

SECOND REGULAR SESSION

HOUSE BILL NO. 2746

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

6512H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 66.500, 82.851, 92.047, 92.325, 94.805, 94.838, 195.205, 221.111, 262.270, 262.829, 275.464, 302.400, 311.010, 311.015, 311.020, 311.030, 311.040, 311.050, 311.055, 311.060, 311.061, 311.070, 311.071, 311.075, 311.080, 311.082, 311.085, 311.086, 311.088, 311.089, 311.090, 311.091, 311.092, 311.095, 311.096, 311.099, 311.100, 311.101, 311.110, 311.130, 311.140, 311.150, 311.160, 311.170, 311.174, 311.176, 311.178, 311.179, 311.180, 311.181, 311.182, 311.185, 311.190, 311.191, 311.192, 311.193, 311.195, 311.196, 311.197, 311.198, 311.200, 311.201, 311.205, 311.210, 311.211, 311.212, 311.218, 311.220, 311.230, 311.240, 311.250, 311.260, 311.265, 311.270, 311.275, 311.280, 311.290, 311.293, 311.294, 311.297, 311.298, 311.299, 311.300, 311.310, 311.315, 311.320, 311.325, 311.326, 311.328, 311.329, 311.330, 311.332, 311.333, 311.335, 311.338, 311.340, 311.355, 311.360, 311.370, 311.373, 311.380, 311.390, 311.400, 311.401, 311.410, 311.420, 311.430, 311.440, 311.450, 311.460, 311.480, 311.482, 311.483, 311.485, 311.486, 311.487, 311.490, 311.500, 311.510, 311.520, 311.530, 311.540, 311.550, 311.553, 311.554, 311.555, 311.557, 311.561, 311.580, 311.600, 311.610, 311.615, 311.620, 311.630, 311.640, 311.650, 311.660, 311.665, 311.670, 311.680, 311.685, 311.691, 311.710, 311.720, 311.722, 311.730, 311.735, 311.740, 311.750, 311.760, 311.770, 311.780, 311.790, 311.800, 311.810, 311.820, 311.830, 311.840, 311.850, 311.860, 311.868, 311.870, 311.880, 311.915, 311.950, 313.075, 313.340, 313.665, 313.805, 313.840, 407.301, 407.400, 513.605, 536.140, 556.001, 579.099, 650.005, and 650.153 RSMo, and to enact in lieu thereof twenty-seven new sections relating to intoxicating liquor, with penalty provisions.

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.

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

Section A. Sections 66.500, 82.851, 92.047, 92.325, 94.805, 94.838, 195.205, 221.111,
 2 262.270, 262.829, 275.464, 302.400, 311.010, 311.015, 311.020, 311.030, 311.040, 311.050,
 3 311.055, 311.060, 311.061, 311.070, 311.071, 311.075, 311.080, 311.082, 311.085, 311.086,
 4 311.088, 311.089, 311.090, 311.091, 311.092, 311.095, 311.096, 311.099, 311.100, 311.101,
 5 311.110, 311.130, 311.140, 311.150, 311.160, 311.170, 311.174, 311.176, 311.178, 311.179,
 6 311.180, 311.181, 311.182, 311.185, 311.190, 311.191, 311.192, 311.193, 311.195, 311.196,
 7 311.197, 311.198, 311.200, 311.201, 311.205, 311.210, 311.211, 311.212, 311.218, 311.220,
 8 311.230, 311.240, 311.250, 311.260, 311.265, 311.270, 311.275, 311.280, 311.290, 311.293,
 9 311.294, 311.297, 311.298, 311.299, 311.300, 311.310, 311.315, 311.320, 311.325, 311.326,
 10 311.328, 311.329, 311.330, 311.332, 311.333, 311.335, 311.338, 311.340, 311.355, 311.360,
 11 311.370, 311.373, 311.380, 311.390, 311.400, 311.401, 311.410, 311.420, 311.430, 311.440,
 12 311.450, 311.460, 311.480, 311.482, 311.483, 311.485, 311.486, 311.487, 311.490, 311.500,
 13 311.510, 311.520, 311.530, 311.540, 311.550, 311.553, 311.554, 311.555, 311.557, 311.561,
 14 311.580, 311.600, 311.610, 311.615, 311.620, 311.630, 311.640, 311.650, 311.660, 311.665,
 15 311.670, 311.680, 311.685, 311.691, 311.710, 311.720, 311.722, 311.730, 311.735, 311.740,
 16 311.750, 311.760, 311.770, 311.780, 311.790, 311.800, 311.810, 311.820, 311.830, 311.840,
 17 311.850, 311.860, 311.868, 311.870, 311.880, 311.915, 311.950, 313.075, 313.340, 313.665,
 18 313.805, 313.840, 407.301, 407.400, 513.605, 536.140, 556.001, 579.099, 650.005, and 650.153,
 19 RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as
 20 sections 66.500, 82.851, 92.047, 92.325, 94.805, 94.838, 195.205, 221.111, 262.270, 262.829,
 21 275.464, 302.400, 313.075, 313.340, 313.665, 313.805, 313.840, 407.301, 407.400, 513.605,
 22 536.140, 556.001, 578.805, 578.807, 579.099, 650.005, and 650.153, to read as follows:

66.500. As used in sections 66.500 to 66.516, the following terms mean:

- 2 (1) "County", a constitutional charter county containing the major portion of a city with
 3 a population of at least three hundred fifty thousand inhabitants;
- 4 (2) "Food", all articles commonly used for food or drink~~[-including alcoholic beverages,~~
 5 ~~the provisions of chapter 311 notwithstanding];~~
- 6 (3) "Food establishment", any cafe, cafeteria, lunchroom or restaurant which sells food
 7 at retail and has at least five hundred thousand dollars in annual sales;
- 8 (4) "Governing body", the body charged with governing the county;
- 9 (5) "Gross receipts", the gross receipts from retail sales of food prepared on the premises
 10 and delivered to the purchaser (excluding sales tax);
- 11 (6) "Hotel, motel or tourist court", any structure or building, under one management,
 12 which contains rooms furnished for the accommodation or lodging of guests, with or without
 13 meals being so provided, and kept, used, maintained, advertised, or held out to the public as a

14 place where sleeping accommodations are sought for pay or compensation to transient guests or
15 permanent guests and having more than eight bedrooms furnished for the accommodations of
16 such guests. Sleeping accommodations consisting of one bedroom or more that rent for less than
17 twenty dollars per day or less than eighty-five dollars per week and shelters for the homeless
18 operated by not-for-profit organizations are not a "hotel, motel or tourist court" for the purposes
19 of this act;

20 (7) "Person", any individual, corporation, partnership or other entity;

21 (8) "Transient guest", a person who occupies a room or rooms in a hotel, motel or tourist
22 court for thirty-one days or less during any calendar quarter.

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

2 (1) "Food", all articles commonly used for food or drink~~[-including alcoholic beverages,~~
3 ~~the provisions of chapter 311 notwithstanding]~~;

4 (2) "Food establishment", any cafe, cafeteria, lunchroom, or restaurant which sells food
5 at retail;

6 (3) "Gross receipts", the gross receipts from retail sales of food prepared on the premises
7 and delivered to the purchaser, excluding sales tax;

8 (4) "Museum", any museum dedicated to the preservation of the history of the westward
9 expansion movement of the United States by covered wagon, train, water, or similar means of
10 transportation, which is or was owned by the state of Missouri on the effective date of the tax and
11 operated by a city or other person;

12 (5) "Person", any individual, corporation, partnership, or other entity;

13 (6) "Tourism-related activities", those activities commonly associated with the
14 development, promotion, and operation of tourism and related facilities for the city, including
15 historic preservation.

16 2. The city council of any home rule city with more than one hundred thirteen thousand
17 two hundred but less than one hundred thirteen thousand three hundred inhabitants may impose
18 a tax on the gross receipts derived from all retail sales of food by every person operating a food
19 establishment situated in the city or a portion thereof. The tax authorized in this section may be
20 imposed in increments of one-eighth of one percent, up to a maximum of two percent of such
21 gross receipts. One-half of any such tax imposed by a city pursuant to this section shall be used
22 solely for the development, promotion and operation of a museum. Such tax shall be in addition
23 to all other sales taxes imposed on such food establishments, and shall be stated separately from
24 all other charges and taxes. Such tax shall not become effective unless the city council, by order
25 or ordinance, submits to the voters of the city a proposal to authorize the city council to impose
26 a tax under this section on any day available for such city to hold municipal elections or at a
27 special election called for the purpose.

28 3. The ballot of submission for the tax authorized in this section shall be in substantially
29 the following form:

30 Shall _____ (insert the name of the city) impose a tax on the gross receipts derived from
31 the retail sales of food at any food establishment situated in _____ (name of city) at a rate of
32 _____ (insert rate of percent) percent for the sole purpose of providing funds for the
33 development, promotion, and operation of museum and tourism-related activities and facilities?

34 YES NO

35

36 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
37 of the question, then the tax shall become effective on the first day of the second calendar quarter
38 following the calendar quarter in which the election was held. If a majority of the votes cast on
39 the question by the qualified voters voting thereon are opposed to the question, then the tax
40 authorized by this section shall not become effective unless and until the question is resubmitted
41 pursuant to this section to the qualified voters of the city and such question is approved by a
42 majority of the qualified voters of the city voting on the question.

43 4. The tax imposed under this section shall be known as the "Museum and
44 Tourism-Related Activities Tax". Each city imposing a tax under this section shall establish
45 separate trust funds to be known as the "Museum Trust Fund" and the "Tourism-Related Trust
46 Fund". The city treasurer shall deposit the revenue derived from the tax imposed under this
47 section for museum purposes in the museum trust fund, and shall deposit the revenue derived
48 for tourism-related purposes in the tourism-related trust fund. The proceeds of such tax shall be
49 appropriated by the city council exclusively for the development, promotion, and operation of
50 museum and tourism-related activities and facilities in the city.

51 5. All applicable provisions in chapter 144, relating to state sales tax, and in section
52 32.057, relating to confidentiality, shall apply to the collection of any tax imposed under this
53 section.

54 6. All exemptions for government agencies, organizations, individuals, and on the sale
55 of certain tangible personal property and taxable services granted under sections 144.010 to
56 144.525 shall be applicable to the imposition and collection of any tax imposed under this
57 section.

58 7. The same sales tax permits, exemption certificates, and retail certificates required for
59 the administration and collection of state sales tax in chapter 144 shall be deemed adequate for
60 the administration and collection of any tax imposed under this section, and no additional permit,
61 exemption certificate, or retail certificate shall be required, provided that the director of the
62 department of revenue may prescribe a form of exemption certificate for an exemption from any
63 tax imposed under this section.

64 8. Any individual, firm, or corporation subject to any tax imposed under this section
65 shall collect the tax from the patrons of the food establishment, and each such patron of the food
66 establishment shall pay the amount of the tax due to the individual, firm, or corporation required
67 to collect the tax. The city shall permit the individual required to remit the tax to deduct and
68 retain an amount equal to two percent of the taxes collected. The city council may either require
69 the license collector of the city to collect the tax, or may enter into an agreement with the director
70 of the department of revenue to have the director collect the tax on behalf of the city. In the
71 event such an agreement is entered into, the director shall perform all functions incident to the
72 collection, enforcement, and operation of such tax, and shall collect the tax on behalf of the city
73 and shall transfer the funds collected to the city license collector, except for an amount not less
74 than one percent nor more than three percent, which shall be retained by the director for the costs
75 of collecting the tax. If the director is to collect such tax, the tax shall be collected and reported
76 upon such forms and under such administrative rules and regulations as the director may
77 prescribe. All refunds and penalties as provided in sections 144.010 to 144.525 are hereby made
78 applicable to violations of this section.

79 9. It is unlawful for any person to advertise or hold out or state to the public or to any
80 food establishment patron, directly or indirectly, that the tax or any part thereof imposed by this
81 section, and required to be collected by that person, will be absorbed by that person, or anyone
82 on behalf of that person, or that it will not be separately stated and added to the price of the food
83 establishment bill, or if added, that it or any part thereof will be refunded.

92.047. 1. All laws inconsistent with or repugnant to the foregoing shall be deemed to
2 have been repealed to the extent of such inconsistency or repugnancy. The provisions of this
3 statute shall in no way be construed to prohibit any city which has a population in excess of
4 seven hundred thousand inhabitants from assessing, levying and collecting a tax pursuant to the
5 provisions of sections 92.110 through 92.200.

6 2. For the purposes of sections 92.041 to 92.047~~[-, and chapter 311, as amended,]~~ or any
7 section thereof, as amended, shall not be construed to be inconsistent with or repugnant to the
8 provisions of sections 92.041 to 92.047, and shall not be deemed to have been repealed by
9 sections 92.041 to 92.047, but shall continue in full force and effect. ~~[For the purpose of sections~~
10 ~~92.041 to 92.047, no such city included within the scope of sections 92.041 to 92.047 shall~~
11 ~~charge or exact an occupational license tax on manufacturers, wholesalers, or retailers of~~
12 ~~alcoholic beverages in excess of that permitted by chapter 311 for cities.]~~

92.325. As used in sections 92.325 to 92.340, the following terms mean:

2 (1) "City", a constitutional charter city located in four or more counties;

3 (2) "Food", all articles commonly used for food or drink~~[-, including alcoholic beverages,~~
4 ~~the provisions of chapter 311 notwithstanding];~~

5 (3) "Food establishment", any cafe, cafeteria, lunchroom or restaurant which sells food
6 at retail;

7 (4) "Governing body", the city council charged with governing the city;

8 (5) "Gross receipts", the gross receipts from retail sales of food prepared on the premises
9 and delivered to the purchaser (excluding sales tax);

10 (6) "Hotel, motel or tourist court", any structure or building, under one management,
11 which contains rooms furnished for the accommodation or lodging of guests, with or without
12 meals being so provided, and kept, used, maintained, advertised, or held out to the public as a
13 place where sleeping accommodations are sought for pay or compensation to transient guests or
14 permanent guests and having more than eight bedrooms furnished for the accommodations of
15 such guests. Sleeping accommodations consisting of one bedroom or more, that rent for less
16 than twenty dollars per day or less than eighty-five dollars per week and shelters for the homeless
17 operated by not-for-profit organizations are not a "hotel, motel or tourist court" for the purposes
18 of this act;

19 (7) "Person", any individual, corporation, partnership or other entity;

20 (8) "Transient guest", a person who occupies a room or rooms in a hotel, motel or tourist
21 court for thirty-one days or less during any calendar quarter.

22 94.805. In addition to any tourism tax imposed by section 94.802, the governing body
23 of any municipality described in section 94.802 may impose, by ordinance, a tourism tax on the
24 purchase price paid or charged to any person for food and drinks sold on the premises of
25 restaurant establishments in such municipality ~~[or for drinks sold in such municipality for~~
26 ~~consumption on the premises by establishments licensed pursuant to section 311.090 to sell~~
27 ~~intoxicating liquors,]~~ at a rate not to exceed two percent, on such purchase price paid or charged.

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

2 (1) "Food", all articles commonly used for food or drink ~~[-including alcoholic beverages,~~
3 ~~the provisions of chapter 311 notwithstanding];~~

4 (2) "Food establishment", any cafe, cafeteria, lunchroom, or restaurant which sells food
5 at retail;

6 (3) "Municipality", any village or fourth class city with more than two hundred but less
7 than three hundred inhabitants and located in any county of the third classification with a
8 township form of government and with more than twelve thousand five hundred but less than
9 twelve thousand six hundred inhabitants;

10 (4) "Transient guest", a person or persons who occupy a room or rooms in a hotel or
11 motel for thirty-one days or less during any calendar quarter.

12 2. The governing body of any municipality may impose, by order or ordinance:

13 (1) A tax, not to exceed six percent per room per night, on the charges for all sleeping
14 rooms paid by the transient guests of hotels or motels situated in the municipality or a portion
15 thereof; and

16 (2) A tax, not to exceed two percent, on the gross receipts derived from the retail sales
17 of food by every person operating a food establishment in the municipality.

18

19 The taxes shall be imposed solely for the purpose of funding the construction, maintenance, and
20 operation of capital improvements. The order or ordinance shall not become effective unless the
21 governing body of the municipality submits to the voters of the municipality at a state general
22 or primary election a proposal to authorize the governing body of the municipality to impose
23 taxes under this section. The taxes authorized in this section shall be in addition to the charge
24 for the sleeping room, the retail sales of food at a food establishment, and all other taxes imposed
25 by law, and shall be stated separately from all other charges and taxes.

26 3. The ballot of submission for the taxes authorized in this section shall be in
27 substantially the following form:

28 Shall _____ (insert the name of the municipality) impose a tax on the charges for all
29 retail sales of food at a food establishment situated in _____ (name of municipality) at a rate
30 of _____ (insert rate of percent) percent, and for all sleeping rooms paid by the transient guests
31 of hotels and motels situated in _____ (name of municipality) at a rate of _____ (insert rate
32 of percent) percent, solely for the purpose of funding the construction, maintenance, and
33 operation of capital improvements?

34 YES NO

35

36 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
37 of the question, then the taxes shall become effective on the first day of the second calendar
38 quarter after the director of revenue receives notice of the adoption of the taxes. If a majority of
39 the votes cast on the question by the qualified voters voting thereon are opposed to the question,
40 then the taxes shall not become effective unless and until the question is resubmitted under this
41 section to the qualified voters and such question is approved by a majority of the qualified voters
42 voting on the question.

43 4. Any tax on the retail sales of food imposed under this section shall be administered,
44 collected, enforced, and operated as required in section 32.087, and any transient guest tax
45 imposed under this section shall be administered, collected, enforced, and operated by the
46 municipality imposing the tax. All revenue generated by the tax shall be deposited in a special
47 trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds
48 remaining in the special trust fund shall continue to be used solely for the designated purposes.

49 Any funds in the special trust fund which are not needed for current expenditures may be
50 invested in the same manner as other funds are invested. Any interest and moneys earned on
51 such investments shall be credited to the fund.

52 5. Once the initial bonds, if any, have been satisfied, then the governing body of any
53 municipality that has adopted the taxes authorized in this section may submit the question of
54 repeal of the taxes to the voters on any date available for elections for the municipality. The
55 ballot of submission shall be in substantially the following form:

56 Shall _____ (insert the name of the municipality) repeal the taxes imposed at the rates
57 of _____ (insert rate of percent) and _____ (insert rate of percent) percent for the purpose of
58 funding the construction, maintenance, and operation of capital improvements?

59 YES NO

60

61 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
62 effective on December thirty-first of the calendar year in which such repeal was approved. If a
63 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
64 the repeal, then the tax authorized in this section shall remain effective until the question is
65 resubmitted under this section to the qualified voters, and the repeal is approved by a majority
66 of the qualified voters voting on the question.

