malt liquors only shall have in his possession or on the licensed premises a federal excise or occupational tax stamp or special tax receipt, designating such person or premises as the person or place for dealing in intoxicating liquors, except malt liquors, or evidencing the payment of a tax for being a dealer in liquor other than malt liquors, the license of such person shall be revoked by the [supervisor] **city or county**. In any prosecution for the violation of this section, evidence that the defendant has in his **or her** possession or upon the premises in question a federal excise or occupational tax stamp or special tax receipt, designating such person or premises as the person or place for dealing in intoxicating liquors other than malt liquors, or evidencing the payment of a tax for being a dealer in liquors, other than malt liquors, shall be deemed prima facie evidence of a violation of the provisions of this section.

3. Any person holding a license for the sale of malt liquor only, who shall have in his **or her** possession or upon the licensed premises a federal excise or occupational tax stamp or receipt, designating such person or premises as the person or place for dealing in intoxicating liquors, except malt liquors, or evidencing the payment of a tax for being a dealer in liquor other than malt liquors, or for a term to expire after the expiration of his permit, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not less than three months, nor more than one year, or by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by both such fine and imprisonment.

311.294. 1. Notwithstanding any other provisions of this chapter to the contrary, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail [under sections 311.200 and 311.293,] may apply to the supervisor of [liquor] **alcohol and tobacco** control for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. A licensee under this section shall pay to the director of revenue [an additional] **a fee of twenty-five** dollars a year [payable at the same time and manner as other license fees].

2. Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

2. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in section [311.218,] 311.482[, 311.485, 311.486, or 311.487,] or on any tax exempt organization's licensed premises [as described in section 311.090].

3. (1) Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a [by-the-drink-] **poured-drink-for-consumption-on-the-premises-where-sold** retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting.

(2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the division of alcohol and tobacco control.

26 (3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery,
27 distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the
28 retailer, winery, distiller, manufacturer, wholesaler, or brewer.

311.299. 1. Any person who is licensed pursuant to this chapter to sell or serve alcoholic
2 beverages at any establishment shall place on the premises of such establishment a warning sign
3 as described in this section. Such sign shall be at least eleven inches by fourteen inches and shall
4 read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects."
5 The licensee shall display such sign in a conspicuous place on the licensed premises.

6 2. Any employee of the supervisor of [liquor] **alcohol and tobacco** control may report
7 a violation of this section to the supervisor, and the supervisor shall issue a warning to the
8 licensee of the violation.

9 3. Notwithstanding the provisions of section 311.880 to the contrary, no person who
10 violates the provisions of this section shall be guilty of a crime.

311.330. It shall be unlawful for the holder of any license authorized by this chapter, for
2 the sale of any intoxicating liquor at retail [by the drink] **as poured liquor** for consumption on
3 the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or
4 upon the premises described in such license, any intoxicating liquor, other than the kind of liquor
5 expressly authorized to be sold by such license, or any kind of liquor used exclusively as an
6 ingredient in any foods being prepared and sold on the premises.

311.333. 1. Any wholesaler licensed under this chapter to sell intoxicating liquors and
2 wines may accept the return of any intoxicating liquor containing alcohol in excess of five
3 percent by weight and wines as provided by rules and regulations promulgated by the supervisor
4 of [liquor] **alcohol and tobacco** control, pursuant to chapter 536.

5 2. Any wholesaler licensed to sell intoxicating liquor or wine containing alcohol in
6 excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and
7 wine at retail shall make available to all such retailers, not later than five days prior to the first
8 day of the month in which the pricing is to be effective, information regarding all products which
9 shall be available for sale in the next month. Such information shall include the brand or trade
10 name, capacity of individual packages, nature of contents, age and proof, the per-bottle and
11 per-case price which shall be offered equally to all retailers, the number of bottles contained in
12 each case, and the size thereof. The price provided to retailers under this section shall become
13 effective on the first day of the next month and remain in effect until the last day of that month.
14 Supplemental pricing information may be provided to retailers by wholesalers for items that were
15 unintentionally left off a regular monthly item information listing or for new items after approval
16 for sale in Missouri by the Missouri division of alcohol and tobacco control. A wholesaler shall

17 be allowed to sell such items to retailers immediately upon production of such supplemental
18 information.

311.370. Every person, firm, partnership or corporation who shall keep or store any
2 intoxicating [liquor] **alcohol and tobacco** in any warehouse, or other storage place in this state,
3 shall at the time such liquor is received and stored, notify the supervisor of liquor control and
4 furnish to him a list of the kind and quantity of such intoxicating liquor, and the name and
5 address of the owner thereof, and upon the withdrawal of said intoxicating liquor, or any part
6 thereof, shall notify said supervisor and furnish to him the name and address of the person to
7 whom such intoxicating liquor shall be delivered, the kind, quantity and amount thereof. A
8 violation of any of the provisions of this section shall constitute a misdemeanor.

311.380. It shall be unlawful to sell, offer for sale, or give away any warehouse receipt,
2 or receipts, of intoxicating [liquor] **alcohol and tobacco** without first securing permission,
3 written or printed, of the supervisor of liquor control so to do. Any person violating any
4 provision of this section shall be deemed guilty of a misdemeanor.

311.390. 1. Every railroad, express or transportation company, or other common carrier
2 or contract hauler, shall, when requested, furnish to the supervisor of [liquor] **alcohol and**
3 **tobacco** control a duplicate bill of lading or receipt, showing the name of the consignor and
4 consignee, date, place received, destination and quantity of intoxicating liquors, received by them
5 for shipment to any point within this state. Upon failure to comply with the provisions herein,
6 said railroad, express or transportation company, or other common carrier or contract hauler,
7 shall forfeit and pay to the state of Missouri the sum of fifty dollars for each and every failure,
8 to be recovered in any court of competent jurisdiction.

9 2. The supervisor of [liquor] **alcohol and tobacco** control and the director of revenue
10 are each hereby authorized and empowered to call upon the prosecuting attorneys of the
11 respective counties or the circuit attorneys or the attorney general to bring any proceeding
12 hereunder on the relation of the supervisor of [liquor] **alcohol and tobacco** control or the
13 director of revenue, as the case may be, to the use of the state of Missouri. The penalties
14 collected shall be disposed of as provided by section 7, article IX, of the Constitution of
15 Missouri, and section 171.010.

