

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 842

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCDANIEL.

1965L.01P

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal section 311.730, RSMo, and to enact in lieu thereof four new sections relating to alcohol, with a penalty provision and an emergency clause.

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

Section A. Section 311.730, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 311.057, 311.730, 311.735, and 577.180 to read as follows:

**311.057. 1. No person, firm, partnership, or corporation licensed under this chapter; public venue; or any person acting as an employee or agent thereof shall sell, offer to sell, or serve free of charge any form of powdered alcohol.**

**2. For the purposes of this section, "powdered alcohol" shall mean alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic liquid.**

**311.730. 1. Except as otherwise provided under subsection 2 of this section, all fees collected by the director of revenue as provided for in this chapter, including licenses, inspection and gauging fees, shall be paid into the state treasury, to the credit of the ordinary state revenue fund.**

**2. Seventy percent of all fees for licenses and permits collected under this chapter shall be paid to the credit of the division of alcohol and tobacco control fund established under section 311.735.**

**311.735. 1. There is hereby created in the state treasury the "Division of Alcohol and Tobacco Control Fund". The state treasurer shall be custodian of the fund. In**

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.

3 accordance with sections 30.170 and 30.180, the state treasurer may approve  
4 disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the  
5 fund shall be used solely by the division of alcohol and tobacco control for the  
6 administration and enforcement of this chapter and sections 407.925 to 407.934.

7       **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
8 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
9 **general revenue fund.**

10       **3. Appropriation of funds by the general assembly from the fund shall be used to**  
11 **support the division of alcohol and tobacco control for the administration and regulation**  
12 **of the liquor control and tobacco laws under this chapter and sections 407.924 to 407.934.**

**577.180. 1. A person commits the offense of illegal possession of powdered alcohol**  
2 **if he or she purchases, possesses, offers for sale or use, uses, or sells powdered alcohol or**  
3 **ships any package or container that contains powdered alcohol into this state.**

4       **2. Any person who violates the provisions of this section shall be guilty of a class**  
5 **C misdemeanor.**

6       **3. For the purposes of this section, "powdered alcohol" shall mean alcohol that is**  
7 **prepared in a powdered, crystalline, or capsule form either for direct use or for**  
8 **reconstitution in a nonalcoholic liquid.**

9       **4. The provisions of this section shall not apply to the following:**

10       **(1) Any hospital that operates primarily for the purpose of scientific research;**

11       **(2) Any state institution conducting scientific research;**

12       **(3) Any college or university conducting scientific research; or**

13       **(4) Any pharmaceutical company or biotechnology company conducting research.**

      Section B. Because of the need to protect minors from accidental intoxication and  
2 alcohol poisoning, this act is deemed necessary for the immediate preservation of public health,  
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of  
4 the constitution, and this act shall be in full force and effect upon its passage and approval.

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