67 6. Once the initial bonds, if any, have been satisfied, then, whenever the governing body
68 of any municipality that has adopted the taxes authorized in this section receives a petition,
69 signed by ten percent of the registered voters of the municipality voting in the last gubernatorial
70 election, calling for an election to repeal the taxes imposed under this section, the governing
71 body shall submit to the voters of the municipality a proposal to repeal the taxes. If a majority
72 of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal,
73 that repeal shall become effective on December thirty-first of the calendar year in which such
74 repeal was approved. If a majority of the votes cast on the question by the qualified voters voting
75 thereon are opposed to the repeal, then the tax shall remain effective until the question is
76 resubmitted under this section to the qualified voters and the repeal is approved by a majority of
77 the qualified voters voting on the question.

195.205. 1. For purposes of this section, the following terms shall mean:

2 (1) "Drug or alcohol overdose", a condition including, but not limited to, extreme
3 physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death
4 which is the result of consumption or use of a controlled substance or alcohol or a substance with
5 which the controlled substance or alcohol was combined, or that a person would reasonably
6 believe to be a drug or alcohol overdose that requires medical assistance;

7 (2) "Medical assistance", includes, but is not limited to, reporting a drug or alcohol
8 overdose or other medical emergency to law enforcement, the 911 system, a poison control
9 center, or a medical provider; assisting someone so reporting; or providing care to someone who
10 is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival
11 of medical assistance.

12 2. A person who, in good faith, seeks or obtains medical assistance for someone who is
13 experiencing a drug or alcohol overdose or other medical emergency or a person experiencing
14 a drug or alcohol overdose or other medical emergency who seeks medical assistance for himself
15 or herself or is the subject of a good faith request shall not be arrested, charged, prosecuted,
16 convicted, or have his or her property subject to civil forfeiture or otherwise be penalized for the
17 following if the evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was
18 gained as a result of seeking or obtaining medical assistance:

19 (1) Committing a prohibited act under section 579.015, 579.074, 579.078, or 579.105;

20 (2) ~~Committing a prohibited act under section 311.310, 311.320, or 311.325;~~

21 ~~—(3) Violating a restraining order; or~~

22 ~~[(4)] (3) Violating probation or parole.~~

23 3. (1) This section shall not prohibit a police officer from arresting a person for an
24 outstanding warrant under subsection 1 of section 221.510.

25 (2) This section shall not prohibit a person from being arrested, charged, or prosecuted
26 based on an offense other than an offense under subsection 2 of this section, whether the offense
27 arises from the same circumstances as the seeking of medical assistance.

28 (3) The protection of prosecution under this section for possession offenses shall not be
29 grounds for suppression of evidence or dismissal in charges unrelated to this section.

30 4. Any police officer who is in contact with any person or persons in need of emergency
31 medical assistance under this section shall provide appropriate information and resources for
32 substance-related assistance.

221.111. 1. A person commits the offense of possession of unlawful items in a prison
2 or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in
3 or about the premises of any correctional center as the term "correctional center" is defined under
4 section 217.010, or any city, county, or private jail:

5 (1) Any controlled substance as that term is defined by law, except upon the written
6 prescription of a licensed physician, dentist, or veterinarian;

7 (2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating
8 liquor is defined in section ~~[311.020]~~ **578.805**;

9 (3) Any article or item of personal property which a prisoner is prohibited by law, by rule
10 made pursuant to section 221.060, or by regulation of the department of corrections from
11 receiving or possessing, except as herein provided;

12 (4) Any gun, knife, weapon, or other article or item of personal property that may be
13 used in such manner as to endanger the safety or security of the institution or as to endanger the
14 life or limb of any prisoner or employee thereof.

15 2. The violation of subdivision (1) of subsection 1 of this section shall be a class D
16 felony; the violation of subdivision (2) of this section shall be a class E felony; the violation of
17 subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision
18 (4) of this section shall be a class B felony.

19 3. The chief operating officer of a county or city jail or other correctional facility or the
20 administrator of a private jail may deny visitation privileges to or refer to the county prosecuting
21 attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses,
22 deposits, or conceals in or about the premises of such jail or facility any personal item which is
23 prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list
24 of personal items allowed in the jail or facility, shall be prominently posted for viewing both
25 inside and outside such jail or facility in an area accessible to any visitor, and shall be made
26 available to any person requesting such rule or regulation. Violation of this subsection shall be
27 an infraction if not covered by other statutes.

28 4. Any person who has been found guilty of a violation of subdivision (2) of subsection
29 1 of this section involving any alkaloid shall be entitled to expungement of the record of the
30 violation. The procedure to expunge the record shall be pursuant to section 610.123. The record
31 of any person shall not be expunged if such person has been found guilty of knowingly
32 delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any
33 controlled substance in or about the premises of any correctional center, or city or county jail,
34 or private prison or jail.

262.270. 1. The director shall make and, after its creation, the commission shall approve
2 all rules, regulations and bylaws necessary and suitable for the conduct and control of the
3 exhibitions, the sale of privileges, and for the proper control, operation and conduct of the fair
4 not inconsistent with the law relevant to the operation of the state fair or with the constitution
5 and laws of this state. All contracts granted after January 1, 1996, in relation to the state fair and
6 state fairgrounds shall be approved by the commission and shall not be valid until approved. The
7 director may employ necessary personnel for the proper management of the fair, and may rent
8 or enter into long-term leases for a period not to exceed fifteen years with a right of renewal on
9 consent of all parties or donate the use of any portion of the grounds and buildings for such
10 purposes as he deems proper, section 37.005 or any other law to the contrary notwithstanding,

11 and the grounds may be used, free of charge, by the state for encampment grounds for the state
12 troops under the direction of the adjutant general of Missouri; except that in no event shall the
13 rental or donation of the use of the grounds be allowed to interfere with the preparation for or
14 the holding of the Missouri state fair. He shall not, directly or indirectly, permit any gambling
15 devices of whatever nature other than for licensed pari-mutuel wagering conducted under the
16 direction of the Missouri horse racing commission to be operated on the grounds, nor permit any
17 intoxicating liquors, wine or beer to be sold thereon except in a facility operated as a part of and
18 in conjunction with a restaurant facility operated in conjunction with and as a part of the facilities
19 used for the conducting of horse racing and pari-mutuel wagering~~[or except as provided in~~
20 ~~section 311.487]~~.

21 2. The director with the approval of the commission may appoint and employ as many
22 special policemen as are needed to maintain order or prevent breaches of the peace on and about
23 the grounds whereon the fair is held. Before entering upon the discharge of his office, each
24 special policeman shall take and subscribe an oath of office to faithfully and impartially
25 discharge the duties thereof before an associate circuit judge or other official empowered to
26 administer oaths in the county wherein the fair is held; and the officer shall give to such special
27 policeman a certificate of his appointment and qualification, which shall clothe him with the
28 same power to maintain order, preserve the peace and make arrests as is now held by a peace
29 officer. In addition, any such special policeman may arrest and expel from the grounds persons
30 violating the rules, regulations and bylaws of the Missouri state fair, under order of the director
31 or his duly authorized representative.

32 3. The commission may request assistance from any state agency and may reimburse
33 the contributing agency for the expense of cooperation involved from state fair fund.

262.829. The principal office of the board shall be located in Jefferson City, Missouri.
2 The board may have offices at such other places as the board may from time to time designate.
3 The board shall act as the organization within the department of agriculture charged with the
4 promotion, research, and advisement of grapes and grape products in Missouri~~[, and shall be the~~
5 ~~sole recipient of funding as provided for in section 311.554]~~.

275.464. ~~[In addition to any other licenses and charges imposed by chapter 311,]~~ There
2 shall be collected by the director of the department of agriculture and paid to the director of the
3 department of revenue for deposit in the Missouri wine marketing and research development
4 fund an additional pro rata charge of six dollars per ton of grapes or one hundred sixty gallons
5 of grape juice processed by commercial producers in this state, with three dollars per ton or one
6 hundred sixty gallons being used for research and advisement of grapes and grape products. The
7 charges shall be paid and collected pursuant to sections 275.466 to 275.468.

302.400. 1. A court of competent jurisdiction shall, upon a finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was committed by a juvenile, enter an order suspending or revoking the driving privileges of any person determined to have committed one of the following offenses and who, at the time said offense was committed, was under twenty-one years of age:

(1) Any alcohol-related traffic offense in violation of state law or a county or municipal ordinance, where the defendant was represented by an attorney or waived the right to an attorney in writing;

(2) Any offense in violation of state law or a county or municipal ordinance, where the defendant was represented by an attorney or waived the right to an attorney in writing, involving the possession or use of alcohol, committed while operating a motor vehicle;

(3) Any offense involving the possession or use of a controlled substance as defined in chapter 195 in violation of state law or a county or municipal ordinance, where the defendant was represented by an attorney or waived the right to an attorney in writing;

(4) ~~Any offense involving the alteration, modification, or misrepresentation of a license to operate a motor vehicle in violation of section 311.328;~~

~~—(5)~~ Any subsequent offense in violation of state law or a county or municipal ordinance, where the defendant was represented by, or waived in writing the right to, an attorney, involving the possession or use of alcohol; except that a determination of guilt or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen years of age.

2. A court of competent jurisdiction shall, upon a finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was committed by a juvenile, enter an order suspending or revoking the driving privileges of any person determined to have committed a violation of ~~[section 311.325]~~ **section 578.805 or 578.807** and who, at the time said violation was committed, was more than fifteen years of age and under twenty-one years of age.

3. The court shall require the person against whom a court has entered an order suspending or revoking driving privileges under subsections 1 and 2 of this section to surrender any license to operate a motor vehicle, temporary instruction permit, intermediate driver's license, or any other driving privilege then held by such person.

4. The court, if other than a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this section.

5. (1) Notwithstanding chapter 211 to the contrary, the court, if a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and

37 any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving
38 privilege acquired under subsection 3 of this section for any person sixteen years of age or older.

39 (2) Notwithstanding chapter 211 to the contrary, the court, if a juvenile court, shall hold
40 the order of suspension or revocation of driving privileges for any person less than sixteen years
41 of age until thirty days before the person's sixteenth birthday, at which time the juvenile court
42 shall forward to the director of revenue the order of suspension or revocation of driving
43 privileges.

44 6. The period of suspension for a first offense under subsection 1 of this section shall be
45 ninety days. Any second or subsequent offense under subsection 1 of this section shall result in
46 revocation of the offender's driving privileges for one year. The period of suspension for a first
47 offense under subsection 2 of this section shall be thirty days. The period of suspension for a
48 second offense under subsection 2 of this section shall be ninety days. Any third or subsequent
49 offense under subsection 2 of this section shall result in revocation of the offender's driving
50 privileges for one year.

313.075. The conduct or playing games of bingo under the provisions of sections
2 313.005 to 313.080 does not constitute gambling or gambling activities and the power of the
3 division of liquor control to prohibit the licensing of any premises on which gambling or
4 gambling activities are conducted or played, or to prohibit the sale or consumption of beer or
5 alcoholic beverage on any premises on which gambling or gambling activities are conducted or
6 played, shall not apply where the only activity is the conduct or playing of games of bingo under
7 the provisions of sections 313.005 to 313.080. [~~Any licensee under sections 313.005 to 313.080~~
8 ~~may, if such licensee meets all other requirements of the liquor licensing laws of this state, be~~
9 ~~licensed by the division of liquor control as provided in chapter 311, and the conduct or playing~~
10 ~~of games of bingo under the provisions of sections 313.005 to 313.080 shall not, by itself, be a~~
11 ~~reason for refusal to license or for suspension or revocation of a license under the provisions of~~
12 ~~chapter 311.~~]

313.340. [~~1-~~] Notwithstanding any other provision of law to the contrary, participation
2 by a person, firm, corporation or organization in any aspect of the state lottery in accordance with
3 sections 313.200 to 313.350 shall not be construed to be a lottery or gift enterprise in violation
4 of Article III, Section 39 of the Constitution of Missouri.

5 [~~2-~~ ~~The sale of lottery tickets or shares in accordance with sections 313.200 to 313.350~~
6 ~~shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend any license~~
7 ~~or permit issued under the provisions of chapter 311.~~]

313.665. [~~1-~~] Notwithstanding any other provision of law to the contrary, pari-mutuel
2 wagering on horses at licensed tracks shall not be considered to be "gambling" as that term is
3 used in any law or regulation.

4 ~~[2. Pari-mutuel wagering conducted in accordance with the provisions of sections~~
5 ~~313.500 to 313.710 shall not constitute a valid reason to refuse to issue or renew or to revoke or~~
6 ~~suspend any license or permit issued under the provisions of chapter 311.~~

7 ~~3. The giving of door prizes or other gifts by lot or chance after payment of a price by~~
8 ~~members or guests of a charitable organization which has obtained an exemption from payment~~
9 ~~of federal income taxes as provided in section 501(c)(3) of the Internal Revenue Code of 1954,~~
10 ~~as amended, shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend~~
11 ~~any license or permit issued under the provisions of chapter 311.]~~

 313.805. The commission shall have full jurisdiction over and shall supervise all
2 gambling operations governed by sections 313.800 to 313.850. The commission shall have the
3 following powers and shall promulgate rules and regulations to implement sections 313.800 to
4 313.850:

5 (1) To investigate applicants and determine the priority and eligibility of applicants for
6 a license and to select among competing applicants for a license the applicant which best serves
7 the interests of the citizens of Missouri;

8 (2) To license the operators of excursion gambling boats and operators of gambling
9 games within such boats, to identify occupations within the excursion gambling boat operations
10 which require licensing, and adopt standards for licensing the occupations including establishing
11 fees for the occupational licenses and to license suppliers;

12 (3) To adopt standards under which all excursion gambling boat operations shall be held
13 and standards for the facilities within which the gambling operations are to be held.
14 ~~[Notwithstanding the provisions of chapter 311 to the contrary, The commission may authorize~~
15 ~~the operation of gambling games on an excursion gambling boat which is also licensed to sell~~
16 ~~or serve alcoholic beverages, wine, or beer.]~~ The commission shall regulate the wagering
17 structure for gambling excursions, provided that the commission shall not establish any
18 regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

19 (4) To enter the premises of excursion gambling boats, facilities, or other places of
20 business of a licensee within this state to determine compliance with sections 313.800 to
21 313.850;

22 (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission
23 rules, orders, or final decisions;

24 (6) To assess any appropriate administrative penalty against a licensee, including, but
25 not limited to, suspension, revocation, and penalties of an amount as determined by the
26 commission up to three times the highest daily amount of gross receipts derived from wagering
27 on the gambling games, whether unauthorized or authorized, conducted during the previous
28 twelve months as well as confiscation and forfeiture of all gambling game equipment used in the

29 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced
30 as provided in sections 513.600 to 513.645;

31 (7) To require a licensee, an employee of a licensee or holder of an occupational license
32 to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,
33 orders, or final orders, or other person deemed to be undesirable from the excursion gambling
34 boat or adjacent facilities;

35 (8) To require the removal from the premises of a licensee, an employee of a licensee,
36 or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a
37 commission rule or engaging in a fraudulent practice;

38 (9) To require all licensees to file all financial reports required by rules and regulations
39 of the commission;

40 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for
41 the production of books, records, and other pertinent documents, and to administer oaths and
42 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce
43 sections 313.800 to 313.850 or the commission rules;

44 (11) To keep accurate and complete records of its proceedings and to certify the records
45 as may be appropriate;

46 (12) To ensure that the gambling games are conducted fairly. No gambling device shall
47 be set to pay out less than eighty percent of all wagers;

48 (13) To require all licensees of gambling game operations to use a cashless wagering
49 system whereby all players' money is converted to physical or electronic tokens, electronic cards,
50 or chips which only can be used on the excursion gambling boat;

51 (14) To require excursion gambling boat licensees to develop a system, approved by the
52 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from
53 using identifying information for marketing purposes. The provisions of this subdivision shall
54 apply only to patrons giving identifying information for the first time. Such system shall be
55 submitted to the commission by October 1, 2000, and approved by the commission by January
56 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from
57 patrons who have elected to have marketing blocked under the provisions of this section only for
58 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This
59 section shall not prohibit the commission from accessing identifying information for the
60 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

61 (15) To determine which of the authorized gambling games will be permitted on any
62 licensed excursion gambling boat;

63 (16) Excursion gambling boats shall cruise, unless the commission finds that the best
64 interest of Missouri and the safety of the public indicate the need for continuous docking of the

65 excursion gambling boat in any city or county authorized pursuant to subsection 10 of section
66 313.812. The commission shall base its decision to allow continuously docked excursion
67 gambling boats on any of the following criteria: the docking location or the excursion cruise
68 could cause danger to the boat's passengers, violate federal law or the law of another state, or
69 cause disruption of interstate commerce or possible interference with railway or barge
70 transportation. In addition, the commission shall consider economic feasibility or impact that
71 would benefit land-based development and permanent job creation. The commission shall not
72 discriminate among applicants for continuous-docking excursion gambling that are similarly
73 situated with respect to the criteria set forth in this section;

74 (17) The commission shall render a finding concerning the possibility of continuous
75 docking, as described in subdivision (15) of this section, within thirty days after a hearing on any
76 request from an applicant or licensee. Such hearing may be held prior to any final action on
77 licensing to assist an applicant and any city or county in the finalizing of their economic
78 development plan;

79 (18) To require any applicant for a license or renewal of a license to operate an excursion
80 gambling boat to provide an affirmative action plan which has as its goal the use of best efforts
81 to achieve maximum employment of African-Americans and other minorities and maximum
82 participation in the procurement of contractual purchases of goods and services. This provision
83 shall be administered in accordance with all federal and state employment laws, including Title
84 VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license
85 renewal, the licensee will report on the effectiveness of the plan. The commission shall include
86 the licensee's reported information in its annual report to the joint committee on gaming and
87 wagering;

88 (19) To take any other action as may be reasonable or appropriate to enforce sections
89 313.800 to 313.850 and the commission rules.

313.840. 1. The conduct of or playing of any games on any licensed excursion gambling
2 boat does not constitute gambling or gambling activities [~~and the power of the division of liquor
3 control to prohibit the licensing of any premises on which gambling or gambling activities are
4 conducted or played, or to prohibit the consumption or sale of beer or alcoholic beverage on any
5 premises, shall not apply where the premises is duly licensed by the commission.~~
6 Notwithstanding the provisions of chapter 311, the commission shall be the sole liquor licensing
7 authority for liquor service aboard any excursion gambling boat and any facility neighboring an
8 excursion gambling boat which is owned and operated by an excursion gambling boat licensee.
9 The division of liquor control may issue a microbrewer's license pursuant to section 311.195 for
10 manufacturing on the premises of such boat or neighboring facility. The commission shall
11 establish rules and regulations for the service of liquor on any premises licensed for the service

12 of liquor by the commission, except that no rule or regulation adopted by the commission shall
13 allow any person under the age of twenty-one to consume alcoholic beverages on any premises
14 licensed for the service of liquor by the commission. All criminal provisions of chapter 311 shall
15 be applicable to liquor service aboard any premises licensed for the service of liquor by the
16 commission].