311.410. No person shall transport intoxicating liquor in, into or through the state of
2 Missouri which has not been lawfully manufactured. No person shall transport intoxicating
3 liquor in any quantity exceeding five gallons in or into the state of Missouri for delivery or use
4 therein, unless the required inspection, labeling or gauging fee or license has been paid thereon
5 and unless the bottle or other container in which the liquor is immediately contained has upon
6 it stamps of the director of revenue of the state of Missouri evidencing payment of such fee;
7 provided, however, that persons licensed by the supervisor of [liquor] **alcohol and tobacco**

8 control as manufacturers, blenders, or distillers of intoxicating liquor may import intoxicating
9 liquor into and transport it into and within this state in bulk without having paid the fees above
10 referred to and without first affixing the stamps to the containers of such liquor when it is to be
11 used only in manufacturing, blending, or distilling intoxicating liquor, and subject to such
12 regulations as the supervisor of [liquor] **alcohol and tobacco** control may prescribe to safeguard
13 the fees due the state of Missouri; and provided further, that persons licensed as manufacturers,
14 blenders, distillers, and wholesalers whose licensed premises are within the state of Missouri
15 may import into United States government bonded warehouses located in this state intoxicating
16 liquors which have been bottled in United States government bond without first paying said fees
17 and without first affixing the stamps to the containers of such liquor, subject to such regulations
18 as the supervisor of [liquor] **alcohol and tobacco** control may prescribe to safeguard the fees due
19 this state when such liquor is withdrawn from said warehouse for sale or storage in this state
20 outside of a United States internal revenue bonded warehouse; and provided further, that
21 wholesalers licensed by the supervisor of [liquor] **alcohol and tobacco** control whose licensed
22 premises are within the state of Missouri may import into and transport into United States
23 customs bonded warehouses in this state intoxicating liquors from foreign countries and from
24 other United States customs bonded warehouses, located in any state of the United States,
25 without first paying the fees above referred to and without first affixing the stamps to the
26 containers of said liquor subject to such regulations as have been or may be prescribed by the
27 supervisor of [liquor] **alcohol and tobacco** control to safeguard the fees due the state of Missouri
28 when such liquor is withdrawn from such United States customs bonded warehouse for sale or
29 storage in this state outside of a United States customs bonded warehouse.

311.430. The supervisor of [liquor] **alcohol and tobacco** control may revoke any
2 transportation permit or license granted by him **or her** for failure of the licensee or permittee to
3 comply with the conditions or requirements set forth in sections 311.410 to 313.450 and for
4 violation of any section of the liquor control law of the state of Missouri.

311.440. Every person transporting liquor within, into, or through the state of Missouri
2 shall, upon demand, supply the supervisor of [liquor] **alcohol and tobacco** control and any of
3 his agents or any peace officer of the state of Missouri with evidence that a liquor transporter's
4 license has been issued to him by the supervisor of [liquor] **alcohol and tobacco** control of the
5 state of Missouri.

311.480. 1. It shall be unlawful for any person operating any premises where food,
2 beverages or entertainment are sold or provided for compensation, who does not possess a
3 license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating
4 liquor in the premises, without having a license [as in this section provided].

5 2. [Application for such license shall be made to the supervisor of alcohol and tobacco
6 control on forms to be prescribed by him, describing the premises to be licensed and giving all
7 other reasonable information required by the form. The license shall be issued upon the payment
8 of the fee required in this section. A license shall be required for each separate premises and
9 shall expire on the thirtieth day of June next succeeding the date of such license. The license fee
10 shall be sixty dollars per year and the applicant shall pay five dollars for each month or part
11 thereof remaining from the date of the license to the next succeeding first of July. Applications
12 for renewals of licenses shall be filed on or before the first of May of each year.

13 3.] The drinking or consumption of intoxicating liquor shall not be permitted in or upon
14 the licensed premises by any person under twenty-one years of age[, or by any other person
15 between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of 1:30
16 a.m. Sunday and 6:00 a.m. Monday. Licenses issued hereunder shall be conditioned upon the
17 observance of the provisions of this section and the regulations promulgated thereunder
18 governing the conduct of premises licensed for the sale of intoxicating liquor by the drink. The
19 provision of this section regulating the drinking or consumption of intoxicating liquor between
20 certain hours and on Sunday shall apply also to premises licensed under this chapter to sell
21 intoxicating liquor by the drink. In any incorporated city having a population of more than
22 twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of
23 incorporated cities may, in addition to the license fee required in this section, require a license
24 fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and
25 provide for the collection thereof; make and enforce ordinances regulating the hours of
26 consumption of intoxicating liquors on premises licensed hereunder, not inconsistent with the
27 other provisions of this law, and provide penalties for the violation thereof. No person shall be
28 granted a license hereunder unless such person is of good moral character and a qualified legal
29 voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be
30 granted a license hereunder unless the managing officer of such corporation is of good moral
31 character and a qualified legal voter and taxpaying citizen of the county, town, city or village].

32 [4.] 3. Any premises operated in violation of the provisions of this section, or where
33 intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and
34 common nuisance, and it shall be the duty of the supervisor of alcohol and tobacco control and
35 of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the
36 county in which the premises are located, to enjoin such nuisance.

37 [5.] 4. Any person operating any premises, or any employee, agent, representative,
38 partner, or associate of such person, who shall knowingly violate any of the provisions of this
39 section, or any of the laws or regulations herein made applicable to the conduct of such premises,
40 is guilty of a class A misdemeanor.

41 [6.] 5. The supervisor of alcohol and tobacco control is hereby empowered to
42 promulgate regulations necessary or reasonably designed to enforce or construe the provisions
43 of this section, and is empowered to revoke or suspend any license [issued hereunder, as
44 provided in this chapter,] for violation of this section or any of the laws or regulations herein
45 made applicable to the conduct of premises licensed hereunder.

46 [7. Nothing in this section shall be construed to prohibit the sale or delivery of any
47 intoxicating liquor during any of the hours or on any of the days specified in this section by a
48 wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the
49 intoxicating liquor at retail.

50 8.] 6. No intoxicating liquor may be served or sold on any premises used as a polling
51 place on election day.

311.482. 1. Notwithstanding any other provision of this chapter, a permit for the sale
2 of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail
3 [by the drink] **as poured liquor** for consumption on the premises of the licensee may be issued
4 to any church, school, civic, service, fraternal, veteran, political, or charitable club or
5 organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering.
6 [The permit shall be issued only for the day or days named therein and it shall not authorize the
7 sale of intoxicating liquor for more than seven days by any such club or organization.]

8 2. [To secure the permit, the applicant shall complete a form provided by the supervisor,
9 but no applicant shall be required to furnish a personal photograph as part of the application.
10 The applicant shall pay a fee of twenty-five dollars for such permit.

11 3. If the event will be held on a Sunday, the permit shall authorize the sale of
12 intoxicating liquor on that day beginning at 11:00 a.m.

13 4.] At the same time that an applicant applies for a permit under the provisions of this
14 section, the applicant shall notify the director of revenue of the holding of the event and by such
15 notification, by certified mail, shall accept responsibility for the collection and payment of any
16 applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days
17 after the close of the event, and failure to do so shall result in a liability of triple the amount of
18 the tax due plus payment of the tax, and denial of any other permit for a period of three years.
19 Under no circumstances shall a bond be required from the applicant.