17 2. Judicial review of all commission decisions relating to excursion gambling boat
18 operations shall be directly to the state court of appeals for the western district of Missouri and
19 shall not be subject to the provisions of chapter 621.

407.301. 1. No scrap metal dealer shall knowingly purchase or possess a metal beer keg,
2 whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises
3 that the dealer uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap metal except when
4 the purchase is from the brewer or its authorized representative. [For purposes of this section,
5 "keg" shall have the same meaning as in section 311.082.]

6 2. Anyone who is found guilty of, or pleads guilty to, violating this section shall be guilty
7 of a class A misdemeanor punishable only by fine. Nothing in this section shall be construed to
8 preclude a person violating this section from also being prosecuted for any applicable criminal
9 offense.

407.400. As used in sections 407.400 to 407.420:

2 (1) "Franchise" means a written or oral arrangement for a definite or indefinite period,
3 in which a person grants to another person a license to use a trade name, trademark, service
4 mark, or related characteristic, and in which there is a community of interest in the marketing of
5 goods or services at wholesale, retail, by lease, agreement, or otherwise[, including but not
6 limited to a commercial relationship of definite duration or continuing indefinite duration,
7 between a "wholesaler", such wholesaler being a person as defined in this section, licensed
8 pursuant to the provisions of chapter 311 to sell at wholesale, intoxicating liquor, as defined in
9 section 311.020, to retailers, duly licensed in this state, and a "supplier", being a person engaged
10 in the business as a manufacturer, distiller, rectifier or out-of-state solicitor whose brands of
11 intoxicating liquor are distributed through duly licensed wholesalers in this state, and wherein
12 a wholesaler is granted the right to offer, sell, and distribute within this state or any designated
13 area thereof such of the supplier's brands of intoxicating liquor, or all of them, as may be
14 specified]; except that, the term "franchise" shall not apply to persons engaged in sales from
15 warehouses or like places of storage, other than wholesalers as above described, leased
16 departments of retail stores, places of original manufacture, nor shall the term "franchise" apply
17 to a commercial relationship that does not contemplate the establishment or maintenance of a
18 place of business within the state of Missouri. As used herein "place of business" means a fixed,

19 geographical location at which goods, products or services are displayed or demonstrated for
20 sale;

21 (2) The term "goods" includes any personal property, real property, or any combination
22 thereof;

23 (3) The term "other property" includes a franchise, license distributorship, or other
24 similar right, privilege, or interest;

25 (4) The term "person" includes an individual, corporation, trust, estate, partnership,
26 unincorporated association, or any other legal or commercial entity;

27 (5) The term "pyramid sales scheme" includes any plan or operation for the sale or
28 distribution of goods, services or other property wherein a person for a consideration acquires
29 the opportunity to receive a pecuniary benefit, which is not primarily contingent on the volume
30 or quantity of goods, services, or other property sold or distributed or to be sold or distributed
31 to persons for purposes of resale to consumers, and is based upon the inducement of additional
32 persons, by himself or herself or others, regardless of number, to participate in the same plan or
33 operation; and

34 (6) The term "sale or distribution" includes the acts of leasing, renting or consigning.
513.605. As used in sections 513.600 to 513.645, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) (a) "Beneficial interest":

4 a. The interest of a person as a beneficiary under any other trust arrangement pursuant
5 to which a trustee holds legal or record title to real property for the benefit of such person; or

6 b. The interest of a person under any other form of express fiduciary arrangement
7 pursuant to which any other person holds legal or record title to real property for the benefit of
8 such person;

9 (b) "Beneficial interest" does not include the interest of a stockholder in a corporation
10 or the interest of a partner in either a general partnership or limited partnership. A beneficial
11 interest shall be deemed to be located where the real property owned by the trustee is located;

12 (2) "Civil proceeding", any civil suit commenced by an investigative agency under any
13 provision of sections 513.600 to 513.645;

14 (3) "Criminal activity" is the commission, attempted commission, conspiracy to commit,
15 or the solicitation, coercion or intimidation of another person to commit any crime which is
16 chargeable by indictment or information under the following Missouri laws:

17 (a) Chapter 195, relating to drug regulations;

18 (b) Chapter 565, relating to offenses against the person;

19 (c) Chapter 566, relating to sexual offenses;

20 (d) Chapter 568, relating to offenses against the family;

- 21 (e) Chapter 569, relating to robbery, arson, burglary and related offenses;
- 22 (f) Chapter 570, relating to stealing and related offenses;
- 23 (g) Chapter 567, relating to prostitution;
- 24 (h) Chapter 573, relating to pornography and related offenses;
- 25 (i) Chapter 574, relating to offenses against public order;
- 26 (j) Chapter 575, relating to offenses against the administration of justice;
- 27 (k) Chapter 491, relating to witnesses;
- 28 (l) Chapter 572, relating to gambling;
- 29 (m) ~~[Chapter 311, but relating only to felony violations of this chapter committed by~~
- 30 ~~persons not duly licensed by the supervisor of liquor control;~~
- 31 ~~——(n)] Chapter 571, relating to weapons offenses;~~
- 32 ~~[(o)] (n) Chapter 409, relating to regulation of securities;~~
- 33 ~~[(p)] (o) Chapter 301, relating to registration and licensing of motor vehicles;~~
- 34 (4) "Criminal proceeding", any criminal prosecution commenced by an investigative
- 35 agency under any criminal law of this state;
- 36 (5) "Investigative agency", the attorney general's office, or the office of any prosecuting
- 37 attorney or circuit attorney;
- 38 (6) "Pecuniary value":
- 39 (a) Anything of value in the form of money, a negotiable instrument, a commercial
- 40 interest, or anything else the primary significance of which is economic advantage; or
- 41 (b) Any other property or service that has a value in excess of one hundred dollars;
- 42 (7) "Real property", any estate or legal or equitable interest in land situated in this state
- 43 or any interest in such real property, including, but not limited to, any lease or deed of trust upon
- 44 such real property;
- 45 (8) "Seizing agency", the agency which is the primary employer of the officer or agent
- 46 seizing the property, including any agency in which one or more of the employees acting on
- 47 behalf of the seizing agency is employed by the state of Missouri or any political subdivision of
- 48 this state;
- 49 (9) "Seizure", the point at which any law enforcement officer or agent discovers and
- 50 exercises any control over property that an officer or agent has reason to believe was used or
- 51 intended for use in the course of, derived from, or realized through criminal activity. Seizure
- 52 includes but is not limited to preventing anyone found in possession of the property from leaving
- 53 the scene of the investigation while in possession of the property;
- 54 (10) (a) "Trustee":
- 55 a. Any person who holds legal or record title to real property for which any other person
- 56 has a beneficial interest; or

- 57 b. Any successor trustee or trustees to any of the foregoing persons;
58 (b) "Trustee" does not include the following:
59 a. Any person appointed or acting as a personal representative under chapter 475 or
60 under chapter 473;
61 b. Any person appointed or acting as a trustee of any testamentary trust or as trustee of
62 any indenture of trust under which any bonds are or are to be issued.

536.140. 1. The court shall hear the case without a jury and, except as otherwise
2 provided in subsection 4 of this section, shall hear it upon the petition and record filed as
3 aforesaid.

- 4 2. The inquiry may extend to a determination of whether the action of the agency
5 (1) Is in violation of constitutional provisions;
6 (2) Is in excess of the statutory authority or jurisdiction of the agency;
7 (3) Is unsupported by competent and substantial evidence upon the whole record;
8 (4) Is, for any other reason, unauthorized by law;
9 (5) Is made upon unlawful procedure or without a fair trial;
10 (6) Is arbitrary, capricious or unreasonable;
11 (7) Involves an abuse of discretion.
12

13 The scope of judicial review in all contested cases, whether or not subject to judicial review
14 pursuant to sections 536.100 to 536.140, and in all cases in which judicial review of decisions
15 of administrative officers or bodies, whether state or local, is now or may hereafter be provided
16 by law, shall in all cases be at least as broad as the scope of judicial review provided for in this
17 subsection[; provided, however, that nothing herein contained shall in any way change or affect
18 the provisions of sections 311.690 and 311.700].

19 3. Whenever the action of the agency being reviewed does not involve the exercise by
20 the agency of administrative discretion in the light of the facts, but involves only the application
21 by the agency of the law to the facts, the court may upon application of any party conduct a de
22 novo review of the agency decision.

23 4. Wherever under subsection 3 of this section or otherwise the court is entitled to weigh
24 the evidence and determine the facts for itself, the court may hear and consider additional
25 evidence if the court finds that such evidence in the exercise of reasonable diligence could not
26 have been produced or was improperly excluded at the hearing before the agency. Wherever the
27 court is not entitled to weigh the evidence and determine the facts for itself, if the court finds that
28 there is competent and material evidence which, in the exercise of reasonable diligence, could
29 not have been produced or was improperly excluded at the hearing before the agency, the court
30 may remand the case to the agency with directions to reconsider the same in the light of such

31 evidence. The court may in any case hear and consider evidence of alleged irregularities in
32 procedure or of unfairness by the agency, not shown in the record.

33 5. The court shall render judgment affirming, reversing, or modifying the agency's order,
34 and may order the reconsideration of the case in the light of the court's opinion and judgment,
35 and may order the agency to take such further action as it may be proper to require; but the court
36 shall not substitute its discretion for discretion legally vested in the agency, unless the court
37 determines that the agency decision was arbitrary or capricious.

38 6. Appeals may be taken from the judgment of the court as in other civil cases.

556.001. The enactment of sections 27.105, 43.544, 192.2400, 192.2405, 192.2410,
2 192.2415, 192.2420, 192.2425, 192.2430, 192.2435, 192.2440, 192.2445, 192.2450, 192.2455,
3 192.2460, 192.2465, 192.2470, 192.2475, 192.2480, 192.2485, 192.2490, 192.2495, 192.2500,
4 192.2505, 302.400, 302.405, 302.410, 302.415, 302.420, 302.425, 302.426, 302.440, 302.442,
5 302.454, 302.456, 302.458, 302.460, 302.462, 302.574, 302.580, 302.584, 302.592, 305.125,
6 305.126, ~~311.315,~~ 351.493, 479.172, 513.660, 537.123, 537.127, 542.425, 544.218, 544.472,
7 545.940, 556.038, 556.101, 557.051, 558.002, 558.004, 558.006, 558.008, 562.012, 562.014,
8 565.010, 565.027, 565.029, 565.052, 565.054, 565.056, 565.076, 565.079, 565.091, 565.189,
9 565.222, 565.227, 565.240, 566.069, 566.071, 566.115, 566.116, 566.125, 566.210, 566.211,
10 569.053, 569.075, 569.132, 569.135, 569.137, 570.023, 570.025, 570.039, 570.053, 570.057,
11 570.302, 570.350, 570.375, 570.400, 570.402, 570.404, 570.406, 570.408, 570.410, 572.015,
12 573.200, 573.205, 573.215, 574.005, 574.080, 574.120, 574.125, 574.130, 574.140, 575.095,
13 575.133, 575.155, 575.157, 577.013, 577.014, 577.015, 577.016, 577.024, 577.025, 577.078,
14 577.300, 577.599, 577.605, 577.700, 577.703, 577.706, 577.709, 577.712, 577.715, 577.718,
15 578.026, 578.398, 578.399, 578.475, 579.015, 579.020, 579.030, 579.040, 579.045, 579.050,
16 579.055, 579.060, 579.065, 579.068, 579.070, 579.072, 579.074, 579.076, 579.078, 579.080,
17 579.082, 579.084, 579.086, 579.090, 579.095, 579.097, 579.099, 579.101, 579.103, 579.105,
18 579.107, 579.110, 579.115, 579.150, 579.155, 579.170, 579.175, 579.180, 579.185, 595.223,
19 595.226, 595.229, 595.232, 610.130, 630.161, 630.162, 630.164, 650.150, 650.153, 650.156,
20 650.159, 650.161, 650.165, and 660.360, and the repeal and reenactment of sections 32.057,
21 105.478, 115.631, 130.028, 142.909, 142.911, 143.1001, 143.1003, 149.200, 160.261, 167.115,
22 167.171, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005,
23 195.010, 195.015, 195.016, 195.017, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100,
24 195.140, 195.150, 195.190, 195.195, 195.198, 195.375, 195.417, 195.418, 196.979, 197.266,
25 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 210.1012, 211.038,
26 214.410, 217.010, 217.364, 217.385, 217.400, 217.405, 217.541, 217.542, 217.543, 217.692,
27 217.703, 217.735, 217.785, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208,
28 260.211, 260.212, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129,

29 288.250, 288.395, 301.390, 301.400, 301.401, 301.570, 301.640, 302.015, 302.020, 302.060,
30 302.304, 302.309, 302.321, 302.500, 302.540, 302.541, 302.605, 302.700, 302.705, 302.710,
31 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.420, [311.325,]
32 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142,
33 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045,
34 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991,
35 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516,
36 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517,
37 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085,
38 455.538, 476.055, 542.402, 544.665, 556.011, 556.021, 556.026, 556.036, 556.037, 556.041,
39 556.046, 556.061, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 558.011, 558.016,
40 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.106, 559.110,
41 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 561.016, 561.021, 561.026, 562.011,
42 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076,
43 562.086, 563.021, 563.026, 563.046, 563.051, 563.056, 563.061, 563.070, 565.002, 565.004,
44 565.021, 565.023, 565.024, 565.035, 565.050, 565.072, 565.073, 565.074, 565.090, 565.110,
45 565.115, 565.120, 565.130, 565.140, 565.150, 565.153, 565.156, 565.160, 565.163, 565.184,
46 565.188, 565.218, 565.225, 565.252, 565.300, 566.010, 566.020, 566.023, 566.030, 566.031,
47 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.086,
48 566.093, 566.100, 566.101, 566.111, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151,
49 566.153, 566.155, 566.203, 566.206, 566.209, 566.215, 566.218, 567.010, 567.020, 567.030,
50 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020,
51 568.030, 568.032, 568.040, 568.045, 568.050, 568.060, 568.065, 568.070, 568.175, 569.010,
52 569.040, 569.050, 569.055, 569.060, 569.065, 569.080, 569.090, 569.095, 569.097, 569.099,
53 569.100, 569.120, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010,
54 570.020, 570.030, 570.070, 570.085, 570.090, 570.100, 570.103, 570.110, 570.120, 570.125,
55 570.130, 570.135, 570.140, 570.145, 570.150, 570.180, 570.210, 570.217, 570.219, 570.220,
56 570.223, 570.224, 570.225, 570.300, 570.310, 570.380, 572.010, 572.020, 572.030, 572.040,
57 572.050, 572.060, 572.070, 573.010, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037,
58 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.509, 573.531, 574.010,
59 574.020, 574.035, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115,
60 575.020, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110,
61 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190,
62 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260,
63 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.353, 576.010, 576.020, 576.030,
64 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.010, 577.012, 577.017, 577.020,

65 577.021, 577.023, 577.029, 577.031, 577.037, 577.041, 577.060, 577.068, 577.070, 577.073,
66 577.075, 577.076, 577.080, 577.100, 577.150, 577.155, 577.161, 577.600, 577.612, 577.675,
67 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029,
68 578.030, 578.050, 578.095, 578.151, 578.152, 578.153, 578.173, 578.176, 578.350, 578.365,
69 578.405, 578.421, 578.425, 578.430, 578.437, 578.520, 578.525, 578.614, 589.015, 589.400,
70 589.425, 590.700, 610.125, 630.155, 630.165, 632.480, and 701.320, and the repeal of sections
71 130.028, 130.031, 195.025, 195.110, 195.130, 195.135, 195.180, 195.202, 195.204, 195.211,
72 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233,
73 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280,
74 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.420, 195.501,
75 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 217.360, 302.060, 302.304, 306.110,
76 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 476.055, 556.016,
77 556.022, 556.051, 556.056, 556.063, 557.041, 557.046, 558.018, 560.011, 560.016, 560.021,
78 560.026, 560.031, 560.036, 564.011, 564.016, 565.025, 565.060, 565.063, 565.065, 565.070,
79 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.092, 565.095,
80 565.100, 565.149, 565.165, 565.169, 565.180, 565.182, 565.186, 565.190, 565.200, 565.210,
81 565.212, 565.214, 565.216, 565.220, 565.250, 565.253, 565.255, 565.350, 566.013, 566.135,
82 566.140, 566.141, 566.212, 566.213, 566.221, 566.224, 566.226, 566.265, 567.040, 568.052,
83 568.080, 568.090, 568.100, 568.110, 568.120, 569.020, 569.025, 569.030, 569.035, 569.067,
84 569.070, 569.072, 569.094, 570.033, 570.040, 570.050, 570.055, 570.080, 570.087, 570.123,
85 570.155, 570.160, 570.170, 570.190, 570.200, 570.215, 570.222, 570.226, 570.230, 570.235,
86 570.240, 570.241, 570.245, 570.255, 572.110, 572.120, 573.013, 573.500, 573.528, 574.030,
87 575.021, 575.350, 577.005, 577.006, 577.026, 577.039, 577.041, 577.049, 577.051, 577.052,
88 577.054, 577.065, 577.071, 577.090, 577.105, 577.110, 577.160, 577.201, 577.203, 577.206,
89 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520,
90 577.525, 577.530, 577.602, 577.604, 577.606, 577.608, 577.610, 577.614, 577.625, 577.628,
91 577.680, 578.008, 578.075, 578.150, 578.154, 578.200, 578.205, 578.210, 578.215, 578.220,
92 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320,
93 578.325, 578.330, 578.353, 578.360, 578.363, 578.375, 578.377, 578.379, 578.381, 578.383,
94 578.385, 578.387, 578.389, 578.390, 578.392, 578.407, 578.409, 578.412, 578.414, 578.416,
95 578.418, 578.420, 578.433, 578.445, 578.450, 578.500, 578.510, 578.530, 578.570, 660.250,
96 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290,
97 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, and 660.321 shall become
98 effective January 1, 2017.