20 [5.] 3. No provision of law or rule or regulation of the supervisor shall be interpreted as
21 preventing any wholesaler or distributor from providing customary storage, cooling or dispensing
22 equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

[311.085. Any person possessing the qualifications and meeting the
2 requirements of this chapter and the ordinances, rules and regulations of the first
3 class county having a charter form of government in which such licensee
4 proposes to operate his business may apply for, and the supervisor of liquor

5 control may issue, a license for the sale by the drink of intoxicating liquor on the
6 premises described in the application. This license shall be valid only for
7 premises located wholly within the unincorporated areas of such a county.]
8

[311.086. 1. As used in this section, the following terms mean:

2 (1) "Common area", any area designated as a common area in a
3 development plan for the entertainment district approved by the governing body
4 of the city, any area of a public right-of-way that is adjacent to or within the
5 entertainment district when it is closed to vehicular traffic and any other area
6 identified in the development plan where a physical barrier precludes motor
7 vehicle traffic and limits pedestrian accessibility;

8 (2) "Entertainment district", any area located in a home rule city with
9 more than four hundred thousand inhabitants and located in more than one county
10 with a population of at least four thousand inhabitants that:

11 (a) Is located in the city's central business district which is the historic
12 core locally known as the city's downtown area;

13 (b) Contains a combination of entertainment venues, bars, nightclubs,
14 and restaurants; and

15 (c) Is designated as a redevelopment area by the governing body of the
16 city under and pursuant to the Missouri downtown and rural economic stimulus
17 act, sections 99.915 to 99.1060;

18 (3) "Portable bar", any bar, table, kiosk, cart, or stand that is not a
19 permanent fixture and can be moved from place to place;

20 (4) "Promotional association", an association, incorporated in the state
21 of Missouri, which is organized or authorized by one or more property owners
22 located within the entertainment district, who own or otherwise control not less
23 than one hundred thousand square feet of premises designed, constructed, and
24 available for lease for bars, nightclubs, restaurants, and other entertainment
25 venues, for the purpose of organizing and promoting activities within the
26 entertainment district. For purposes of determining ownership or control as set
27 forth in this subdivision, the square footage of premises used for residential,
28 office or retail uses, (other than bars, nightclubs, restaurants, and other
29 entertainment venues), parking facilities, and hotels within the entertainment
30 district shall not be used in the calculation of square footage.

31 2. Notwithstanding any other provisions of this chapter to the contrary,
32 any person acting on behalf of or designated by a promotional association, who
33 possesses the qualifications required by this chapter, and who meets the
34 requirements of and complies with the provisions of this chapter, may apply for,
35 and the supervisor of alcohol and tobacco control may issue, an entertainment
36 district special license to sell intoxicating liquor by the drink for retail for
37 consumption dispensed from one or more portable bars within the common areas
38 of the entertainment district until 3:00 a.m. on Mondays through Saturdays and
39 from 9:00 a.m. until 12:00 midnight on Sundays.

40 3. An applicant granted an entertainment district special license under
41 this section shall pay a license fee of three hundred dollars per year.

42 4. Notwithstanding any other provision of this chapter to the contrary, on
43 such days and at such times designated by the promotional association, in its sole
44 discretion, provided such times are during the hours a license is allowed under
45 this chapter to sell alcoholic beverages, the promotional association may allow
46 persons to leave licensed establishments, located in portions of the entertainment
47 district designated by the promotional association, with an alcoholic beverage and
48 enter upon and consume the alcoholic beverage within other licensed
49 establishments and common areas located in portions of the entertainment district
50 designated by the promotional association. No person shall take any alcoholic
51 beverage or alcoholic beverages outside the boundaries of the entertainment
52 district or portions of the entertainment district as designated by the promotional
53 association, in its sole discretion. At times when a person is allowed to consume
54 alcoholic beverages dispensed from portable bars and in common areas of all or
55 any portion of the entertainment district designated by the promotional
56 association, the promotional association must and shall ensure that minors can
57 be easily distinguished from persons of legal age buying alcoholic beverages.

58 5. Every licensee within the entertainment district must and shall serve
59 alcoholic beverages in containers that display and contain the licensee's trade
60 name or logo or some other mark that is unique to that license and licensee.

61 6. The holder of an entertainment district special license is solely
62 responsible for alcohol violations occurring at its portable bar and in any
63 common area.]
64

2 [311.088. Any person possessing the qualifications and meeting the
3 requirements of this chapter who is licensed to sell intoxicating liquor by the
4 drink at retail for consumption on the premises in a home rule city with more
5 than four hundred thousand inhabitants and located in more than one county may
6 be issued a special permit by the state and such city. Notwithstanding the
7 provisions of section 311.089 to the contrary, the special permit issued under this
8 section shall allow the licensed premises to sell intoxicating liquor from 6:00
9 a.m. until 3:00 a.m. on the morning of the following day within one twenty-four
10 hour period. Any person granted a special permit under this section shall only be
11 authorized to receive up to six such special permits from the city in a calendar
12 year. For every special permit issued under the provisions of this section, the
13 permittee shall pay to the director of the department of revenue the sum of fifty
14 dollars.]

2 [311.089. Any establishment possessing or qualifying for a license to sell
3 intoxicating liquor by the drink at retail in any city not within a county, any home
4 rule city with more than four hundred thousand inhabitants and located in more
than one county and if such establishment is also located in a resort area,

5 convention trade area, or enterprise zone area, the establishment may apply for
6 a Sunday by-the-drink license between the hours of 9:00 a.m. and midnight on
7 Sunday. The license fee for such Sunday by-the-drink license shall be six
8 hundred dollars per year. The license fee shall be prorated for the period of the
9 license based on the cost of the annual license for the establishment.]

10

2 [311.090. 1. Any person who possesses the qualifications required by
3 this chapter, and who meets the requirements of and complies with the provisions
4 of this chapter, and the ordinances, rules and regulations of the incorporated city
5 in which such licensee proposes to operate his business, may apply for, and the
6 supervisor of alcohol and tobacco control may issue, a license to sell intoxicating
7 liquor, as defined in this chapter, by the drink at retail for consumption on the
8 premises described in the application; provided, that no license shall be issued for
9 the sale of intoxicating liquor, other than malt liquor containing alcohol not in
10 excess of five percent by weight, and light wines containing not in excess of
11 fourteen percent of alcohol by weight made exclusively from grapes, berries and
12 other fruits and vegetables, by the drink at retail for consumption on the premises
13 where sold to any person other than a charitable, fraternal, religious, service or
14 veterans' organization which has obtained an exemption from the payment of
15 federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5),
16 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States
17 Internal Revenue Code of 1954, as amended, in any incorporated city having a
18 population of less than nineteen thousand five hundred inhabitants, until the sale
19 of such intoxicating liquor, by the drink at retail for consumption on the premises
20 where sold, shall have been authorized by a vote of the majority of the qualified
21 voters of the city. Such authority shall be determined by an election to be held
22 in those cities having a population of less than nineteen thousand five hundred
23 inhabitants as determined by the last preceding federal decennial census, under
24 the provisions and methods set out in this chapter. Once such licenses are issued
25 in a city with a population of at least nineteen thousand five hundred inhabitants,
26 any subsequent loss of population shall not require the qualified voters of such
27 a city to approve the sale of such intoxicating liquor prior to the issuance or
28 renewal of such licenses. No license shall be issued for the sale of intoxicating
29 liquor, other than malt liquor containing alcohol not in excess of five percent by
30 weight, and light wines containing not in excess of fourteen percent of alcohol
31 by weight made exclusively from grapes, berries and other fruits and vegetables,
32 by the drink at retail for consumption on the premises where sold, outside the
33 limits of such incorporated cities unless the licensee is a charitable, fraternal,
34 religious, service or veterans' organization which has obtained an exemption from
35 the payment of federal income taxes as provided in section 501(c)(3), 501(c)(4),
36 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United
States Internal Revenue Code of 1954, as amended.

37 2. If any charitable, fraternal, religious, service, or veterans' organization
38 has a license to sell intoxicating liquor on its premises pursuant to this section
39 and such premises includes two or more buildings in close proximity, such permit
40 shall be valid for the sale of intoxicating liquor at any such building.]
41

2 [311.091. 1. Except as provided under subsection 2 of this section and
3 notwithstanding any other provisions of this chapter to the contrary, any person
4 who possesses the qualifications required by this chapter and who meets the
5 requirements of and complies with the provisions of this chapter may apply for
6 and the supervisor of alcohol and tobacco control may issue a license to sell
7 intoxicating liquor, as defined in this chapter, by the drink at retail for
8 consumption on the premises of any boat, or other vessel licensed by the United
9 States Coast Guard to carry one hundred or more passengers for hire on navigable
10 waters in or adjacent to this state, which has a regular place of mooring in a
11 location in this state or within two hundred yards of a location which would
12 otherwise be licensable under this chapter. The license shall be valid even
13 though the boat, or other vessel, leaves its regular place of mooring during the
14 course of its operation.

15 2. Any person who possesses the qualifications required by this chapter
16 and who meets the requirements of, and complies with the provisions of, this
17 chapter may apply for, and the supervisor of alcohol and tobacco control may
18 issue, a license to sell intoxicating liquor by the drink at retail for consumption
19 on the premises of any boat or other vessel licensed by the United States Coast
20 Guard to carry forty-five to ninety-nine passengers for hire on a lake with a
21 shoreline that is in three counties, one of which is any county of the third
22 classification without a township form of government and with more than
23 thirty-three thousand but fewer than thirty-seven thousand inhabitants and with
24 a city of the fourth classification with more than three thousand but fewer than
25 three thousand seven hundred inhabitants as the county seat, one of which is any
26 county of the third classification without a township form of government and
27 with more than twenty-nine thousand but fewer than thirty-three thousand
28 inhabitants and with a city of the fourth classification with more than four
29 hundred but fewer than four hundred fifty inhabitants as the county seat, and one
30 of which is any county of the first classification with more than fifty thousand but
31 fewer than seventy thousand inhabitants. The boat must have a regular place of
32 mooring in a location in this state or within two hundred yards of a location
33 which would otherwise be licensable under this chapter. The license shall be
34 valid even though the boat, or other vessel, leaves its regular place of mooring
35 during the course of its operation.

36 3. For every license for sale of liquor by the drink at retail for
37 consumption on the premises of any boat or other vessel issued under the
38 provisions of this section, the licensee shall pay to the director of revenue the sum
of three hundred dollars per year.]

2 [311.092. Notwithstanding any other provisions of this chapter to the
3 contrary, any person who possesses the qualifications required by this chapter,
4 and who meets the requirements of and complies with the provisions of this
5 chapter, may apply for and the supervisor of liquor control may issue a license to
6 sell intoxicating liquor, as in this chapter defined, by the drink at retail for
7 consumption on the premises of any boat, or other vessel which travels on water,
8 which has a regular place of mooring within the limits of a city not within a
9 county with a population of more than six hundred thousand inhabitants. The
10 license shall be valid even though the boat, or other vessel, leaves the corporate
11 limits of the city during the course of its operation.]

2 [311.095. 1. Notwithstanding any other provisions of this chapter to the
3 contrary, any person who possesses the qualifications required by this chapter,
4 and who now or hereafter meets the requirements of and complies with the
5 provisions of this chapter, may apply for, and the supervisor of liquor control may
6 issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink
7 at retail for consumption on the premises of any resort as described in the
8 application. As used in this section the term "resort" means any establishment
9 having at least thirty rooms for the overnight accommodation of transient guests,
10 having a restaurant or similar facility on the premises at least sixty percent of the
11 gross income of which is derived from the sale of prepared meals or food, or
12 means a restaurant provided with special space and accommodations where, in
13 consideration of payment, food, without lodging, is habitually furnished to
14 travelers and customers, and which restaurant establishment's annual gross
15 receipts immediately preceding its application for a license shall not have been
16 less than seventy-five thousand dollars per year with at least fifty thousand
17 dollars of such gross receipts from nonalcoholic sales, or means a seasonal resort
18 restaurant with food sales as determined in subsection 2 of this section. Any
19 facility which is owned and operated as a part of the resort may be used to sell
20 intoxicating liquor by the drink for consumption on the premises of such facility
21 and, for the purpose of meeting the annual gross receipts requirements of this
22 subsection, if any facility which is a part of the resort meets such requirement,
23 such requirement shall be deemed met for any other facility which is a part of the
24 resort.

25 2. A seasonal resort restaurant is a restaurant which is not a new
26 restaurant establishment and which is open for business eight or fewer
27 consecutive months in any calendar year. Fifty percent of all gross sales of such
28 restaurant shall be sales of prepared meals. Any new seasonal resort restaurant
29 establishment having been in operation for less than twelve weeks may be issued
30 a temporary license to sell intoxicating liquor by the drink at retail for
31 consumption on the premises for a period not to exceed ninety days if the
32 seasonal resort restaurant establishment can show a projection for annualized
gross sales of which fifty percent shall be sales of prepared meals. The temporary

33 license fee and the annual license fee shall be prorated to reflect the period of
34 operation of the seasonal resort restaurant. The license shall be valid only during
35 the period for which application was made and for which the fee was paid. Any
36 seasonal resort restaurant upon resuming business for its season of operation shall
37 not be considered a new establishment for purposes of issuing a temporary
38 license. Nothing in this subsection shall prohibit a seasonal resort restaurant
39 from becoming a resort restaurant upon application, payment of fees, and
40 compliance with the requirements of this chapter.

41 3. The times for opening and closing the establishments as fixed in
42 section 311.290, the authority for the collection of fees by counties as provided
43 in section 311.220, and all other laws and regulations of the state relating to the
44 sale of liquor by the drink for consumption on the premises where sold shall
45 apply to resorts in the same manner as they apply to establishments licensed
46 under section 311.090.

47 4. Any new resort or restaurant establishment having been in operation
48 for less than ninety days may be issued a temporary license to sell intoxicating
49 liquor by the drink at retail for consumption on the premises for a period not to
50 exceed ninety days if the resort or restaurant establishment can show a projection
51 of an annual gross receipts of not less than seventy-five thousand dollars per year
52 with at least fifty thousand dollars of such gross receipts from nonalcoholic sales.
53 The license fee shall be prorated for the period of the temporary license based on
54 the cost of the annual license for the establishment.]
55

2 [311.096. 1. As used in this section, the term "common eating and
3 drinking area" means an area or areas within a building or group of buildings
4 designated for the eating of food and drinking of liquor sold at retail by
5 establishments which do not provide areas within their premises for the
6 consumption of food and liquor; where the costs of maintaining such area or
7 areas are shared by the payment of common area maintenance charges, as
8 provided in the respective leases permitting the use of such areas, or otherwise;
9 and where the annual gross income from the sale of prepared meals or food
10 consumed in such common eating and drinking area is, or is projected to be, at
11 least two hundred seventy-five thousand dollars.