**578.805. 1. A person commits the offense of unlawful possession of intoxicating
2 liquor if he or she knowingly possesses such substance.**

3 **2. The offense of unlawful possession of intoxicating liquor shall be punishable by**
4 **enrollment in a court mandated treatment program.**

5 **3. For purposes of this section and section 578.807, the term "intoxicating liquor"**
6 **means alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or**
7 **other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented,**
8 **and all preparations or mixtures for beverage purposes, containing in excess of one-half**
9 **of one percent by volume.**

578.807. 1. A person commits the offense of unlawful sale or distribution of
2 **intoxicating liquor if he or she:**

3 **(1) Knowingly sells or distributes intoxicating liquor;**

4 **(2) Attempts to sell or distribute intoxicating liquor; or**

5 **(3) Knowingly possesses intoxicating liquor with the intent to sell or distribute**
6 **intoxicating liquor.**

7 **2. The offense of unlawful sale or distribution of intoxicating liquor shall be**
8 **punishable by enrollment in a court mandated treatment program.**

579.099. 1. As used in this section, "alcohol beverage vaporizer" means any device
2 **which, by means of heat, a vibrating element, or any other method, is capable of producing a**
3 **breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation**
4 **into the lungs via the nose or mouth or both.**

5 **2. No person shall intentionally or willfully induce the symptoms of intoxication, elation,**
6 **euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or**
7 **dulling of the senses or nervous system, distortion of audio, visual or mental processes by the**
8 **use or abuse of any of the following substances:**

9 **(1) Solvents, particularly toluol;**

10 **(2) Ethyl alcohol;**

11 **(3) Amyl nitrite and its iso-analogues;**

12 **(4) Butyl nitrite and its iso-analogues;**

13 **(5) Cyclohexyl nitrite and its iso-analogues;**

14 **(6) Ethyl nitrite and its iso-analogues;**

15 **(7) Pentyl nitrite and its iso-analogues; and**

16 **(8) Propyl nitrite and its iso-analogues.**

17 **3. This section shall not apply to substances that have been approved by the United**
18 **States Food and Drug Administration as therapeutic drug products or are contained in approved**
19 **over-the-counter drug products or administered lawfully pursuant to the order of an authorized**
20 **medical practitioner.**

21 4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite,
22 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their
23 iso-analogues for the purpose of using it in the manner prohibited by section 579.097 and this
24 section.

25 5. No person shall possess or use an alcoholic beverage vaporizer.

26 ~~[6. Nothing in this section shall be construed to prohibit the legal consumption of~~
27 ~~intoxicating liquor, as defined by section 311.020, or nonintoxicating beer.]~~

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a
2 director appointed by the governor with the advice and consent of the senate. The department's
3 role will be to provide overall coordination in the state's public safety and law enforcement
4 program, to provide channels of coordination with local and federal agencies in regard to public
5 safety, law enforcement and with all correctional and judicial agencies in regard to matters
6 pertaining to its responsibilities as they may interrelate with the other agencies or offices of state,
7 local or federal governments.

8 2. All the powers, duties and functions of the state highway patrol, chapter 43 and others,
9 are transferred by type II transfer to the department of public safety. The governor by and with
10 the advice and consent of the senate shall appoint the superintendent of the patrol. With the
11 exception of sections 43.100 to 43.120 relating to financial procedures, the director of public
12 safety shall succeed the state highways and transportation commission in approving actions of
13 the superintendent and related matters as provided in chapter 43. Uniformed members of the
14 patrol shall be selected in the manner provided by law and shall receive the compensation
15 provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to
16 affect the funding of appropriations or the operation of chapter 104 relating to retirement system
17 coverage or section 226.160 relating to workers' compensation for members of the patrol.

18 3. All the powers, duties and functions of the supervisor of liquor control~~, chapter 311~~
19 ~~and others,] are transferred by type II transfer to the department of public safety. The supervisor~~
20 shall be nominated by the department director and appointed by the governor with the advice and
21 consent of the senate. The supervisor shall appoint such agents, assistants, deputies and
22 inspectors as limited by appropriations. All employees shall have the qualifications provided by
23 law and may be removed by the supervisor or director of the department ~~[as provided in section~~
24 ~~311.670].~~

25 4. All the powers, duties and functions of the safety and fire prevention bureau of the
26 department of public health and welfare are transferred by type I transfer to the director of public
27 safety.

28 5. All the powers, duties and functions of the state fire marshal, chapter 320 and others,
29 are transferred to the department of public safety by a type I transfer.

30 6. All the powers, duties and functions of the law enforcement assistance council
31 administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and
32 related acts of Congress are transferred by type I transfer to the director of public safety. The
33 director of public safety shall appoint such advisory bodies as are required by federal laws or
34 regulations. The council is abolished.

35 7. The director of public safety shall promulgate motor vehicle regulations and be ex
36 officio a member of the safety compact commission in place of the director of revenue and all
37 powers, duties and functions relating to chapter 307 are transferred by type I transfer to the
38 director of public safety.

39 8. The office of adjutant general and the state militia are assigned to the department of
40 public safety; provided, however, nothing herein shall be construed to interfere with the powers
41 and duties of the governor as provided in Article IV, Section 6 of the Constitution of the state
42 of Missouri or chapter 41.

43 9. All the powers, duties and functions of the Missouri boat commission, chapter 306
44 and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is hereby
45 created, in the department of public safety. The Missouri boat commission and the office of
46 secretary to the commission are abolished. All deputy boat commissioners and all other
47 employees of the commission who were employed on February 1, 1974, shall be transferred to
48 the water patrol without further qualification. Effective January 1, 2011, all the powers, duties,
49 and functions of the Missouri state water patrol are transferred to the division of water patrol
50 within the Missouri state highway patrol as set out in section 43.390.

51 10. The Missouri veterans's commission, chapter 42, is assigned to the department of
52 public safety.

53 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is
54 created under the authority delegated in this section shall become effective only if it complies
55 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
56 This section and chapter 536 are nonseverable and if any of the powers vested with the general
57 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
58 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
59 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

650.153. As used in sections 650.150 to 650.165, the following terms mean:

2 (1) "Department", the department of public safety;

3 (2) "Director", the director of the department of public safety;

4 (3) "Drug laws", all laws regulating the production, sale, prescribing, manufacturing,
5 administering, transporting, having in possession, dispensing, distributing, or use of controlled
6 substances, as defined in section 195.010;

7 (4) "Multijurisdictional enforcement group", or "MEG", a combination of political
8 subdivisions established under sections 573.500 and 573.503, **and** section 178.653~~], and section~~
9 ~~311.329]~~ to investigate and enforce computer, internet-based, narcotics, and drug violations.

~~[311.010. This law may be cited as the "Liquor Control Law".]~~

2

~~[311.015. Alcohol is, by law, an age-restricted product that is regulated
2 differently than other products. The provisions of this chapter establish vital state
3 regulation of the sale and distribution of alcohol beverages in order to promote
4 responsible consumption, combat illegal underage drinking, and achieve other
5 important state policy goals such as maintaining an orderly marketplace
6 composed of state-licensed alcohol producers, importers, distributors, and
7 retailers.]~~

8

~~[311.020. The term "intoxicating liquor" as used in this chapter shall
2 mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous,
3 fermented, malt, or other liquors, or combination of liquors, a part of which is
4 spirituous, vinous, or fermented, and all preparations or mixtures for beverage
5 purposes, containing in excess of one-half of one percent by volume. All
6 beverages having an alcoholic content of less than one-half of one percent by
7 volume shall be exempt from the provisions of this chapter, but subject to
8 inspection as provided by sections 196.365 to 196.445.]~~

9

~~[311.030. The term "person" as used in this chapter shall mean and
2 include any individual, association, joint stock company, syndicate,
3 copartnership, corporation, receiver, trustee, conservator, or other officer
4 appointed by any state or federal court.]~~

5

~~[311.040. The provisions of this law shall be in force in and apply to
2 every incorporated city, town or village in this state, whether same be organized
3 under the general law relating to cities, towns and villages, or by special charter
4 under the state constitution, any ordinance or charter provision of any city, town
5 or village to the contrary notwithstanding.]~~

6

~~[311.050. It shall be unlawful for any person, firm, partnership or
2 corporation to manufacture, sell or expose for sale in this state intoxicating~~

3 liquor, as defined in section 311.020, in any quantity, without taking out a
4 license.]

5

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

9 ~~2. Beer brewed under this section may be removed from the premises
10 where brewed for personal or family use, including use at organized events,
11 exhibitions, or competitions, such as home brewer contests, tastings, or judging.
12 The use may occur off licensed retail premises, on any premises under a
13 temporary retail license issued under section 311.218, 311.482, 311.485,
14 311.486, or 311.487, or on any tax exempt organization's licensed premises as
15 described in section 311.090.~~

16 ~~3. Any beer brewed under this section used at an organized event where
17 an admission fee is paid for entry, at which the beer is available without a
18 separate charge, shall not be deemed a sale of beer, provided that the person who
19 brewed the beer receives none of the proceeds from the admission fee and all
20 consumption is conducted off licensed retail premises, under the premises of a
21 temporary retail license issued under section 311.218, 311.482, 311.485,
22 311.486, or 311.487, or on any tax exempt organization's licensed premises as
23 described in section 311.090.]~~

24

2 ~~[311.060. 1. No person shall be granted a license hereunder unless such
3 person is of good moral character and a qualified legal voter and a taxpaying
4 citizen of the county, town, city or village, nor shall any corporation be granted
5 a license hereunder unless the managing officer of such corporation is of good
6 moral character and a qualified legal voter and taxpaying citizen of the county,
7 town, city or village; and, except as otherwise provided under subsection 7 of this
8 section, no person shall be granted a license or permit hereunder whose license
9 as such dealer has been revoked, or who has been convicted, since the ratification
of the twenty-first amendment to the Constitution of the United States, of a~~

10 violation of the provisions of any law applicable to the manufacture or sale of
11 intoxicating liquor, or who employs in his or her business as such dealer any
12 person whose license has been revoked unless five years have passed since the
13 revocation as provided under subsection 6 of this section, or who has been
14 convicted of violating such law since the date aforesaid; provided, that nothing
15 in this section contained shall prevent the issuance of licenses to nonresidents of
16 Missouri or foreign corporations for the privilege of selling to duly licensed
17 wholesalers and soliciting orders for the sale of intoxicating liquors to, by or
18 through a duly licensed wholesaler, within this state.

19 ~~2. (1) No person, partnership or corporation shall be qualified for a~~
20 ~~license under this law if such person, any member of such partnership, or such~~
21 ~~corporation, or any officer, director, or any stockholder owning, legally or~~
22 ~~beneficially, directly or indirectly, ten percent or more of the stock of such~~
23 ~~corporation, or other financial interest therein, or ten percent or more of the~~
24 ~~interest in the business for which the person, partnership or corporation is~~
25 ~~licensed, or any person employed in the business licensed under this law shall~~
26 ~~have had a license revoked under this law except as otherwise provided under~~
27 ~~subsections 6 and 7 of this section, or shall have been convicted of violating the~~
28 ~~provisions of any law applicable to the manufacture or sale of intoxicating liquor~~
29 ~~since the ratification of the twenty-first amendment to the Constitution of the~~
30 ~~United States, or shall not be a person of good moral character.~~

31 ~~(2) No license issued under this chapter shall be denied, suspended,~~
32 ~~revoked or otherwise affected based solely on the fact that an employee of the~~
33 ~~licensee has been convicted of a felony unrelated to the manufacture or sale of~~
34 ~~intoxicating liquor. Each employer shall report the identity of any employee~~
35 ~~convicted of a felony to the division of liquor control. The division of liquor~~
36 ~~control shall promulgate rules to enforce the provisions of this subdivision.~~

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

40 ~~3. A "resident corporation" is defined to be a corporation incorporated~~
41 ~~under the laws of this state, all the officers and directors of which, and all the~~
42 ~~stockholders, who legally and beneficially own or control sixty percent or more~~
43 ~~of the stock in amount and in voting rights, shall be qualified legal voters and~~
44 ~~taxpaying citizens of the county and municipality in which they reside and who~~
45 ~~shall have been bona fide residents of the state for a period of three years~~

46 continuously immediately prior to the date of filing of application for a license;
47 provided that a stockholder need not be a voter or a taxpayer, and all the resident
48 stockholders of which shall own, legally and beneficially, at least sixty percent
49 of all the financial interest in the business to be licensed under this law; provided,
50 that no corporation, licensed under the provisions of this law on January 1, 1947,
51 nor any corporation succeeding to the business of a corporation licensed on
52 January 1, 1947, as a result of a tax-free reorganization coming within the
53 provisions of Section 112, United States Internal Revenue Code, shall be
54 disqualified by reason of the new requirements herein, except corporations
55 engaged in the manufacture of alcoholic beverages containing alcohol in excess
56 of five percent by weight, or owned or controlled, directly or indirectly, by
57 nonresident persons, partnerships or corporations engaged in the manufacture of
58 alcoholic beverages containing alcohol in excess of five percent by weight.

59 ————— 4. The term "financial interest" as used in this chapter is defined to mean
60 all interest, legal or beneficial, direct or indirect, in the capital devoted to the
61 licensed enterprise and all such interest in the net profits of the enterprise, after
62 the payment of reasonable and necessary operating business expenses and taxes,
63 including interest in dividends, preferred dividends, interest and profits, directly
64 or indirectly paid as compensation for, or in consideration of interest in, or for
65 use of, the capital devoted to the enterprise, or for property or money advanced,
66 loaned or otherwise made available to the enterprise, except by way of ordinary
67 commercial credit or bona fide bank credit not in excess of credit customarily
68 granted by banking institutions, whether paid as dividends, interest or profits, or
69 in the guise of royalties, commissions, salaries, or any other form whatsoever.

70 ————— 5. The supervisor shall by regulation require all applicants for licenses
71 to file written statements, under oath, containing the information reasonably
72 required to administer this section. Statements by applicants for licenses as
73 wholesalers and retailers shall set out, with other information required, full
74 information concerning the residence of all persons financially interested in the
75 business to be licensed as required by regulation. All material changes in the
76 information filed shall be promptly reported to the supervisor.

77 ————— 6. Any person whose license or permit issued under this chapter has been
78 revoked shall be automatically eligible to work as an employee of an
79 establishment holding a license or permit under this chapter five years after the
80 date of the revocation.

81 ~~7. Any person whose license or permit issued under this chapter has been~~
82 ~~revoked shall be eligible to apply and be qualified for a new license or permit five~~
83 ~~years after the date of the revocation. The person may be issued a new license or~~
84 ~~permit at the discretion of the division of alcohol and tobacco control. If the~~
85 ~~division denies the request for a new permit or license, the person may not submit~~
86 ~~a new application for five years from the date of the denial. If the application is~~
87 ~~approved, the person shall pay all fees required by law for the license or permit.~~
88 ~~Any person whose request for a new license or permit is denied may seek a~~
89 ~~determination by the administrative hearing commission as provided under~~
90 ~~section 311.691.]~~
91

2 ~~[311.061. Notwithstanding the definition of "financial interest" contained~~
3 ~~in section 311.060, service as a member of the board of directors of a corporation,~~
4 ~~the stock of which is traded on the New York or American Stock Exchange or~~
5 ~~NASDAQ, or ownership of less than ten percent of the outstanding shares in such~~
6 ~~corporation, shall not constitute a financial interest in such corporation or a~~
7 ~~subsidiary thereof.]~~

2 ~~[311.070. 1. Distillers, wholesalers, winemakers, brewers or their~~
3 ~~employees, officers or agents shall not, except as provided in this section, directly~~
4 ~~or indirectly, have any financial interest in the retail business for sale of~~
5 ~~intoxicating liquors, and shall not, except as provided in this section, directly or~~
6 ~~indirectly, loan, give away or furnish equipment, money, credit or property of any~~
7 ~~kind, except ordinary commercial credit for liquors sold to such retail dealers.~~
8 ~~However, notwithstanding any other provision of this chapter to the contrary, for~~
9 ~~the purpose of the promotion of tourism, a distiller whose manufacturing~~
10 ~~establishment is located within this state may apply for and the supervisor of~~
11 ~~liquor control may issue a license to sell intoxicating liquor, as in this chapter~~
12 ~~defined, by the drink at retail for consumption on the premises where sold; and~~
13 ~~provided further that the premises so licensed shall be in close proximity to the~~
14 ~~distillery and may remain open between the hours of 6:00 a.m. and 1:30 a.m.,~~
15 ~~Monday through Saturday and between the hours of 9:00 a.m. and midnight,~~
16 ~~Sunday. The authority for the collection of fees by cities and counties as~~
17 ~~provided in section 311.220, and all other laws and regulations relating to the sale~~
18 ~~of liquor by the drink for consumption on the premises where sold, shall apply~~
~~to the holder of a license issued under the provisions of this section in the same~~

19 manner as they apply to establishments licensed under the provisions of section
20 311.085, 311.090, or 311.095.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 ~~(c) The giving or selling of product displays may be conditioned on the~~
73 ~~purchase of intoxicating beverages advertised on the displays by the retail~~
74 ~~business in a quantity necessary for the initial completion of the product display.~~
75 ~~No other condition shall be imposed by the distiller, wholesaler, winemaker or~~
76 ~~brewer on the retail business in order for such retail business to obtain the~~
77 ~~product display;~~

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

83 ~~(a) The total value of all permanent point-of-sale advertising materials~~
84 ~~provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall~~
85 ~~not exceed five hundred dollars per calendar year, per brand, per retail outlet.~~
86 ~~The value of permanent point-of-sale advertising materials is the actual cost to~~
87 ~~the distiller, wholesaler, winemaker or brewer who initially purchased such item.~~
88 ~~Transportation and installation costs shall be excluded. All permanent~~
89 ~~point-of-sale advertising materials provided to a retailer shall be recorded, and~~
90 ~~records shall be maintained for a period of three years;~~

91 ~~————— (b) The provider of permanent point-of-sale advertising materials shall~~
92 ~~own and otherwise control the use of permanent point-of-sale advertising~~
93 ~~materials that are provided by any distiller, wholesaler, winemaker, or brewer;~~

94 ~~————— (c) All permanent point-of-sale advertising materials, temporary~~
95 ~~point-of-sale advertising materials, and consumer advertising specialties shall~~
96 ~~bear in a conspicuous manner substantial advertising matter about the product or~~
97 ~~the name of the distiller, wholesaler, winemaker or brewer. The name, address~~
98 ~~and logos of the retail business may appear on the permanent point-of-sale~~
99 ~~advertising materials, temporary point-of-sale advertising materials, or the~~
100 ~~consumer advertising specialties; and~~

101 ~~————— (d) The distiller, wholesaler, winemaker or brewer shall not directly or~~
102 ~~indirectly pay or credit the retail business for using or distributing the permanent~~
103 ~~point-of-sale advertising materials, temporary point-of-sale advertising materials,~~
104 ~~or consumer advertising specialties or for any incidental expenses arising from~~
105 ~~their use or distribution;~~

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

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

111 ~~————— (a) The equipment and supplies shall be sold at a price not less than the~~
112 ~~cost to the distiller, wholesaler, winemaker or brewer who initially purchased~~
113 ~~such equipment and supplies; and~~

114 ~~————— (b) The price charged for the equipment and supplies shall be collected~~
115 ~~in accordance with credit regulations as established in the code of state~~
116 ~~regulations;~~