12 2. Notwithstanding any other provisions of this chapter to the contrary,
13 any person who possesses the qualifications required by this chapter, or who now
14 or hereafter meets the requirements of and complies with the provisions of this
15 chapter, may apply for, and the supervisor of liquor control may issue, a license
16 to sell intoxicating liquor, as defined in this chapter, by the drink at retail not for
17 consumption on the premises where sold but for consumption in a common
18 eating and drinking area, as described in the application for such license. In
19 addition to all other fees required by law, each establishment in a common eating
20 and drinking area licensed under this subsection shall pay to the director of
revenue the sum of three hundred dollars per year. The times for selling

21 intoxicating liquor as fixed in section 311.290, the authority for the collection of
22 fees by counties and cities as provided in section 311.220, and all other laws and
23 regulations of this state relating to the sale of intoxicating liquor by the drink
24 shall apply to each establishment licensed under this subsection in the same
25 manner as they apply to establishments licensed under sections 311.085 and
26 311.090.

27 3. Notwithstanding any other provisions of this chapter to the contrary,
28 any person who possesses the qualifications required by this chapter, and who
29 now or hereafter meets the requirements of and complies with the provisions of
30 this chapter, may apply for, and the supervisor of liquor control may issue, a
31 license to sell intoxicating liquor, as defined in this chapter, between the hours
32 of 11:00 a.m. on Sunday and 12:00 midnight on Sunday by the drink at retail not
33 for consumption on the premises where sold but for consumption in a common
34 eating and drinking area, as described in the application for such license. In
35 addition to all other fees required by law, each establishment in a common eating
36 and drinking area licensed under this subsection shall pay an additional fee of two
37 hundred dollars a year payable at the same time and in the same manner as its
38 other license fees.

39 4. Any person possessing the qualifications and meeting the requirements
40 of this chapter, who is licensed to sell intoxicating liquor by the drink at retail not
41 for consumption on the premises where sold but for consumption in a common
42 eating and drinking area, may apply to the supervisor of liquor control for a
43 special permit to remain open on all days of the week except Sunday between the
44 hours of 1:30 a.m. to 3:00 a.m. The provisions of subsection 3 of this section
45 shall apply to the sale of intoxicating liquor by the drink at retail not for
46 consumption on the premises where sold but for consumption in a common
47 eating and drinking area on Sunday. To qualify for such a permit, the premises
48 of such an applicant must be located in an area which has been designated as a
49 convention trade area by the governing body of the county or city. An applicant
50 granted a special permit under this section shall pay, in addition to all other fees
51 required by this chapter, an additional fee of three hundred dollars a year payable
52 at the time and in the same manner as its other license fees.]

53

2 [311.174. 1. Any person possessing the qualifications and meeting the
3 requirements of this chapter who is licensed to sell intoxicating liquor by the
4 drink at retail for consumption on the premises in a city with a population of at
5 least four thousand inhabitants which borders the Missouri River and also borders
6 a city with a population of over three hundred thousand inhabitants located in at
7 least three counties, in a city with a population of over three hundred thousand
8 which is located in whole or in part within a first class county having a charter
9 form of government or in a first class county having a charter form of
10 government which contains all or part of a city with a population of over three
hundred thousand inhabitants, may apply to the supervisor of alcohol and tobacco

11 control for a special permit to remain open on each day of the week until 3:00
12 a.m. of the morning of the following day; except that, an entity exempt from
13 federal income taxes under Section 501(c)(7) of the Internal Revenue Code of
14 1986, as amended, and located in a building designated as a National Historic
15 Landmark by the United States Department of the Interior may apply for a license
16 to remain open until 6:00 a.m. of the following day. The time of opening on
17 Sunday may be 9:00 a.m. The provisions of this section and not those of section
18 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor
19 by the drink at retail for consumption on the premises on Sunday. When the
20 premises of such an applicant is located in a city as defined in this section, then
21 the premises must be located in an area which has been designated as a
22 convention trade area by the governing body of the city. When the premises of
23 such an applicant is located in a county as defined in this section, then the
24 premises must be located in an area which has been designated as a convention
25 trade area by the governing body of the county.

26 2. An applicant granted a special permit under this section shall in
27 addition to all other fees required by this chapter pay an additional fee of three
28 hundred dollars a year payable at the time and in the same manner as its other
29 license fees.

30 3. The provisions of this section allowing for extended hours of business
31 shall not apply in any incorporated area wholly located in any first class county
32 having a charter form of government which contains all or part of a city with a
33 population of over three hundred thousand inhabitants until the governing body
34 of such incorporated area shall have by ordinance or order adopted the extended
35 hours authorized by this section.]
36

2 [311.176. 1. Any person possessing the qualifications and meeting the
3 requirements of this chapter who is licensed to sell intoxicating liquor by the
4 drink at retail for consumption on the premises in a city not located within a
5 county, may apply to the supervisor of alcohol and tobacco control for a special
6 permit to remain open on each day of the week until 3:00 a.m. of the morning of
7 the following day. The time of opening on Sunday may be 9:00 a.m. The
8 provisions of this section and not those of section 311.097 regarding the time of
9 closing shall apply to the sale of intoxicating liquor by the drink at retail for
10 consumption on the premises on Sunday. To qualify for such a permit, the
11 premises of such an applicant must be located in an area which has been
12 designated as a convention trade area by the governing body of the city and the
13 applicant must meet at least one of the following conditions:

14 (1) The business establishment's annual gross sales for the year
15 immediately preceding the application for extended hours equals one hundred
16 fifty thousand dollars or more; or

17 (2) The business is a resort. For purposes of this section, a "resort" is
defined as any establishment having at least sixty rooms for the overnight

18 accommodation of transient guests and having a restaurant located on the
19 premises.

20 2. An applicant granted a special permit pursuant to this section shall, in
21 addition to all other fees required by this chapter, pay an additional fee of three
22 hundred dollars a year payable at the time and in the same manner as its other
23 license fees.]
24

2 [311.178. 1. Any person possessing the qualifications and meeting the
3 requirements of this chapter who is licensed to sell intoxicating liquor by the
4 drink at retail for consumption on the premises in a county of the first
5 classification having a charter form of government and not containing all or part
6 of a city with a population of over three hundred thousand may apply to the
7 supervisor of alcohol and tobacco control for a special permit to remain open on
8 each day of the week until 3:00 a.m. of the morning of the following day. The
9 time of opening on Sunday may be 9:00 a.m. The provisions of this section and
10 not those of section 311.097 regarding the time of closing shall apply to the sale
11 of intoxicating liquor by the drink at retail for consumption on the premises on
12 Sunday. The premises of such an applicant shall be located in an area which has
13 been designated as a convention trade area by the governing body of the county
14 and the applicant shall meet at least one of the following conditions:

15 (1) The business establishment's annual gross sales for the year
16 immediately preceding the application for extended hours equals one hundred
17 fifty thousand dollars or more; or

18 (2) The business is a resort. For purposes of this subsection, a "resort"
19 is defined as any establishment having at least sixty rooms for the overnight
20 accommodation of transient guests and having a restaurant located on the
21 premises.