117 ~~————— (5) The distiller, wholesaler, winemaker or brewer may install dispensing~~
118 ~~accessories at the retail business establishment, which shall include for the~~
119 ~~purposes of beer equipment to properly preserve and serve draught beer only and~~
120 ~~to facilitate the delivery to the retailer the brewers and wholesalers may lend,~~
121 ~~give, rent or sell and they may install or repair any of the following items or~~
122 ~~render to retail licensees any of the following services: beer coils and coil~~
123 ~~cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and~~
124 ~~tap markers, beer and air hose, taps, vents and washers, gauges and regulators,~~
125 ~~beer and air distributors, beer line insulation, coil flush hose, couplings and~~
126 ~~bucket pumps; portable coil boxes, air pumps, blankets or other coverings for~~

127 temporary wrappings of barrels, coil box overflow pipes, tilting platforms,
128 bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor
129 runways, and damage caused by any beer delivery excluding normal wear and
130 tear and a complete record of equipment furnished and installed and repairs and
131 service made or rendered must be kept by the brewer or wholesalers furnishing,
132 making or rendering same for a period of not less than one year;

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

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

139 ~~————— (a) The wholesaler may furnish or give not more than seven hundred fifty
140 milliliters of any brand of distilled spirits and not more than seven hundred fifty
141 milliliters of any brand of wine; if a particular product is not available in a size
142 within the quantity limitations of this subsection, a wholesaler may furnish or
143 give to a retailer the next larger size;~~

144 ~~————— (b) The wholesaler shall keep a record of the name of the retailer and the
145 quantity of each brand furnished or given to such retailer;~~

146 ~~————— (c) For the purposes of this subsection, no samples of intoxicating liquor
147 provided to retailers shall be consumed on the premises nor shall any sample of
148 intoxicating liquor be opened on the premises of the retailer except as provided
149 by the retail license;~~

150 ~~————— (d) For the purpose of this subsection, the word "brand" refers to
151 differences in brand name of product or differences in nature of product;
152 examples of different brands would be products having a difference in: brand
153 name; class, type or kind designation; appellation of origin (wine); viticulture
154 area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits);
155 differences in packaging such a different style, type, size of container, or
156 differences in color or design of a label are not considered different brands;~~

157 ~~————— (8) The distiller, wholesaler, winemaker or brewer may package and
158 distribute intoxicating beverages in combination with other nonalcoholic items
159 as originally packaged by the supplier for sale ultimately to consumers;
160 notwithstanding any provision of law to the contrary, for the purpose of this
161 subsection, intoxicating liquor and wine wholesalers are not required to charge~~

162 for nonalcoholic items any more than the actual cost of purchasing such
163 nonalcoholic items from the supplier;

164 ~~————— (9) The distiller, wholesaler, winemaker or brewer may sell or give the~~
165 ~~retail business newspaper cuts, mats or engraved blocks for use in the~~
166 ~~advertisements of the retail business;~~

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

170 ~~————— (a) The advertisement shall not contain the retail price of the product;~~

171 ~~————— (b) The listing of the retail businesses shall be the only reference to such~~
172 ~~retail businesses in the advertisement;~~

173 ~~————— (c) The listing of the retail businesses shall be relatively inconspicuous~~
174 ~~in relation to the advertisement as a whole; and~~

175 ~~————— (d) The advertisement shall not refer only to one retail business or only~~
176 ~~to a retail business controlled directly or indirectly by the same retail business;~~

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

182 ~~————— (a) No money or something of value is given to the retailer for the~~
183 ~~privilege or opportunity of conducting the sweepstakes or contest; and~~

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

187 ~~————— (12) The distiller, wholesaler, winemaker or brewer may stock, rotate,~~
188 ~~rearrange or reset the products sold by such distiller, wholesaler, winemaker or~~
189 ~~brewer at the establishment of the retail business so long as the products of any~~
190 ~~other distiller, wholesaler, winemaker or brewer are not altered or disturbed;~~

191 ~~————— (13) The distiller, wholesaler, winemaker or brewer may provide a~~
192 ~~recommended shelf plan or shelf schematic for distilled spirits, wine or malt~~
193 ~~beverages;~~

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

196 ~~————— (a) Display, serve, or donate its products at or to a convention or trade~~
197 ~~show;~~

- 198 ~~————— (b) Rent display booth space if the rental fee is the same paid by all~~
199 ~~others renting similar space at the association activity;~~
- 200 ~~————— (c) Provide its own hospitality which is independent from the association~~
201 ~~activity;~~
- 202 ~~————— (d) Purchase tickets to functions and pay registration or sponsorship fees~~
203 ~~if such purchase or payment is the same as that paid by all attendees, participants~~
204 ~~or exhibitors at the association activity;~~
- 205 ~~————— (e) Make payments for advertisements in programs or brochures issued~~
206 ~~by retail business associations if the total payments made for all such~~
207 ~~advertisements are fair and reasonable;~~
- 208 ~~————— (f) Pay dues to the retail business association if such dues or payments~~
209 ~~are fair and reasonable;~~
- 210 ~~————— (g) Make payments or donations for retail employee training on~~
211 ~~preventive sales to minors and intoxicated persons, checking identifications, age~~
212 ~~verification devices, and the liquor control laws;~~
- 213 ~~————— (h) Make contributions not to exceed one thousand dollars per calendar~~
214 ~~year for transportation services that shall be used to assist patrons from retail~~
215 ~~establishments to his or her residence or overnight accommodations;~~
- 216 ~~————— (i) Donate or serve up to five hundred dollars per event of alcoholic~~
217 ~~products at retail business association activities; and~~
- 218 ~~————— (j) Any retail business association that receives payments or donations~~
219 ~~shall, upon written request, provide the division of alcohol and tobacco control~~
220 ~~with copies of relevant financial records and documents to ensure compliance~~
221 ~~with this subsection;~~
- 222 ~~————— (15) The distiller, wholesaler, winemaker or brewer may sell or give a~~
223 ~~permanent outside sign to a retail business if the following requirements are met:~~
- 224 ~~————— (a) The sign, which shall be constructed of metal, glass, wood, plastic,~~
225 ~~or other durable, rigid material, with or without illumination, or painted or~~
226 ~~otherwise printed onto a rigid material or structure, shall bear in a conspicuous~~
227 ~~manner substantial advertising matter about the product or the name of the~~
228 ~~distiller, wholesaler, winemaker or brewer;~~
- 229 ~~————— (b) The retail business shall not be compensated, directly or indirectly,~~
230 ~~for displaying the permanent sign or a temporary banner;~~
- 231 ~~————— (c) The cost of the permanent sign shall not exceed five hundred dollars;~~
232 ~~and~~

233 ~~————— (d) Temporary banners of a seasonal nature or promoting a specific event~~
234 ~~shall not be constructed to be permanent outdoor signs and may be provided to~~
235 ~~retailers. The total cost of temporary outdoor banners provided to a retailer in use~~
236 ~~at any one time shall not exceed five hundred dollars per brand;~~

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

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

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

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

257 ~~————— (b) The quantity of product withdrawn does not exceed the equivalent of~~
258 ~~twenty-five cases of twenty-four twelve-ounce containers; and~~

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

264 ~~————— (19) Nothing in this section authorizes consignment sales.~~

265 ~~————— 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in~~
266 ~~business as a bona fide producer or vendor of nonalcoholic beverages shall not~~
267 ~~condition the sale of its alcoholic beverages on the sale of its nonalcoholic~~
268 ~~beverages nor combine the sale of its alcoholic beverages with the sale of its~~

269 nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of
270 this section. The distiller, wholesaler, winemaker, or brewer that is also in
271 business as a bona fide producer or vendor of nonalcoholic beverages may sell,
272 credit, market, and promote nonalcoholic beverages in the same manner in which
273 the nonalcoholic products are sold, credited, marketed, or promoted by a
274 manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco
275 control.

276 ~~————— (2) Any fixtures, equipment, or furnishings provided by any distiller,
277 wholesaler, winemaker, or brewer in furtherance of the sale of nonalcoholic
278 products shall not be used by the retail licensee to store, service, display,
279 advertise, furnish, or sell, or aid in the sale of alcoholic products regulated by the
280 supervisor of alcohol and tobacco control. All such fixtures, equipment, or
281 furnishings shall be identified by the retail licensee as being furnished by a
282 licensed distiller, wholesaler, winemaker, or brewer.~~

283 ~~————— 6. Distillers, wholesalers, brewers and winemakers, or their officers or
284 directors shall not require, by agreement or otherwise, that any retailer purchase
285 any intoxicating liquor from such distillers, wholesalers, brewers or winemakers
286 to the exclusion in whole or in part of intoxicating liquor sold or offered for sale
287 by other distillers, wholesalers, brewers, or winemakers.~~

288 ~~————— 7. Notwithstanding any other provisions of this chapter to the contrary,
289 a distiller or wholesaler may install dispensing accessories at the retail business
290 establishment, which shall include for the purposes of distilled spirits equipment
291 to properly preserve and serve premixed distilled spirit beverages only. To
292 facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent
293 or sell and the distiller or wholesaler may install or repair any of the following
294 items or render to retail licensees any of the following services: coils and coil
295 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads,
296 hoses, valves and other minor tapping equipment components, and damage
297 caused by any delivery excluding normal wear and tear. A complete record of
298 equipment furnished and installed and repairs or service made or rendered shall
299 be kept by the distiller or wholesaler furnishing, making or rendering the same
300 for a period of not less than one year.~~

301 ~~————— 8. Distillers, wholesalers, winemakers, brewers or their employees or
302 officers shall be permitted to make contributions of money or merchandise to a
303 licensed retail liquor dealer that is a charitable, fraternal, civic, service, veterans',
304 or religious organization as defined in section 313.005, or an educational~~

305 ~~institution if such contributions are unrelated to such organization's retail~~
 306 ~~operations.~~

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

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

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

323 ~~12. For the purpose of the promotion of tourism, a person may apply for~~
 324 ~~and the supervisor of liquor control may issue a license to sell intoxicating liquor~~
 325 ~~by the drink at retail for consumption on the premises where sold, but~~
 326 ~~seventy-five percent or more of the intoxicating liquor sold by such licensed~~
 327 ~~person shall be Missouri-produced wines received from manufacturers licensed~~
 328 ~~under section 311.190. Such premises may remain open between the hours of~~
 329 ~~6:00 a.m. and midnight, Monday through Saturday, and between the hours of~~
 330 ~~11:00 a.m. and 9:00 p.m. on Sundays.]~~

331
 2 ~~[311.071. 1. Distillers, wholesalers, winemakers, brewers, or their~~
 3 ~~employees or officers may make contributions of money for special events where~~
 4 ~~alcohol is sold at retail to a not-for-profit organization that:~~

- 4 ~~(1) Does not hold a liquor license;~~
- 5 ~~(2) Less than forty percent of the members and officers are liquor~~
 6 ~~licensees;~~
- 7 ~~(3) Is registered with the secretary of state as a not-for-profit~~
 8 ~~organization; and~~

9 ~~————— (4) Of which no part of the net earnings or contributions inures to the~~
10 ~~benefit of any private shareholder or any retail licensee member of such~~
11 ~~organization.~~

12
13 ~~————— The contributions from distillers, wholesalers, winemakers, brewers, or their~~
14 ~~employees or officers shall be used to pay special event infrastructure expenses~~
15 ~~unrelated to any retail alcohol sales, which include, but are not limited to:~~
16 ~~security, sanitation, fencing, entertainment, and advertising.~~

17 ~~————— 2. Distillers, wholesalers, winemakers, brewers, retailers, or their~~
18 ~~employees or officers may make contributions of money for festivals as defined~~
19 ~~in section 316.150 where alcohol is sold at retail to a not-for-profit organization~~
20 ~~that:~~

21 ~~————— (1) Is registered with the secretary of state as a not-for-profit~~
22 ~~organization;~~

23 ~~————— (2) Of which no part of the net earnings or contributions, directly or~~
24 ~~indirectly, inures to the benefit of any private shareholder or any retail licensee~~
25 ~~member of such organization; and~~

26 ~~————— (3) Uses the contributions from distillers, wholesalers, winemakers,~~
27 ~~brewers, retailers, or their employees or officers only to pay special event~~
28 ~~infrastructure expenses unrelated to any retail alcohol sales, which include, but~~
29 ~~are not limited to, security, sanitation, fencing, advertising and transportation.~~

30 ~~————— 3. Any not-for-profit organization that receives contributions under this~~
31 ~~section shall allow the division of alcohol and tobacco control full access to the~~
32 ~~organization's records for audit purposes.]~~

33

2 ~~[311.075. 1. Notwithstanding any other provisions of this chapter to the~~
3 ~~contrary, for the purpose of the promotion of tourism, a retailer, its employees,~~
4 ~~officers, shareholders, and agents may have a financial interest in a distillery for~~
5 ~~the manufacturing of intoxicating liquors located in close proximity to the~~
6 ~~grounds of a recreational resort owned, in whole or in part, by the retailer, its~~
7 ~~subsidiaries, or affiliates. As used in this section, the term "recreational resort"~~
8 ~~shall mean any grounds used to entertain guests that are owned and operated as~~
9 ~~part of a facility by the retailer, its subsidiaries, or affiliates, which shall have a~~
10 ~~restaurant, at least thirty rooms for overnight accommodations, and outdoor~~
11 ~~activities that include fishing or golf. The distillery shall be in close proximity~~
~~to the grounds of the recreational resort.~~

12 ~~2. A retailer who is a holder of a license to sell intoxicating liquor by the~~
13 ~~drink at retail for consumption on the recreational resort's grounds shall be~~
14 ~~exempt from the provisions of section 311.280, for such intoxicating liquor that~~
15 ~~is manufactured in close proximity to the grounds of the recreational resort in~~
16 ~~accordance with the provisions of this chapter. All other intoxicating liquor sold~~
17 ~~by the drink at retail for consumption on the recreational resort's grounds shall~~
18 ~~be obtained in accordance with section 311.280.~~

19 ~~3. The holder of a recreational resort distillery license pursuant to this~~
20 ~~section may also sell intoxicating liquor produced on the distillery premises to~~
21 ~~duly licensed wholesalers, and all such sales to wholesalers shall be subject to the~~
22 ~~provisions of sections 311.275 and 311.540. However, holders of a recreational~~
23 ~~resort distillery license shall not, under any circumstances, directly or indirectly,~~
24 ~~have any financial interest in any Missouri wholesaler's business.]~~
25

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

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

20 ~~3. Subsection 1 of this section shall not apply to a license issued by the~~
21 ~~supervisor of alcohol and tobacco control for the sale of intoxicating liquor~~
22 ~~pursuant to section 311.218 or to a license issued to any church, school, civic,~~

23 service, fraternal, veteran, political, or charitable club or organization which has
24 obtained an exemption from the payment of federal taxes.

25 ~~4. Subsection 1 of this section shall not apply to any premises holding a~~
26 ~~license issued before January 1, 2004, by the supervisor of alcohol and tobacco~~
27 ~~control for the sale of intoxicating liquor. To retain a license under this~~
28 ~~subsection, the licensed premises shall not change license type, amend the legal~~
29 ~~description, or be without a liquor license for more than ninety days.]~~

30

~~[311.082. 1. As used in this section, the following terms shall mean:~~

2 ~~(1) "Keg", any container capable of holding four gallons or more of beer,~~
3 ~~wine, or intoxicating liquor and which is designed to dispense beer, wine, or~~
4 ~~intoxicating liquor directly from the container for purposes of consumption. Any~~
5 ~~nonreturnable container with a capacity of less than six gallons shall not be~~
6 ~~considered a keg under this section;~~

7 ~~(2) "Supervisor of alcohol and tobacco control", the person appointed~~
8 ~~pursuant to section 311.610.~~

9 ~~2. Each keg sold at retail for off-premise consumption shall be labeled~~
10 ~~with a numbered identification tag. The division of alcohol and tobacco control~~
11 ~~may prescribe the numbered identification tags to be used for this purpose. The~~
12 ~~recyclable numbered identification tag shall be affixed to the handle on the top~~
13 ~~chime of the keg. The recyclable numbered identification tag shall be supplied~~
14 ~~by the division of alcohol and tobacco control without fee and securely affixed~~
15 ~~to the keg by the licensee making the sale.~~

16 ~~3. Each retail licensee shall require each keg purchaser to present valid~~
17 ~~identification and a minimum deposit of fifty dollars per keg at the time of~~
18 ~~purchase. On the identification form provided by the division of alcohol and~~
19 ~~tobacco control the licensee shall record for each keg sale the date of sale, the~~
20 ~~size of keg, keg tag identification number, the amount of container deposit, the~~
21 ~~name, address, and date of birth of the purchaser, and the form of identification~~
22 ~~presented by such purchaser. The purchaser shall sign a statement at the time of~~
23 ~~purchase attesting to the accuracy of the purchaser's name and address and~~
24 ~~acknowledging that misuse of the keg or its contents may result in civil liability,~~
25 ~~criminal prosecution, or both. The licensee shall retain the identification form~~
26 ~~for a minimum of three months following the sale of the keg.~~

27 ~~4. The licensee shall not refund a deposit for a keg that is returned~~
28 ~~without the numbered identification tag intact and legible. The licensee shall~~

29 ~~record the date of return of the keg and the condition of the numbered~~
 30 ~~identification tag on the identification form required pursuant to subsection 3 of~~
 31 ~~this section. The licensee may retain any deposit not refunded for this reason.~~
 32 ~~Upon the return of a properly tagged keg from a consumer, the licensee shall~~
 33 ~~remove the tag from the keg and retain such tag with the identification form as~~
 34 ~~required pursuant to subsection 3 of this section.~~

35 ~~5. The supervisor shall promulgate rules and regulations for the~~
 36 ~~administration of this section and shall design all necessary forms. No rule,~~
 37 ~~regulation, or portion of a rule or regulation promulgated pursuant to the~~
 38 ~~authority of this section shall become effective unless it has been promulgated~~
 39 ~~pursuant to chapter 536.~~

40 ~~6. The provisions of this section shall become effective on July 1, 2004.~~

41 ~~7. This section shall fully preempt and supersede any ordinances, rules,~~
 42 ~~or regulations made by any city, county, or other political subdivision of the state~~
 43 ~~of Missouri which regulate the selling, labeling, or registering of kegs. This~~
 44 ~~section shall not impose any new or additional civil or criminal liability upon the~~
 45 ~~retail licensee.]~~
 46

2 ~~[311.085. Any person possessing the qualifications and meeting the~~
 3 ~~requirements of this chapter and the ordinances, rules and regulations of the first~~
 4 ~~class county having a charter form of government in which such licensee~~
 5 ~~proposes to operate his business may apply for, and the supervisor of liquor~~
 6 ~~control may issue, a license for the sale by the drink of intoxicating liquor on the~~
 7 ~~premises described in the application. This license shall be valid only for~~
 8 ~~premises located wholly within the unincorporated areas of such a county.]~~

2 ~~[311.086. 1. As used in this section, the following terms mean:~~

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

9 ~~(2) "Entertainment district", any area located in a home rule city with~~
 10 ~~more than four hundred thousand inhabitants and located in more than one county~~
~~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.]~~