22 2. Any person possessing the qualifications and meeting the requirements
23 of this chapter who is licensed to sell intoxicating liquor by the drink at retail for
24 consumption on the premises in a county of the third classification without a
25 township form of government having a population of more than twenty-three
26 thousand five hundred but less than twenty-three thousand six hundred
27 inhabitants, a county of the third classification without a township form of
28 government having a population of more than nineteen thousand three hundred
29 but less than nineteen thousand four hundred inhabitants or a county of the first
30 classification without a charter form of government with a population of at least
31 thirty-seven thousand inhabitants but not more than thirty-seven thousand one
32 hundred inhabitants may apply to the supervisor of alcohol and tobacco control
33 for a special permit to remain open on each day of the week until 3:00 a.m. of the
34 morning of the following day. The time of opening on Sunday may be 9:00 a.m.
35 The provisions of this section and not those of section 311.097 regarding the time
of closing shall apply to the sale of intoxicating liquor by the drink at retail for

36 consumption on the premises on Sunday. The applicant shall meet all of the
37 following conditions:

38 (1) The business establishment's annual gross sales for the year
39 immediately preceding the application for extended hours equals one hundred
40 thousand dollars or more;

41 (2) The business is a resort. For purposes of this subsection, a "resort"
42 is defined as any establishment having at least seventy-five rooms for the
43 overnight accommodation of transient guests, having at least three thousand
44 square feet of meeting space and having a restaurant located on the premises; and

45 (3) The applicant shall develop, and if granted a special permit shall
46 implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no
47 sale of intoxicating liquor shall be made except to guests with overnight
48 accommodations at the licensee's resort. The plan shall be subject to approval by
49 the supervisor of alcohol and tobacco control and shall provide a practical
50 method for the division of alcohol and tobacco control and other law enforcement
51 agencies to enforce the provisions of subsection 3 of this section.

52 3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a
53 special permit issued pursuant to subsection 2 of this section, it shall be unlawful
54 for a licensee or any employee of a licensee to sell intoxicating liquor to or permit
55 the consumption of intoxicating liquor by any person except a guest with
56 overnight accommodations at the licensee's resort.

57 4. An applicant granted a special permit pursuant to this section shall, in
58 addition to all other fees required by this chapter, pay an additional fee of three
59 hundred dollars a year payable at the time and in the same manner as its other
60 license fees.

61 5. The provisions of this section allowing for extended hours of business
62 shall not apply in any incorporated area wholly located in any county of the first
63 classification having a charter form of government which does not contain all or
64 part of a city with a population of over three hundred thousand inhabitants until
65 the governing body of such incorporated area shall have by ordinance or order
66 adopted the extended hours authorized by this section.]

67

2 [311.179. 1. Any person possessing the qualifications and meeting the
3 requirements of this chapter who is licensed to sell intoxicating liquor by the
4 drink at retail in an international airport located in a county with a charter form
5 of government and with more than nine hundred fifty thousand inhabitants may
6 apply to the supervisor of liquor control for a special permit. The permit shall
7 allow the premises located in the international airport in such county to open at
8 4 a.m. and sell intoxicating liquor by the drink at retail for consumption on the
9 premises where sold. The provisions of this section and not those of section
10 311.097 regarding the time of opening shall apply to the sale of intoxicating
11 liquor by the drink at retail for consumption on the premises where sold on
Sunday.

12 2. An applicant granted a special permit pursuant to this section shall, in
13 addition to all other fees required by this chapter, pay an additional fee of three
14 hundred dollars a year payable at the time and in the same manner as its other
15 license fees.]
16

2 [311.210. 1. All applications for all licenses mentioned in this chapter
3 shall be made to the supervisor of liquor control and shall be accompanied by a
4 proper remittance made payable to the director of revenue.

5 2. The supervisor of liquor control shall have the power and duty to
6 determine whether each application for such license shall be approved or
7 disapproved. Upon disapproval of any application for a license, the supervisor
8 of liquor control shall so notify the applicant in writing, setting forth therein the
9 grounds and reasons for disapproval, and shall return therewith the applicant's
10 remittance. Upon approval of any application for a license, the supervisor of
11 liquor control shall issue to the applicant the appropriate license and
12 contemporaneously with such issuance shall file a notice of the issuance of such
13 license together with the applicant's remittance in payment of the same with the
14 director of revenue. The director of revenue shall immediately issue a receipt in
15 duplicate for such payment, one copy of which shall be filed with the supervisor
16 of liquor control and one copy retained by the director of revenue.]

2 [311.218. 1. Other provisions of this chapter to the contrary
3 notwithstanding, a permit for the sale of wine and malt liquor for consumption
4 on the premises where sold may be issued to any church, school, civic, service,
5 fraternal, veteran, political, or charitable club or organization for sale of such
6 wine and malt liquor at any picnic, bazaar, fair, festival or similar gathering or
7 event held to commemorate the annual anniversary of the signing of the
8 Declaration of Independence of the United States. Such permit shall be issued
9 only during the period from June fifteenth to July fifteenth annually and only for
10 the day or days named therein and it shall not authorize the sale of wine and malt
11 liquor except between the hours of 10:00 a.m. and midnight and for not more
12 than seven days by any such organization. The permit may be issued to cover
13 more than one place of sale within the general confines of the place where the
14 gathering or event is held; provided, however, no permit shall be issued to any
15 organization which selects or restricts the membership thereof on the basis of
16 race, religion, color, creed, or place of national origin. For the permit, the holder
17 thereof shall pay to the director of revenue the sum of one hundred dollars. No
18 provision of law or rule or regulation of the supervisor shall prevent any
19 wholesaler or distributor from providing customary storage, cooling or dispensing
20 equipment for use by the holder of the permit at such gathering or event.

21 2. As used in this section the term "wine" means a beverage containing
22 not in excess of fourteen percent of alcohol by weight.]

2 [311.290. No person having a license issued pursuant to this chapter, nor
3 any employee of such person, shall sell, give away, or permit the consumption of
4 any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00
5 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m.
6 Monday, upon or about his or her premises. If the person has a license to sell
7 intoxicating liquor by the drink, his premises shall be and remain a closed place
8 as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on
9 weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.
10 Where such licenses authorizing the sale of intoxicating liquor by the drink are
11 held by clubs, hotels, or bowling alleys, this section shall apply only to the room
12 or rooms in which intoxicating liquor is dispensed; and where such licenses are
13 held by restaurants or bowling alleys whose business is conducted in one room
14 only, then the licensee shall keep securely locked during the hours and on the
15 days specified in this section all refrigerators, cabinets, cases, boxes, and taps
16 from which intoxicating liquor is dispensed. A "closed place" is defined to mean
17 a place where all doors are locked and where no patrons are in the place or about
18 the premises. Any person violating any provision of this section shall be deemed
19 guilty of a class A misdemeanor. Nothing in this section shall be construed to
20 prohibit the sale or delivery of any intoxicating liquor during any of the hours or
21 on any of the days specified in this section by a wholesaler licensed under the
22 provisions of section 311.180 to a person licensed to sell the intoxicating liquor
23 at retail.]

2 [311.293. 1. Except for any establishment that may apply for a license
3 under section 311.089, any person possessing the qualifications and meeting the
4 requirements of this chapter, who is licensed to sell intoxicating liquor at retail,
5 may apply to the supervisor of alcohol and tobacco control for a special license
6 to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight
7 on Sundays. A licensee under this section shall pay to the director of revenue an
8 additional fee of two hundred dollars a year payable at the same time and in the
9 same manner as its other license fees.

10 2. In addition to any fee collected pursuant to section 311.220, a city or
11 county may charge and collect an additional fee not to exceed three hundred
12 dollars from any licensee under this section for the privilege of selling
13 intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on
14 Sundays in such city or county; however the additional fee shall not exceed the
15 fee charged by that city or county for a special license issued pursuant to any
16 provision of this chapter which allows a licensee to sell intoxicating liquor by the
17 drink for consumption on the premises of the licensee on Sundays.

18 3. The provisions of this section regarding the time of closing shall not
19 apply to any person who possesses a special permit issued under section 311.174,
20 311.176, or 311.178.]

2 [311.298. When January first, March seventeenth, July fourth, or
3 December thirty-first falls on Sunday, and on the Sundays prior to Memorial Day
4 and Labor Day and on the Sunday on which the national championship game of
5 the national football league is played, commonly known as "Super Bowl
6 Sunday", any person having a license to sell intoxicating liquor by the drink may
7 be open for business and sell intoxicating liquor by the drink under the provisions
8 of his license on that day from the time and until the time which would be lawful
9 on another day of the week, notwithstanding any provisions of section 311.290
10 or any other provision of law to the contrary.]

2 [311.483. 1. The supervisor of liquor control may issue a temporary
3 permit to persons holding licenses to sell intoxicating liquor by the drink at retail
4 for consumption on the premises pursuant to the provisions of this chapter who
5 furnish provisions and service for use at a festival as defined in chapter 316. An
6 application for a permit under this section shall be made at least five business
7 days prior to the festival. The temporary permit shall be effective for a period not
8 to exceed one hundred sixty-eight consecutive hours, and shall authorize the
9 service of alcoholic beverages at such festival during the hours at which alcoholic
10 beverages may lawfully be sold or served upon premises licensed to sell alcoholic
11 beverages for on-premises consumption. For every permit issued pursuant to the
12 provisions of this section, the permittee shall pay to the director of revenue the
13 sum of ten dollars for each calendar day, or fraction thereof, for which the permit
14 is issued.

15 2. All provisions of the liquor control law and the ordinances, rules, and
16 regulations of the incorporated city, or the unincorporated area of any county, in
17 which is located the premises in which such function, occasion, or event is held
18 shall extend to such premises and shall be in force and enforceable during all the
19 time that the permittee, its agents, servants, employees, or stock are in such
20 premises. This temporary permit shall allow the sale of intoxicating liquor in the
21 original package.

22 3. To assure and control product quality, wholesalers may, but shall not
23 be required to, give a retailer credit for intoxicating liquor delivered and invoiced
24 under the permit number, but not used, if the wholesaler removes the product
25 within seventy-two hours of the expiration of the permit issued pursuant to this
26 section.

27 4. No provision of law or rule or regulation of the supervisor shall be
28 interpreted as preventing any wholesaler, retailers, or distributor from providing
29 customary storage, cooling, or dispensing equipment for use at a festival.]

2 [311.485. 1. The supervisor of liquor control may issue a temporary
3 permit to caterers and other persons holding licenses to sell intoxicating liquor
4 by the drink at retail for consumption on the premises pursuant to the provisions
of this chapter who furnish provisions and service for use at a particular function,

5 occasion or event at a particular location other than the licensed premises, but not
6 including a festival as defined in chapter 316. The temporary permit shall be
7 effective for a period not to exceed one hundred sixty-eight consecutive hours,
8 and shall authorize the service of alcoholic beverages at such function, occasion
9 or event during the hours at which alcoholic beverages may lawfully be sold or
10 served upon premises licensed to sell alcoholic beverages for on-premises
11 consumption. For every permit issued pursuant to the provisions of this section,
12 the permittee shall pay to the director of revenue the sum of ten dollars for each
13 calendar day, or fraction thereof, for which the permit is issued.

14 2. Except as provided in subsection 3 of this section, all provisions of the
15 liquor control law and the ordinances, rules and regulations of the incorporated
16 city, or the unincorporated area of any county, in which is located the premises
17 in which such function, occasion or event is held shall extend to such premises
18 and shall be in force and enforceable during all the time that the permittee, its
19 agents, servants, employees, or stock are in such premises. This temporary
20 permit shall allow the sale of intoxicating liquor in the original package.

21 3. Notwithstanding any other law to the contrary, any caterer who
22 possesses a valid state and valid local liquor license may deliver alcoholic
23 beverages in the course of his or her catering business. A caterer who possesses
24 a valid state and valid local liquor license need not obtain a separate license for
25 each city the caterer delivers in, so long as such city permits any caterer to deliver
26 alcoholic beverages within the city.

27 4. To assure and control product quality, wholesalers may, but shall not
28 be required to, give a retailer credit for intoxicating liquor with an alcohol content
29 of less than five percent by weight delivered and invoiced under the catering
30 permit number, but not used, if the wholesaler removes the product within
31 seventy-two hours of the expiration of the catering permit issued pursuant to this
32 section.]

33

2 [311.486. 1. The supervisor of alcohol and tobacco control may issue a
3 special license to caterers and other persons holding licenses to sell intoxicating
4 liquor by the drink at retail for consumption on the premises pursuant to the
5 provisions of this chapter who furnish provisions and service for use at a
6 particular function, occasion, or event at a particular location other than the
7 licensed premises, but not including a festival as defined in chapter 316. The
8 special license shall be effective for a maximum of fifty days during any year, and
9 shall authorize the service of alcoholic beverages at such function, occasion, or
10 event during the hours at which alcoholic beverages may lawfully be sold or
11 served upon premises licensed to sell alcoholic beverages for on-premises
12 consumption. For every special license issued pursuant to the provisions of this
13 subsection, the licensee shall pay to the director of revenue the sum of five
14 hundred dollars a year payable at the same time and in the same manner as its
other license fees.

15 2. The supervisor of alcohol and tobacco control may issue a special
16 license to caterers and other persons holding licenses to sell intoxicating liquor
17 by the drink at retail for consumption on the premises pursuant to the provisions
18 of this chapter who furnish provisions and service for use at a particular function,
19 occasion, or event at a particular location other than the licensed premises, but
20 not including a festival as defined in chapter 316. The special license shall be
21 effective for an unlimited number of functions during the year, and shall
22 authorize the service of alcoholic beverages at such function, occasion, or event
23 during the hours at which alcoholic beverages may lawfully be sold or served
24 upon premises licensed to sell alcoholic beverages for on-premises consumption.
25 For every special license issued pursuant to the provisions of this subsection, the
26 licensee shall pay to the director of revenue the sum of one thousand dollars a
27 year payable at the same time and in the same manner as its other license fees.