14

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~~
5 ~~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

11 ~~[311.090. 1. Any person who possesses the qualifications required by~~
12 ~~this chapter, and who meets the requirements of and complies with the provisions~~
13 ~~of this chapter, and the ordinances, rules and regulations of the incorporated city~~
14 ~~in which such licensee proposes to operate his business, may apply for, and the~~
15 ~~supervisor of alcohol and tobacco control may issue, a license to sell intoxicating~~
16 ~~liquor, as defined in this chapter, by the drink at retail for consumption on the~~
17 ~~premises described in the application; provided, that no license shall be issued for~~
18 ~~the sale of intoxicating liquor, other than malt liquor as defined in section~~
19 ~~311.490, and light wines containing not in excess of fourteen percent of alcohol~~
20 ~~by weight made exclusively from grapes, berries and other fruits and vegetables,~~
21 ~~by the drink at retail for consumption on the premises where sold to any person~~
22 ~~other than a charitable, fraternal, religious, service or veterans' organization~~
23 ~~which has obtained an exemption from the payment of federal income taxes as~~
24 ~~provided in Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8),~~
25 ~~501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of~~
26 ~~1954, as amended, in any incorporated city having a population of less than~~
27 ~~nineteen thousand five hundred inhabitants, until the sale of such intoxicating~~
28 ~~liquor, by the drink at retail for consumption on the premises where sold, shall~~
29 ~~have been authorized by a vote of the majority of the qualified voters of the city.~~
30 ~~Such authority shall be determined by an election to be held in those cities having~~
~~a population of less than nineteen thousand five hundred inhabitants as~~
~~determined by the last preceding federal decennial census, under the provisions~~
~~and methods set out in this chapter. Once such licenses are issued in a city with~~
~~a population of at least nineteen thousand five hundred inhabitants, any~~
~~subsequent loss of population shall not require the qualified voters of such a city~~
~~to approve the sale of such intoxicating liquor prior to the issuance or renewal of~~
~~such licenses. No license shall be issued for the sale of intoxicating liquor, other~~
~~than malt liquor as defined in section 311.490, and light wines containing not in~~
~~excess of fourteen percent of alcohol by weight made exclusively from grapes,~~
~~berries and other fruits and vegetables, by the drink at retail for consumption on~~

31 the premises where sold, outside the limits of such incorporated cities unless the
32 licensee is a charitable, fraternal, religious, service or veterans' organization
33 which has obtained an exemption from the payment of federal income taxes as
34 provided in Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8),
35 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of
36 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

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

14 ~~2. For every license for sale of liquor by the drink at retail for~~
15 ~~consumption on the premises of any boat or other vessel issued under the~~
16 ~~provisions of this section, the licensee shall pay to the director of revenue the sum~~
17 ~~of three hundred dollars per year.]~~
18

[311.092. Notwithstanding any other provisions of this chapter to the
2 contrary, any person who possesses the qualifications required by this chapter,
3 and who meets the requirements of and complies with the provisions of this
4 chapter, may apply for and the supervisor of liquor control may issue a license to
5 sell intoxicating liquor, as in this chapter defined, by the drink at retail for
6 consumption on the premises of any boat, or other vessel which travels on water,
7 which has a regular place of mooring within the limits of a city not within a

8 county with a population of more than six hundred thousand inhabitants. The
9 license shall be valid even though the boat, or other vessel, leaves the corporate
10 limits of the city during the course of its operation.]
11

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

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

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

11 ~~2. Notwithstanding any other provisions of this chapter to the contrary,~~
 12 ~~any person who possesses the qualifications required by this chapter, or who now~~
 13 ~~or hereafter meets the requirements of and complies with the provisions of this~~

14 chapter, may apply for, and the supervisor of liquor control may issue, a license
15 to sell intoxicating liquor, as defined in this chapter, by the drink at retail not for
16 consumption on the premises where sold but for consumption in a common
17 eating and drinking area, as described in the application for such license. In
18 addition to all other fees required by law, each establishment in a common eating
19 and drinking area licensed under this subsection shall pay to the director of
20 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

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

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

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

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

30 ~~————— (4) "Qualified packages or containers", packages or containers for~~
31 ~~intoxicating liquor, other than beer or other malt liquor, which hold not less than~~

32 fifty milliliters and not more than two hundred milliliters, and any packages or
33 containers for beer or other malt liquor;

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

37 ~~———— (6) "Room", a room in a qualified establishment which is intended to be~~
38 ~~used as, and which is provided for, the overnight accommodation of transient~~
39 ~~guests;~~

40 ~~———— 2. Notwithstanding any other provision of this chapter to the contrary,~~
41 ~~any person who possesses the qualifications required by this chapter, and who~~
42 ~~now or hereafter meets the requirements of and complies with the provisions of~~
43 ~~this chapter, and who operates a qualified establishment and who is licensed to~~
44 ~~sell liquor by the drink at retail with respect to such qualified establishment, may~~
45 ~~apply for, and the supervisor of liquor control shall issue, a license to sell~~
46 ~~intoxicating liquor in the rooms of such qualified establishment by means of a~~
47 ~~controlled access liquor cabinet system on and subject to the following terms and~~
48 ~~conditions:~~

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

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

58 ~~———— (3) All employees handling the intoxicating liquor to be placed in the~~
59 ~~controlled access liquor cabinet, including without limitation any employee who~~
60 ~~inventories and/or restocks and replenishes the intoxicating liquor in the~~
61 ~~controlled access liquor cabinet, shall be at least eighteen years of age and shall~~
62 ~~obtain such employee permits as the city, county or other local governmental~~
63 ~~entity in which the qualified establishment is located requires to be obtained by~~
64 ~~employees of the restaurant operated at such qualified establishment; provided,~~
65 ~~however, that no such employee permits shall be required of any employee who~~
66 ~~handles the intoxicating liquor in the original case and who does not open such~~
67 ~~original case;~~

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

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

80 ~~————— (6) The qualified establishment shall have the right to collect payment for~~
81 ~~the intoxicating liquor or other beverages or food taken from the controlled~~
82 ~~access liquor cabinet in the room of a registered guest in such manner as it shall~~
83 ~~determine to be appropriate, including without limitation the inclusion of such~~
84 ~~charges together with the charges made to such registered guest for the use of the~~
85 ~~room or for purchase of meals at the restaurant operated at such qualified~~
86 ~~establishment.~~

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

93 ~~————— 4. In addition to any right to sell granted pursuant to any other provision~~
94 ~~of this chapter, a duly licensed wholesaler shall be permitted to sell intoxicating~~
95 ~~liquor to a qualified establishment in any size of qualified packages or containers~~
96 ~~for use in a controlled access liquor cabinet system; provided, however, that as~~
97 ~~to any size of qualified packages or containers which could not be legally sold to~~
98 ~~the qualified establishment except for the provisions of this section, any such size~~
99 ~~of qualified packages or containers shall be sold by the qualified establishment~~
100 ~~only by means of the controlled access liquor cabinet system.]~~

101

2 ~~[311.100. The sale of any intoxicating liquor except malt liquor, in the~~
~~original package, in any quantity less than fifty milliliters shall be deemed "sale~~

3 by the drink", and may be made only by a holder of a retail liquor dealer's license
4 and when so made, the container in every case shall be emptied and the contents
5 thereof served as other intoxicating liquors sold by the drink are served.]
6

~~[311.101. 1. Notwithstanding any other provision of law, it shall not be
2 unlawful for the owner, operator, or employees of a restaurant bar, as defined in
3 section 311.097, to allow patrons to carry out one or more bottles of unfinished
4 wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one
5 or more bottles of unfinished wine under the 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
8 consumed during the meal;~~

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

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

14 ~~————— 2. Notwithstanding any other provision of law, no person who transports
15 one or more bottles of unfinished wine which came from a restaurant bar under
16 the circumstances described in subsection 1 of this section, in a vehicle, shall be
17 considered to have violated any state law or local ordinance regarding open
18 containers in vehicles so long as such person has in his or her possession the
19 dated receipt from the restaurant bar and the bottle or bottles of wine remain in
20 the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the
21 seals intact.~~

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

27 ~~————— (1) The bottle or bottles of wine must have been at least partially
28 consumed at the winery;~~

29 ~~————— (2) The winery must provide a dated receipt for the unfinished bottle or
30 bottles of wine; and~~

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

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

41 ~~————— 5. As used in this section "winery" means any establishment at which~~
 42 ~~wine is made.]~~

43

~~[311.110. Upon application by petition signed by one-fifth of the voters~~
 2 ~~of any incorporated city, who are qualified to vote for members of the legislature~~
 3 ~~in such incorporated city of this state, the board of aldermen, city council or other~~
 4 ~~proper officials of such incorporated city shall submit the question to the voters~~
 5 ~~of the incorporated city, to determine whether or not intoxicating liquor, as~~
 6 ~~defined in this chapter, other than malt liquor containing not to exceed five~~
 7 ~~percent of alcohol by weight, shall be sold, furnished or given away within the~~
 8 ~~corporate limits of such incorporated city; and the result thereof shall be entered~~
 9 ~~upon the records of such board of aldermen, city council or other proper officials;~~
 10 ~~provided further, that the board of aldermen, city council or other proper officials~~
 11 ~~shall determine the sufficiency of the petition presented by the poll books of the~~
 12 ~~last previous city election.]~~

13

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

5

~~[311.140. If a majority of the votes cast on the question be for the sale of~~
 2 ~~intoxicating liquor, containing alcohol in excess of five percent by weight, by the~~
 3 ~~drink at retail for consumption on the premises where sold, such intoxicating~~
 4 ~~liquors may be sold under the provisions of existing laws regulating the sale~~
 5 ~~thereof and the procuring of a license for that purpose; and if a majority of the~~

6 votes cast on the question be against the sale of intoxicating liquor, containing
7 alcohol in excess of five percent by weight, by the drink at retail for consumption
8 on the premises where sold, the board of aldermen, city council or other proper
9 authorities of such incorporated city submitting the question shall publish the
10 result once a week for four consecutive weeks in the same newspaper in which
11 the notice of submission of the question was published, and the provisions of this
12 chapter shall take effect and be in force from and after the date of the last
13 insertion of the publication last above referred to; and provided further, that no
14 license to sell intoxicating liquor, by the drink at retail for consumption on the
15 premises where sold, other than malt liquor containing not to exceed five percent
16 of alcohol by weight, shall be granted during the time of publication last above
17 mentioned; provided further, that this law shall not be construed to interfere with
18 any license issued before the date of the filing of the petition for the submission
19 of the question, but such license may run until the date of its expiration and shall
20 not be renewed. The election in this chapter provided for, and the result thereof,
21 may be contested in the same manner as is now provided for by law for the
22 contest of elections of county officers in this state, by any voter of such
23 incorporated city in which said election shall be held, by an action to contest, and
24 which shall be brought against the city holding such election.]

25

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

10

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

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

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~~
11 ~~hundred thousand inhabitants, may apply to the supervisor of alcohol and tobacco~~
12 ~~control for a special permit to remain open on each day of the week until 3:00~~
13 ~~a.m. of the morning of the following day; except that, an entity exempt from~~
14 ~~federal income taxes under Section 501(c)(7) of the Internal Revenue Code of~~
15 ~~1986, as amended, and located in a building designated as a National Historic~~
16 ~~Landmark by the United States Department of the Interior may apply for a license~~
17 ~~to remain open until 6:00 a.m. of the following day. The time of opening on~~
18 ~~Sunday may be 9:00 a.m. The provisions of this section and not those of section~~
19 ~~311.097 regarding the time of closing shall apply to the sale of intoxicating liquor~~
20 ~~by the drink at retail for consumption on the premises on Sunday. When the~~
21 ~~premises of such an applicant is located in a city as defined in this section, then~~
22 ~~the premises must be located in an area which has been designated as a~~
23 ~~convention trade area by the governing body of the city. When the premises of~~
24 ~~such an applicant is located in a county as defined in this section, then the~~
25 ~~premises must be located in an area which has been designated as a convention~~
26 ~~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

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

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

16 ~~(2) The business is a resort. For purposes of this section, a "resort" is~~
17 ~~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

~~[311.178. 1. Any person possessing the qualifications and meeting the~~
2 ~~requirements of this chapter who is licensed to sell intoxicating liquor by the~~
3 ~~drink at retail for consumption on the premises in a county of the first~~

4 classification having a charter form of government and not containing all or part
5 of a city with a population of over three hundred thousand may apply to the
6 supervisor of alcohol and tobacco control for a special permit to remain open on
7 each day of the week until 3:00 a.m. of the morning of the following day. The
8 time of opening on Sunday may be 9:00 a.m. The provisions of this section and
9 not those of section 311.097 regarding the time of closing shall apply to the sale
10 of intoxicating liquor by the drink at retail for consumption on the premises on
11 Sunday. The premises of such an applicant shall be located in an area which has
12 been designated as a convention trade area by the governing body of the county
13 and the applicant shall 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 subsection, a "resort"~~
18 ~~is defined as any establishment having at least sixty rooms for the overnight~~
19 ~~accommodation of transient guests and having a restaurant located on the~~
20 ~~premises.~~

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

7 with more than four thousand five hundred but fewer than five thousand
 8 inhabitants as the county seat may apply to the supervisor of alcohol and tobacco
 9 control for a special permit which:

10 ~~————— (1) Allows the premises located in the international airport in such county~~
 11 ~~to open at 4 a.m. and sell intoxicating liquor by the drink at retail for~~
 12 ~~consumption. The provisions of this section and not those of section 311.097~~
 13 ~~regarding the time of opening shall apply to the sale of intoxicating liquor by the~~
 14 ~~drink at retail for consumption on Sunday;~~

15 ~~————— (2) Allows persons to leave licensed establishments with an alcoholic~~
 16 ~~beverage and enter other airport designated areas located within such airport. No~~
 17 ~~person shall take any alcoholic beverage or beverages outside such designated~~
 18 ~~areas, including onto any airplane; and~~

19 ~~————— (3) Requires every licensee within such international airport to serve~~
 20 ~~alcoholic beverages in containers that display and contain the licensee's trade~~
 21 ~~name or logo or some other mark that is unique to that license and licensee.~~

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

26

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

8 ~~————— (1) For the privilege of manufacturing and brewing in this state malt~~
 9 ~~liquor containing not in excess of five percent of alcohol by weight and the~~
 10 ~~privilege of selling to duly licensed wholesalers and soliciting orders for the sale~~
 11 ~~of malt liquors containing not in excess of five percent of alcohol by weight, to,~~
 12 ~~by or through a duly licensed wholesaler within this state, the sum of two~~
 13 ~~hundred fifty dollars;~~

14 ~~————— (2) For the privilege of manufacturing in this state intoxicating liquor~~
 15 ~~containing not in excess of twenty-two percent of alcohol by weight and the~~
 16 ~~privilege of selling to duly licensed wholesalers and soliciting orders for the sale~~

17 of intoxicating liquor containing not in excess of twenty-two percent of alcohol
18 by weight, to, by or through a duly licensed wholesaler within this state, the sum
19 of two hundred dollars;

20 ~~————— (3) For the privilege of manufacturing, distilling or blending intoxicating~~
21 ~~liquor of all kinds within this state and the privilege of selling to duly licensed~~
22 ~~wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds,~~
23 ~~to, by or through a duly licensed wholesaler within this state, the sum of four~~
24 ~~hundred and fifty dollars;~~

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

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

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

36 ~~————— (7) For the privilege of selling intoxicating liquor containing not in~~
37 ~~excess of five percent of alcohol by weight by a wholesaler to a person duly~~
38 ~~licensed to sell such malt liquor at retail and the privilege of selling to duly~~
39 ~~licensed wholesalers and soliciting orders for the sale of malt liquor containing~~
40 ~~not in excess of five percent of alcohol by weight, to, by or through a duly~~
41 ~~licensed wholesaler within this state, the sum of one hundred dollars;~~

42 ~~————— (8) For the privilege of selling intoxicating liquor containing not in~~
43 ~~excess of twenty-two percent of alcohol by weight by a wholesaler to a person~~
44 ~~duly licensed to sell such intoxicating liquor at retail and the privilege of selling~~
45 ~~to duly licensed wholesalers and soliciting orders for the sale of intoxicating~~
46 ~~liquor containing not in excess of twenty-two percent of alcohol by weight, to,~~
47 ~~by or through a duly licensed wholesaler within this state, the sum of two~~
48 ~~hundred dollars;~~

49 ~~————— (9) For the privilege of selling intoxicating liquor of all kinds by a~~
50 ~~wholesaler to a person duly licensed to sell such intoxicating liquor at retail and~~
51 ~~the privilege of selling to duly licensed wholesalers and soliciting orders for the~~
52 ~~sale of intoxicating liquor of all kinds, to, by or through a duly licensed~~

53 wholesaler within this state, the sum of five hundred dollars, except that a license
 54 authorizing the holder to sell to duly licensed wholesalers and to solicit orders for
 55 sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not
 56 entitle the holder thereof to sell within the state of Missouri, direct to retailers;

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

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

64 ~~————— 3. The provisions of this section relating to the privilege of selling malt~~
 65 ~~liquor are subject to and limited by the provisions of sections 311.181 and~~
 66 ~~311.182.~~

67 ~~————— 4. The licenses prescribed in this section for the privilege of selling~~
 68 ~~intoxicating liquor by a wholesaler to a person duly licensed to sell such~~
 69 ~~intoxicating liquor at retail shall allow such wholesaler to sell intoxicating liquor~~
 70 ~~to licensees licensed by the gaming commission to sell beer or alcoholic~~
 71 ~~beverages pursuant to section 313.840.]~~

72

2 ~~[311.181. 1. In addition to any other information or documents required~~
 3 ~~by law, an applicant for a license which grants alone or with other privileges the~~
 4 ~~privilege of selling intoxicating liquor containing not in excess of five percent of~~
 5 ~~alcohol by weight by a wholesaler to a person duly licensed to sell such malt~~
 6 ~~liquor at retail shall submit to the supervisor of liquor control a statement under~~
 7 ~~oath designating clearly the geographical area within which the applicant has~~
 8 ~~been authorized by the brewer to sell such malt liquor, the brand or brands he~~
 9 ~~proposes to sell, and the brewer or brewers who manufacture the brands, and~~
 10 ~~affirming that the applicant will maintain a warehouse and delivery facilities~~
 11 ~~within the designated geographical area. Each such wholesaler applicant shall~~
 12 ~~enter into a written agreement with the brewer of the brand or brands which the~~
 13 ~~applicant proposes to sell, which agreement must specifically designate a~~
 14 ~~geographic area within which such wholesaler applicant is authorized to sell such~~
 15 ~~brand or brands. A copy of such written agreement shall be filed with the~~
 16 ~~supervisor of liquor control as a part of such application. It shall be unlawful for~~
~~any such wholesaler applicant, who is granted a license hereunder, to sell any~~