28 3. Caterers issued a special license pursuant to subsections 1 and 2 of this
29 section shall report to the supervisor of alcohol and tobacco control the location
30 of each function three business days in advance. The report of each function
31 shall include permission from the property owner and city, description of the
32 premises, and the date or dates the function will be held.

33 4. Except as provided in subsection 5 of this section, all provisions of the
34 liquor control law and the ordinances, rules and regulations of the incorporated
35 city, or the unincorporated area of any county, in which is located the premises
36 in which such function, occasion, or event is held shall extend to such premises
37 and shall be in force and enforceable during all the time that the licensee, its
38 agents, servants, employees, or stock are in such premises. Any special license
39 issued under this section shall allow the sale of intoxicating liquor in the original
40 package.

41 5. Notwithstanding any other law to the contrary, any caterer who
42 possesses a valid state and valid local liquor license may deliver alcoholic
43 beverages, in the course of his or her catering business. A caterer who possesses
44 a valid state and valid local liquor license need not obtain a separate license for
45 each city the caterer delivers in, so long as such city permits any caterer to deliver
46 alcoholic beverages within the city.

47 6. To assure and control product quality, wholesalers may, but shall not
48 be required to, give a retailer credit for intoxicating liquor with an alcohol content
49 of less than five percent by weight delivered and invoiced under the catering
50 license number, but not used, if the wholesaler removes the product within
51 seventy-two hours of the expiration of the catering function.]

52

2 [311.487. 1. The supervisor of liquor control may issue to any person
3 holding a concessionaire's contract, issued by the Missouri state fair, an annual
4 license effective for the fourteen-day period when the fair is held and for any
5 additional periods of time approved by the director of the fair which shall
authorize the sale of malt liquor and Missouri-produced wines, for consumption

6 on the premises where sold, on the Missouri state fairgrounds and, in the case of
7 Missouri-produced wines, in the original package, on each day of the week within
8 any period which has been approved by the director of the fair and during the
9 hours at which such malt liquor or wine may lawfully be sold or served upon
10 premises licensed to sell malt liquor or wine for on-premises consumption in the
11 incorporated city in which the Missouri state fair is located. For every permit
12 issued pursuant to the provisions of this section, the permittee shall pay to the
13 director of revenue the sum of one hundred dollars for such license, except that
14 for licenses issued to the concessionaire of the premises on the fairgrounds
15 known as the grandstand and to the concessionaire of the premises on the
16 fairgrounds known as the exhibition center, there shall be paid to the director of
17 revenue the sum of three hundred dollars for such licenses.

18 2. All provisions of the liquor control law and the ordinances, rules and
19 regulations of the incorporated city in which is located the Missouri state fair
20 shall extend to such premises and shall be in force and enforceable during all the
21 time that the permittee, its agents, servants, employees or stock are on such
22 premises.]

23

[311.489. 1. After obtaining the approvals as described in this section,
2 a permit for the sale of intoxicating liquor as defined in section 311.020, and
3 nonintoxicating beer as defined in section 312.010, for consumption on premises
4 where sold, and to conduct specified festival events, shall be issued by the
5 division of alcohol and tobacco control to any festival district, located in a
6 community improvement district in any home rule city with more than four
7 hundred thousand inhabitants and located in more than one county, that includes
8 three or more businesses that are licensed bars, nightclubs, restaurants, or other
9 entertainment venues and a common area that is closed to vehicle traffic,
10 provided that the permit is held by a promotional association. A "promotional
11 association" is defined as an entity formed by property owners who own or
12 operate fifty percent or more of the square feet of bars, nightclubs, restaurants,
13 and other entertainment venues located within the proposed festival district.

14 2. The promotional association shall obtain a permit from the division if
15 the promotional association submits a plan to the governing body of the city and
16 such a plan receives approval from the city governing body. The plan submitted
17 shall include the legal description of the district and the common area within
18 which such festivals shall be held, the name and address and responsible person
19 for each business participating in the promotional association, the specific
20 calendar of events for the district which shall not exceed twenty-four such events
21 annually and shall include the dates and times of any such events, a description
22 of the proposed festival activities, including any proposed public street closures
23 if applicable, proof of adequate insurance, and a detailed description of security
24 for any proposed festivals which shall be provided at the sole expense of the
25 promotional association. Such detailed description of security shall be approved

26 by the city police department and the city department of liquor control prior to the
27 plan being approved by the city. Each event on the calendar shall not exceed
28 forty-eight hours in length. No more than two events shall be held in any
29 calendar month. Such permit shall cost three hundred dollars per year.

30 3. Prior to approving the plan, the city shall notify all property owners in
31 the proposed district and within five hundred feet of such district's boundaries.
32 The city shall hold a public hearing at least thirty days after providing such notice
33 to obtain public views and comments on the issue. The city shall not approve any
34 plan unless the promotional association has obtained written approval from at
35 least fifty percent of the property owners within the district and within one
36 hundred eighty-five feet of its borders. If the written approvals required under
37 this section are obtained and the city approves the plan, the promotional
38 association may conduct the events described in the plan and may sell liquor for
39 consumption within the district common areas. Such liquor sales may only occur
40 between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four
41 hour periods in a year, such promotional association may permit customers to
42 leave an establishment within the district after purchasing an alcoholic beverage
43 and consume the beverage in the district common areas or another licensed
44 establishment within the district. All containers allowed to be removed from an
45 establishment shall be marked with the name or logo of the establishment where
46 it was purchased. No person shall be allowed to take any alcoholic beverage
47 outside the boundaries of the festival district.

48 4. If participating in a promotional association event, every bar,
49 nightclub, restaurant, promotional association, or other entertainment venue that
50 serves alcoholic beverages within the festival district shall use disposable paper,
51 plastic, or foam cups or other light-weight containers for all alcoholic beverages
52 that the bar, nightclub, restaurant, promotional association, or other entertainment
53 venue sells within the festival district boundaries for consumption in the district
54 common area.

55 5. Minors shall not be allowed to enter the festival district during a
56 festival event that serves liquor.

57 6. The holder of the permit is solely responsible for any alcohol
58 violations occurring within the common areas. For any violation of this chapter
59 or of any rule or regulation of the supervisor of alcohol and tobacco control, the
60 promotional association may be assessed a civil fine of not more than five
61 thousand dollars. If a promotional association is found to be responsible for such
62 violations at three separate events, then such promotional association shall not
63 seek approval for subsequent plans without the prior written consent of the
64 supervisor of alcohol and tobacco control. The promotional association's
65 then-current plan shall be deemed terminated, and the businesses participating in
66 the promotional association's events shall not participate in activities permitted
67 by subsection 3 of this section without prior written consent from the supervisor
68 of alcohol and tobacco control.

69 7. The provisions of this section shall expire two years after August 28,
70 2009.]

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