17 ~~brand or brands of malt liquor in the state of Missouri except in the designated~~
 18 ~~geographic area described in said agreement. Provided, however, that when such~~
 19 ~~an applicant is prevented from servicing the designated geographic area due to~~
 20 ~~fire, flood, or other causes beyond his reasonable control, another licensed~~
 21 ~~wholesaler not within the designated geographic area may sell the specified~~
 22 ~~brands of malt liquor in that designated geographic area, if the applicant~~
 23 ~~wholesaler who is prevented from servicing the area consents thereto and~~
 24 ~~approval is obtained from the applicable brewer and the supervisor of liquor~~
 25 ~~control.~~

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

32 ~~————— 3. No provision of any written agreement required by this section shall~~
 33 ~~expressly or by implication or in its operation establish or maintain the resale~~
 34 ~~price of any brand or brands of beer by the licensed wholesaler.~~

35 ~~————— 4. The provisions of section 311.720 shall not apply to this section.]~~
 36

~~[311.182. 1. No brewer or manufacturer of malt liquor, who designates~~
 2 ~~a specific geographic area for which a wholesaler shall be responsible, shall enter~~
 3 ~~into any agreement with any other person for the purpose of establishing an~~
 4 ~~additional wholesaler for the same brands of malt liquor in such designated area.~~
 5 ~~Provided, however, that section 311.181 and this section shall not prevent a~~
 6 ~~brewer, manufacturer or wholesaler of malt liquor from exercising or enforcing~~
 7 ~~any rights or obligations established by or contained within any written~~
 8 ~~agreement required by section 311.181.~~

9 ~~————— 2. Any wholesaler or brewer who shall violate the provisions of section~~
 10 ~~311.181 or this section, or permit his employees, officers or agents to do so, shall~~
 11 ~~be guilty of a misdemeanor, and upon conviction thereof shall be punished only~~
 12 ~~as follows:~~

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

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

15 ~~————— (3) For a third offense, by a fine of twenty-five thousand dollars.~~

16 ~~————— 3. The provisions of section 311.720 shall not apply to this section.]~~

- 2 ~~[311.185. 1. Notwithstanding any rule, law, or regulation to the contrary,~~
3 ~~any person currently licensed in this state or any other state as a wine~~
4 ~~manufacturer may apply for and the supervisor of alcohol and tobacco control~~
5 ~~may issue a wine direct shipper license, as provided in this section, which allows~~
6 ~~a wine manufacturer to ship up to two cases of wine per month directly to a~~
7 ~~resident of this state who is at least twenty-one years of age for such resident's~~
8 ~~personal use and not for resale. Before sending any shipment to a resident of this~~
9 ~~state, the wine manufacturer shall first obtain a wine direct shipper license as~~
10 ~~follows:~~
- 11 ~~————— (1) File an application with the division of alcohol and tobacco control;~~
12 ~~and~~
- 13 ~~————— (2) Provide to the division of alcohol and tobacco control a true copy of~~
14 ~~its current alcoholic beverage license issued in this state or any other state, as~~
15 ~~well as a copy of the winery license from the Alcohol and Tobacco Tax and~~
16 ~~Trade Bureau.~~
- 17 ~~2. All wine direct shipper licensees shall:~~
- 18 ~~————— (1) Not ship more than two cases of wine per month to any person for his~~
19 ~~or her personal use and not for resale;~~
- 20 ~~————— (2) Not use any carrier for shipping of wine that is not licensed under this~~
21 ~~section;~~
- 22 ~~————— (3) Only ship wine that is properly registered with the Alcohol and~~
23 ~~Tobacco Tax and Trade Bureau;~~
- 24 ~~————— (4) Only ship wine manufactured on the winery premises;~~
- 25 ~~————— (5) Ensure that all containers of wine delivered directly to a resident of~~
26 ~~this state are conspicuously labeled with the words "CONTAINS ALCOHOL:~~
27 ~~SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR~~
28 ~~DELIVERY" or are conspicuously labeled with wording preapproved by the~~
29 ~~division of alcohol and tobacco control;~~
- 30 ~~————— (6) If the winery is located outside of this state, by January thirty-first,~~
31 ~~make a report under oath to the supervisor of alcohol and tobacco control setting~~
32 ~~out the total amount of wine shipped into the state the preceding year;~~
- 33 ~~————— (7) If the winery is located outside of this state, pay the division of~~
34 ~~alcohol and tobacco control all excise taxes due on the amount to be calculated~~
35 ~~as if the sale were in this state at the location where the delivery is made;~~
- 36 ~~————— (8) If the winery is located within this state, provide the division of~~
 ~~alcohol and tobacco control any additional information deemed necessary beyond~~

37 that already required for retail sales from the winery tasting room to ensure
38 compliance with this section;

39 ~~————— (9) Permit the division of alcohol and tobacco control to perform an audit
40 of the wine direct shipper licensees' records upon request; and~~

41 ~~————— (10) Be deemed to have consented to the jurisdiction of the division of
42 alcohol and tobacco control or any other state agency and the Missouri courts
43 concerning enforcement of this section and any related laws, rules, or regulations.~~

44 ~~————— 3. The wine direct shipper licensee may annually renew its license with
45 the division of alcohol and tobacco control by providing the division of alcohol
46 and tobacco control all required items provided in subsection 1 of this section.~~

47 ~~————— 4. Notwithstanding any law, rule, or regulation to the contrary, any carrier
48 may apply for and the supervisor of alcohol and tobacco control may issue an
49 alcohol carrier license, as provided in this section, which allows the carrier to
50 transport and deliver shipments of wine directly to a resident of this state who is
51 at least twenty-one years of age or older. Before transporting any shipment of
52 wine to a resident of this state, the carrier shall first obtain an alcohol carrier
53 license by filing an application with the division of alcohol and tobacco control.~~

54 ~~————— 5. All alcohol carrier licensees shall:~~

55 ~~————— (1) Not deliver to any person under twenty-one years of age, or to any
56 intoxicated person, or any person appearing to be in a state of intoxication;~~

57 ~~————— (2) Require valid proof of identity and age;~~

58 ~~————— (3) Obtain the signature of an adult as a condition of delivery; and~~

59 ~~————— (4) Keep records of wine shipped which include the license number and
60 name of the winery or retailer, quantity of wine shipped, recipient's name and
61 address, and an electronic or paper form of signature from the recipient of the
62 wine.~~

63 ~~————— 6. The division of alcohol and tobacco control may promulgate rules to
64 effectuate the provisions of this section. Any rule or portion of a rule, as that
65 term is defined in section 536.010, that is created under the authority delegated
66 in this section shall become effective only if it complies with and is subject to all
67 of the provisions of chapter 536 and, if applicable, section 536.028. This section
68 and chapter 536 are nonseverable and if any of the powers vested with the general
69 assembly pursuant to chapter 536 to review, to delay the effective date or to
70 disapprove and annul a rule are subsequently held unconstitutional, then the grant
71 of rulemaking authority and any rule proposed or adopted after August 28, 2007,
72 shall be invalid and void.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 ~~8. An auctioneer who affixes a label to any bottle of vintage wine, as~~
59 ~~provided in subsection 2 of this section, without having determined through the~~
60 ~~exercise of reasonable diligence that the wine was acquired from a bona fide~~
61 ~~private collection, shall be guilty of a class C misdemeanor and, upon a finding~~
62 ~~of or plea of guilty with regard to any such misdemeanor, shall be subject to~~
63 ~~annullment of the license issued pursuant to subsection 3 of this section.]~~
64

2 ~~[311.192. The term "wine manufacturer" as used in this chapter shall~~
3 ~~mean any person, partnership, association of persons, or corporation who has~~
4 ~~procured a license under subdivision (2) of subsection 1 of section 311.180 or~~
5 ~~section 311.190, and who manufactures in excess of two hundred gallons of wine~~
6 ~~per calendar year.]~~

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

5 ~~2. Notwithstanding any other provisions of this chapter, any municipality~~
6 ~~legally owning, controlling or possessing a private collection of vintage wines in~~

7 ~~their original packages is authorized to sell such vintage wine through a sealed~~
8 ~~bid process. The municipality may set a minimum bid and may reserve the right~~
9 ~~to reject all bids. The municipality shall designate a municipal employee to sell~~
10 ~~vintage wine through a sealed bid process who shall ensure that each bottle of~~
11 ~~vintage wine sold from a private collection has a permanently fixed label stating~~
12 ~~that the bottle was acquired from a private collection.~~

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

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

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

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

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

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

41 ~~7. The designated municipal employee licensed to sell vintage wine~~
42 ~~pursuant to this section may hold vintage wine tastings on the premises where the~~

43 ~~vintage wine is stored within the period of twenty-four hours immediately~~
44 ~~preceding the first date on which sealed bids will be accepted.~~

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

49 ~~9. A municipal employee designated by the municipality to sell vintage~~
50 ~~wine through a sealed bid process who affixes a label to any bottle of wine, as~~
51 ~~provided in subsection 2 of this section, without having determined through the~~
52 ~~exercise of reasonable diligence that the wine was acquired from a bona fide~~
53 ~~private collection, shall be guilty of a class C misdemeanor and, upon a finding~~
54 ~~of or plea of guilty with regard to any such misdemeanor, shall be subject to a~~
55 ~~cancellation of the license issued pursuant to subsection 3 of this section.]~~
56

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

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

9 ~~3. Notwithstanding any other provision of this chapter to the contrary, the~~
10 ~~holder of a microbrewer’s license may apply for, and the supervisor of alcohol~~
11 ~~and tobacco control may issue, a license to sell all kinds of intoxicating liquor,~~
12 ~~as defined in this chapter, by the drink at retail for consumption on the premises~~
13 ~~of the microbrewery or in close proximity to the microbrewery. No holder of a~~
14 ~~microbrewer’s license, or any employee, officer, agent, subsidiary, or affiliate~~
15 ~~thereof, shall have more than ten licenses to sell intoxicating liquor by the drink~~
16 ~~at retail for consumption on the premises.~~

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

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

~~[311.196. Notwithstanding any other provision of law to the contrary, any~~
2 ~~restaurant bar without an on-site brewery that serves twenty or more different~~
3 ~~types of draft beer may sell thirty-two fluid ounces or more of such beer to~~
4 ~~customers for consumption off the premises of such bar or tavern. As used in this~~
5 ~~section, the term "restaurant bar" means any establishment having a restaurant or~~
6 ~~similar facility on the premises at least fifty percent of the gross income of which~~
7 ~~is derived from the sale of prepared meals or food consumed on such premises.]~~
8

~~[311.197. 1. A wholesaler of malt liquor may furnish or give, and a~~
2 ~~retailer may accept, a sample of malt liquor as long as the retailer has not~~
3 ~~previously purchased the brand of malt liquor from that wholesaler if all of the~~
4 ~~following requirements are met:~~

5 ~~(1) The sample shall not be more than seventy-two fluid ounces, except~~
6 ~~if a particular product is not available in a size of seventy-two fluid ounces or~~
7 ~~less, a wholesaler may furnish or give the next larger size to the retailer;~~

8 ~~(2) The wholesaler shall keep a record of the name of the retailer and the~~
9 ~~quantity of each brand furnished or given to such retailer; and~~

10 ~~(3) No samples of malt liquor provided shall be consumed or opened on~~
11 ~~the premises of the retailer except as provided by the retail license.~~

12 ~~2. For purposes of this section, brands shall be differentiated by~~
13 ~~differences in the brand names of the products or the nature of the products,~~
14 ~~including products that differ in the designation of class, type, or kind.~~
15 ~~Differences in packaging, such as differences in the style, type, or size of the~~
16 ~~product container or the color or design of a label shall not be considered~~
17 ~~different brands.]~~
18

~~[311.198. 1. Notwithstanding any other provision of law, rule, or~~
2 ~~regulation to the contrary, a brewer may lease to the retail licensee and the retail~~

3 licensee may accept portable refrigeration units at a total lease value equal to the
4 cost of the unit to the brewer plus two percent of the total lease value as of the
5 execution of the lease. Such portable refrigeration units shall remain the property
6 of the brewer. The brewer may also enter into lease agreements with wholesalers;
7 who may enter into sublease agreements with retail licensees in which the value
8 contained in the sublease is equal to the unit cost to the brewer plus two percent
9 of the total lease value as of the execution of the lease. If the lease agreement is
10 with a wholesaler, the portable refrigeration units shall become the property of
11 the wholesaler at the end of the lease period, which is to be defined between the
12 brewer and the wholesaler. A wholesaler may not directly or indirectly fund the
13 cost or maintenance of the portable refrigeration units. Brewers shall be
14 responsible for maintaining adequate records of retailer payments to be able to
15 verify fulfillment of lease agreements. No portable refrigeration unit may exceed
16 forty cubic feet in storage space. A brewer may lease, or wholesaler may
17 sublease, not more than one portable refrigeration unit per retail location. Such
18 portable refrigeration unit may bear in a conspicuous manner substantial
19 advertising matter about a product or products of the brewer and shall be visible
20 to consumers inside the retail outlet. Notwithstanding any other provision of law,
21 rule, regulation, or lease to the contrary, the retail licensee is hereby authorized
22 to stock, display, and sell any product in and from the portable refrigeration units.
23 No dispensing equipment shall be attached to a leased portable refrigeration unit,
24 and no beer, wine, or intoxicating liquor shall be dispensed directly from a leased
25 portable refrigeration unit. Any brewer or wholesaler that provides portable
26 refrigeration units shall within thirty days thereafter notify the division of alcohol
27 and tobacco control on forms designated by the division of the location, lease
28 terms, and total cubic storage space of the units. The division is hereby given
29 authority, including rulemaking authority, to enforce this section and to ensure
30 compliance by having access to and copies of lease, payment, and portable
31 refrigeration unit records and information.

32 ————— 2. Any lease or sublease executed under this section shall not exceed five
33 years in duration and shall not contain any provision allowing for or requiring the
34 automatic renewal of the lease or sublease.

35 ————— 3. Any rule or portion of a rule, as that term is defined in section 536.010,
36 that is created under the authority delegated in this section shall become effective
37 only if it complies with and is subject to all of the provisions of chapter 536 and,
38 if applicable, section 536.028. This section and chapter 536 are nonseverable and

39 if any of the powers vested with the general assembly pursuant to chapter 536 to
40 review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and
42 any rule proposed or adopted after January 1, 2017, shall be invalid and void.

43 ~~4. This section shall expire on January 1, 2020. Any lease or sublease~~
44 ~~executed under this section prior to January 1, 2020, shall remain in effect until~~
45 ~~the expiration of such lease or sublease.]~~

46

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

13 ~~2. For a permit authorizing the sale of malt liquor, as defined in section~~
14 ~~311.490, by grocers and other merchants and dealers in the original package~~
15 ~~direct to consumers but not for resale, a fee of fifty dollars per year payable to the~~
16 ~~director of the department of revenue shall be required. The phrase "original~~
17 ~~package" shall be construed and held to refer to any package containing one or~~
18 ~~more standard bottles, cans, or pouches of beer. Notwithstanding the provisions~~
19 ~~of section 311.290, any person licensed pursuant to this subsection may also sell~~
20 ~~malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.~~

21 ~~3. For every license issued for the sale of malt liquor, as defined in~~
22 ~~section 311.490, at retail by drink for consumption on the premises where sold,~~
23 ~~the licensee shall pay to the director of revenue the sum of fifty dollars per year.~~
24 ~~Notwithstanding the provisions of section 311.290, any person licensed pursuant~~
25 ~~to this subsection may also sell malt liquor at retail between the hours of 9:00~~
26 ~~a.m. and midnight on Sunday.~~

27 ~~4. For every license issued for the sale of malt liquor, as defined in~~
28 ~~section 311.490, and light wines containing not in excess of fourteen percent of~~

29 alcohol by weight made exclusively from grapes, berries and other fruits and
 30 vegetables, at retail by the drink for consumption on the premises where sold, the
 31 licensee shall pay to the director of revenue the sum of fifty dollars per year.

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

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

42 ~~7. All applications for licenses shall be made upon such forms and in
 43 such manner as the supervisor of alcohol and tobacco control shall prescribe. No
 44 license shall be issued until the sum prescribed by this section for such license
 45 shall be paid to the director of revenue.]~~

46

[311.201. 1. Any person who is licensed to sell intoxicating liquor in the
 2 original package at retail as provided in subsection 1 of section 311.200 may sell
 3 from thirty-two to one hundred twenty-eight fluid ounces of draft beer to
 4 customers in containers filled by any employee of the retailer on the premises for
 5 consumption off such premises. Any employee of the licensee shall be at least
 6 twenty-one years of age to fill containers with draft beer.

7 ~~2. No provision of law, rule, or regulation of the supervisor of alcohol
 8 and tobacco control shall be interpreted to allow any wholesaler, distributor, or
 9 manufacturer of intoxicating liquor to furnish dispensing or cooling equipment,
 10 or containers that are filled or refilled under subsection 1 of this section, to any
 11 person who is licensed to sell intoxicating liquor in the original package at retail
 12 as provided in subsection 1 of section 311.200.~~

13 ~~3. (1) Containers that are filled or refilled under subsection 1 of this
 14 section shall be affixed with a label or a tag that shall contain the following
 15 information in type not smaller than three millimeters in height and not more than
 16 twelve characters per inch:~~

17 ~~(a) Brand name of the product dispensed;~~

18 ~~(b) Name of brewer or bottler;~~

- 19 ~~_____ (c) Class of product, such as beer, ale, lager, bock, stout, or other brewed~~
20 ~~or fermented beverage;~~
- 21 ~~_____ (d) Net contents;~~
- 22 ~~_____ (e) Name and address of the business that filled or refilled the container;~~
- 23 ~~_____ (f) Date of fill or refill;~~
- 24 ~~_____ (g) The following statement: "This product may be unfiltered and~~
25 ~~unpasteurized. Keep refrigerated at all times.".~~
- 26 ~~_____ (2) Containers that are filled or refilled under subsection 1 of this section~~
27 ~~shall be affixed with the alcoholic beverage health warning statement as required~~
28 ~~by the Federal Alcohol Administration Act, 27 CFR Sections 16.20 to 16.22.~~
- 29 ~~_____ 4. (1) The filling and refilling of containers shall only occur on demand~~
30 ~~by a customer and containers shall not be prefilled by the retailer or its employee.~~
- 31 ~~_____ (2) Containers shall only be filled or refilled by an employee of the~~
32 ~~retailer.~~
- 33 ~~_____ (3) Containers shall be filled or refilled as follows:~~
- 34 ~~_____ (a) Containers shall be filled or refilled with a tube as described in~~
35 ~~subdivision (4) of this subsection and:~~
- 36 ~~_____ a. Food grade sanitizer shall be used in accordance with the~~
37 ~~Environmental Protection Agency registered label use instructions;~~
- 38 ~~_____ b. A container of liquid food-grade sanitizer shall be maintained for no~~
39 ~~more than ten malt beverage taps that will be used for filling and refilling~~
40 ~~containers;~~
- 41 ~~_____ c. Each container shall contain no less than five tubes that will be used~~
42 ~~only for filling and refilling containers;~~
- 43 ~~_____ d. The container shall be inspected visually for contamination;~~
- 44 ~~_____ e. After each filling or refilling of a container, the tube shall be immersed~~
45 ~~in the container with the liquid food-grade sanitizer; and~~
- 46 ~~_____ f. A different tube from the container shall be used for each filling or~~
47 ~~refilling of a container; or~~
- 48 ~~_____ (b) Containers shall be filled or refilled with a contamination-free process~~
49 ~~and:~~
- 50 ~~_____ a. The container shall be inspected visually for contamination;~~
- 51 ~~_____ b. The container shall only be filled or refilled by the retailer's employee;~~
52 ~~and~~
- 53 ~~_____ c. The filling or refilling shall be in compliance with the Food and Drug~~
54 ~~Administration Code 2009, Section 3-304.17(c).~~

55 ~~_____ (4) Containers shall be filled or refilled from the bottom of the container~~
56 ~~to the top with a tube that is attached to the malt beverage faucet and extends to~~
57 ~~the bottom of the container or with a commercial filling machine.~~

58 ~~_____ (5) When not in use, tubes to fill or refill shall be immersed and stored~~
59 ~~in a container with liquid food-grade sanitizer.~~

60 ~~_____ (6) After filling or refilling a container, the container shall be sealed as~~
61 ~~set forth in subsection 1 of this section.]~~

62

~~[311.205. 1. Any person licensed to sell liquor at retail by the drink for~~
2 ~~consumption on the premises where sold may use a self-dispensing system, which~~
3 ~~is monitored and controlled by the licensee and allows patrons of the licensee to~~
4 ~~self-dispense beer or wine. Before a patron may dispense beer or wine, an~~
5 ~~employee of the licensee must first authorize an amount of beer or wine, not to~~
6 ~~exceed thirty-two ounces of beer or sixteen ounces of wine per patron per~~
7 ~~authorization, to be dispensed by the self-dispensing system.~~

8 ~~_____ 2. No provision of law or rule or regulation of the supervisor shall be~~
9 ~~interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating~~
10 ~~liquor to furnish self-dispensing or cooling equipment or provide services for the~~
11 ~~maintenance, sanitation, or repair of self-dispensing systems.]~~

12

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

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

16

2 ~~[311.211. Sales of tickets for participation in fishing contests wherein the~~
3 ~~skill of the participant is an element shall not be construed as gambling or~~
4 ~~participation in gambling activities for the purpose of administering the~~
5 ~~provisions of this chapter or rules and regulations made pursuant thereto. The~~
6 ~~division of liquor control shall not deny, suspend or revoke any license issued~~
7 ~~under those chapters because of the sale of such tickets on the licensed premises.]~~

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

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

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

24 ~~3. Every licensee shall keep displayed prominently at all times on their~~
25 ~~licensed premises any city or county license designating their premises as a place~~
26 ~~licensed by the city or county to sell intoxicating liquors. Nonetheless, no~~
27 ~~application shall be disapproved by the supervisor of alcohol and tobacco control~~
28 ~~for failure to possess a city or county license when making application for a~~
29 ~~license. Within ten days from the issuance of said city or county license, the~~
30 ~~licensee shall file with the supervisor of alcohol and tobacco control a copy of~~
31 ~~such city or county license.]~~

2 ~~[311.230. Application for license to manufacture or sell intoxicating~~
3 ~~liquor, under the provisions of this law, shall be made to the supervisor of liquor~~
4 ~~control.]~~

2 ~~[311.240. 1. On approval of the application and payment of the license~~
3 ~~tax provided in this chapter, the supervisor of liquor control shall grant the~~
4 ~~applicant a license to conduct business in the state for a term to expire with the~~
5 ~~thirtieth day of June next succeeding the date of such license. A separate license~~
6 ~~shall be required for each place of business. Of the license tax to be paid for any~~
7 ~~such license, the applicant shall pay as many twelfths as there are months (part~~
8 ~~of a month counted as a month) remaining from the date of the license to the next~~
9 ~~succeeding July first.~~

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

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

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

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

2 ~~[311.250. 1. No license issued under this chapter shall be transferable or~~
3 ~~assignable except as herein provided. In the event of the death of the licensee,~~
4 ~~the widow or widower or the next of kin of such deceased licensee, who shall~~

4 meet the other requirements of this law may make application and the supervisor
 5 of liquor control may transfer such license to permit the operation of the business
 6 of the deceased for the remainder of the period for which a license fee has been
 7 paid by the deceased.

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

13 ~~[311.260. 1. No person, corporation, employee, officer, agent,~~
 2 ~~subsidiary, or affiliate thereof, shall:~~

- 3 ~~(1) Have more than five licenses; or~~
- 4 ~~(2) Be directly or indirectly interested in any business of any other~~
 5 ~~person, corporation, or employee, officer, agent, subsidiary, or affiliate thereof,~~
 6 ~~who sells intoxicating liquor at retail by the drink for consumption on the~~
 7 ~~premises described in any license; or~~
- 8 ~~(3) Sell intoxicating liquor at retail by the drink for consumption at the~~
 9 ~~place of sale at more than five places in this state.~~

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

- 16 ~~(1) Restaurants where at least fifty percent of the gross income of which~~
 17 ~~is derived from the sale of prepared meals or food consumed on the premises~~
 18 ~~where sold; or~~
- 19 ~~(2) Establishments which have an annual gross income of at least two~~
 20 ~~hundred thousand dollars from the sale of prepared meals or food consumed on~~
 21 ~~the premises where sold; or~~
- 22 ~~(3) Facilities designed for the performance of live entertainment and~~
 23 ~~where the receipts for admission to such performances exceed one hundred~~
 24 ~~thousand dollars per calendar year; or~~
- 25 ~~(4) Any establishment having at least forty rooms for the overnight~~
 26 ~~accommodation of transient guests.]~~

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

2 ~~[311.270. 1. It shall be unlawful for any person, holding a license for the~~
3 ~~sale of malt liquor only, to possess, consume, store, sell or offer for sale, give~~
4 ~~away or otherwise dispose of, upon or about the premises mentioned in said~~
5 ~~license, or, upon or about said premises, to suffer or permit any person to possess,~~
6 ~~consume, store, sell or offer for sale, give away or otherwise dispose of, any~~
7 ~~intoxicating liquor of any kind whatsoever other than malt liquor brewed or~~
8 ~~manufactured by the method, in the manner, and of the ingredients, required by~~
9 ~~the laws of this state. Whosoever shall violate any provision of this section shall~~
10 ~~be guilty of a misdemeanor, and upon conviction thereof by any court of~~
11 ~~competent jurisdiction shall be punished as in this chapter provided as to~~
12 ~~misdemeanors. Upon such conviction becoming final, the license of the person~~
13 ~~so convicted shall forthwith, and without other or further action, order or~~
14 ~~proceeding, be deemed to have been revoked, and shall by the licensee be~~
15 ~~forthwith surrendered to the supervisor and cancelled.~~

16 ~~2. No license for the sale of malt liquor only shall be issued to any person~~
17 ~~having in his possession or on the premises to be licensed a federal excise or~~
18 ~~occupational tax stamp or receipt, designating such person or premises as the~~
19 ~~person or place for dealing in intoxicating liquor other than malt liquors, or~~
20 ~~evidencing the payment of a tax for being a dealer in liquors other than malt~~
21 ~~liquors. If any person having a license for the sale of malt liquors only shall have~~
22 ~~in his possession or on the licensed premises a federal excise or occupational tax~~
23 ~~stamp or special tax receipt, designating such person or premises as the person~~
24 ~~or place for dealing in intoxicating liquors, except malt liquors, or evidencing the~~
25 ~~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. In any prosecution for the~~

26 ~~violation of this section, evidence that the defendant has in his possession or~~
27 ~~upon the premises in question a federal excise or occupational tax stamp or~~
28 ~~special tax receipt, designating such person or premises as the person or place for~~
29 ~~dealing in intoxicating liquors other than malt liquors, or evidencing the payment~~
30 ~~of a tax for being a dealer in liquors, other than malt liquors, shall be deemed~~
31 ~~prima facie evidence of a violation of the provisions of this section.~~

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

42

~~[311.275. 1. For purposes of tax revenue control, beginning January 1,~~
2 ~~1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as~~
3 ~~defined in this chapter, within this state, other than a wholesale-solicitor, shall~~
4 ~~solicit, accept, or fill any order for any intoxicating liquor from a holder of a~~
5 ~~wholesaler's license issued under this chapter, unless the holder of such~~
6 ~~solicitor's license has registered with the division of alcohol and tobacco control~~
7 ~~as the primary American source of supply for the brand of intoxicating liquor~~
8 ~~sold or sought to be sold. The supervisor of alcohol and tobacco control shall~~
9 ~~provide forms for annual registration as the primary American source of supply,~~
10 ~~and shall prescribe the procedures for such registration.~~

11 ~~2. Beginning January 1, 1980, no holder of a wholesaler's license issued~~
12 ~~under this chapter shall order, purchase or receive any intoxicating liquor from~~
13 ~~any solicitor, other than a wholesale-solicitor, unless the solicitor has registered~~
14 ~~with the division of alcohol and tobacco control as the primary American source~~
15 ~~of supply for the brand of intoxicating liquor ordered, purchased or received.~~

16 ~~3. The term "primary American source of supply" as used herein shall~~
17 ~~mean the distiller, producer, the owner of the commodity at the time it became~~
18 ~~a marketable product, the bottler, or the exclusive agent of any such distiller,~~
19 ~~producer, bottler or owner, the basic requirement being that the nonresident seller~~

20 be the first source closest to the manufacturer in the channel of commerce from
 21 whom the product can be secured by American wholesalers.

22 ~~4. Any vintage wine solicitor licensed under section 311.180 may register~~
 23 ~~as the primary American source of supply for vintage wine with the division of~~
 24 ~~alcohol and tobacco control, provided that another solicitor is not registered as~~
 25 ~~the primary American source of supply for the vintage wine and the vintage wine~~
 26 ~~has been approved for sale by the federal Alcohol and Tobacco Tax and Trade~~
 27 ~~Bureau.~~

28 ~~5. The supervisor of alcohol and tobacco control shall approve or deny~~
 29 ~~any application for primary American source of supply for any intoxicating liquor~~
 30 ~~product within five working days following the receipt of a properly completed~~
 31 ~~application. Any such application for an intoxicating liquor product received by~~
 32 ~~the supervisor of alcohol and tobacco control that is not approved or denied~~
 33 ~~within five working days shall be considered conditionally approved and such~~
 34 ~~intoxicating liquor product may be solicited, sold, shipped, ordered, purchased,~~
 35 ~~and received in this state. All such applications submitted by applicants located~~
 36 ~~in the state, and exclusively doing business in the state, shall be approved or~~
 37 ~~denied before any such applications originating from other states are approved~~
 38 ~~or denied.]~~

39

~~[311.280. 1. It shall be unlawful for any person in this state holding a~~
 2 ~~retail liquor license to purchase any intoxicating liquor except from, by or~~
 3 ~~through a duly licensed wholesale liquor dealer in this state. It shall be unlawful~~
 4 ~~for such retail liquor dealer to sell or offer for sale any intoxicating liquor~~
 5 ~~purchased in violation of the provisions of this section. Any person violating any~~
 6 ~~provision of this section shall be deemed guilty of a misdemeanor.~~

7 ~~2. Any retailer licensed pursuant to this chapter shall not:~~

8 ~~(1) Sell intoxicating liquor with an alcohol content of less than five~~
 9 ~~percent by weight to the consumer in an original carton received from the~~
 10 ~~wholesaler that has been mutilated, torn apart, or cut apart; or~~

11 ~~(2) Repackage intoxicating liquor with an alcohol content of less than~~
 12 ~~five percent by weight in a manner misleading to the consumer or that results in~~
 13 ~~required labeling being omitted or obscured.]~~

14

~~[311.290. No person having a license issued pursuant to this chapter, nor~~
 2 ~~any employee of such person, shall sell, give away, or permit the consumption of~~

3 any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00
4 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m.
5 Monday, upon or about his or her premises. If the person has a license to sell
6 intoxicating liquor by the drink, his premises shall be and remain a closed place
7 as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on
8 weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.
9 Where such licenses authorizing the sale of intoxicating liquor by the drink are
10 held by clubs, hotels, or bowling alleys, this section shall apply only to the room
11 or rooms in which intoxicating liquor is dispensed; and where such licenses are
12 held by restaurants or bowling alleys whose business is conducted in one room
13 only, then the licensee shall keep securely locked during the hours and on the
14 days specified in this section all refrigerators, cabinets, cases, boxes, and taps
15 from which intoxicating liquor is dispensed. A "closed place" is defined to mean
16 a place where all doors are locked and where no patrons are in the place or about
17 the premises. Any person violating any provision of this section shall be deemed
18 guilty of a class A misdemeanor. Nothing in this section shall be construed to
19 prohibit the sale or delivery of any intoxicating liquor during any of the hours or
20 on any of the days specified in this section by a wholesaler licensed under the
21 provisions of section 311.180 to a person licensed to sell the intoxicating liquor
22 at retail.]

23

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
fee charged by that city or county for a special license issued pursuant to any

15 provision of this chapter which allows a licensee to sell intoxicating liquor by the
 16 drink for consumption on the premises of the licensee on Sundays.

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

20

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

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

11

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

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

13 ~~3. (1) Notwithstanding any other provisions of this chapter to the~~
 14 ~~contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated~~
 15 ~~employee may provide or furnish distilled spirits, wine, or malt beverage samples~~
 16 ~~on a licensed retail premises for customer tasting purposes so long as the winery,~~
 17 ~~distiller, manufacturer, wholesaler, or brewer or designated employee has~~
 18 ~~permission from the person holding the retail license. The retail licensed~~
 19 ~~premises where such product tasting is provided shall maintain a special permit~~

20 ~~in accordance with section 311.294 or hold a~~
 21 ~~by-the-drink-for-consumption-on-the-premises-where-sold retail license. No~~
 22 ~~money or anything of value shall be given to the retailers for the privilege or~~
 23 ~~opportunity of conducting the on-the-premises product tasting.~~

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

30 ~~————— (3) Any distilled spirits, wine, or malt beverage sample provided by the~~
 31 ~~retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the~~
 32 ~~tasting shall be returned to the retailer, winery, distiller, manufacturer,~~
 33 ~~wholesaler, or brewer.]~~

34

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.]~~

10

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

8 ~~————— 2. Any employee of the supervisor of liquor control may report a~~
 9 ~~violation of this section to the supervisor, and the supervisor shall issue a~~
 10 ~~warning to the licensee of the violation.~~

11 ~~————— 3. Notwithstanding the provisions of section 311.880 to the contrary, no~~
 12 ~~person who violates the provisions of this section shall be guilty of a crime.]~~

2 ~~[311.300. 1. Except as provided in subsections 2, 3 and 4 of this section,~~
3 ~~no person under the age of twenty-one years shall sell or assist in the sale or~~
4 ~~dispensing of intoxicating liquor.~~

5 ~~2. In any place of business licensed in accordance with section 311.200,~~
6 ~~persons at least eighteen years of age may stock, arrange displays, operate the~~
7 ~~cash register or scanner connected to a cash register and accept payment for, and~~
8 ~~sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from~~
9 ~~the licensed business premises cannot be performed by anyone under the age of~~
10 ~~twenty-one years. Any licensee who employs any person under the age of~~
11 ~~twenty-one years, as authorized by this subsection, shall, when at least fifty~~
12 ~~percent of the licensee's gross sales does not consist of nonalcoholic sales, have~~
13 ~~an employee twenty-one years of age or older on the licensed premises during all~~
14 ~~hours of operation.~~

15 ~~3. In any distillery, warehouse, wholesale distributorship, or similar place~~
16 ~~of business which stores or distributes intoxicating liquor but which does not sell~~
17 ~~intoxicating liquor at retail, persons at least eighteen years of age may be~~
18 ~~employed and their duties may include the handling of intoxicating liquor for all~~
19 ~~purposes except consumption, sale at retail, or dispensing for consumption or sale~~
20 ~~at retail. Any wholesaler licensed pursuant to this chapter may employ persons~~
21 ~~of at least eighteen years of age to rotate, stock and arrange displays at retail~~
22 ~~establishments licensed to sell intoxicating liquor.~~

23 ~~4. Persons eighteen years of age or older may, when acting in the capacity~~
24 ~~of a waiter or waitress, accept payment for or serve intoxicating liquor in places~~
25 ~~of business which sell food for consumption on the premises if at least fifty~~
26 ~~percent of all sales in those places consists of food; provided that nothing in this~~
27 ~~section shall authorize persons under twenty-one years of age to mix or serve~~
28 ~~across the bar intoxicating beverages.]~~

2 ~~[311.310. 1. Any licensee under this chapter, or his employee, who shall~~
3 ~~sell, vend, give away or otherwise supply any intoxicating liquor in any quantity~~
4 ~~whatsoever to any person under the age of twenty-one years, or to any person~~
5 ~~intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard,~~
6 ~~and any person whomsoever except his parent or guardian who shall procure for,~~
7 ~~sell, give away or otherwise supply intoxicating liquor to any person under the~~
8 ~~age of twenty-one years, or to any intoxicated person or any person appearing to~~
 ~~be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of~~

9 a misdemeanor, except that this section shall not apply to the supplying of
 10 intoxicating liquor to a person under the age of twenty-one years for medical
 11 purposes only, or to the administering of such intoxicating liquor to any person
 12 by a duly licensed physician. No person shall be denied a license or renewal of
 13 a license issued under this chapter solely due to a conviction for unlawful sale or
 14 supply to a minor when serving in the capacity as an employee of a licensed
 15 establishment.

16 ~~2. Any owner, occupant, or other person or legal entity with a lawful right~~
 17 ~~to the exclusive use and enjoyment of any property who knowingly allows a~~
 18 ~~person under the age of twenty-one to drink or possess intoxicating liquor or~~
 19 ~~knowingly fails to stop a person under the age of twenty-one from drinking or~~
 20 ~~possessing intoxicating liquor on such property, unless such person allowing the~~
 21 ~~person under the age of twenty-one to drink or possess intoxicating liquor is his~~
 22 ~~or her parent or guardian, is guilty of a class B misdemeanor. Any second or~~
 23 ~~subsequent violation of this subsection is a class A misdemeanor.~~

24 ~~3. It shall be a defense to prosecution under this section if:~~

25 ~~(1) The defendant is a licensed retailer, club, drinking establishment, or~~
 26 ~~caterer or holds a temporary permit, or an employee thereof;~~

27 ~~(2) The defendant sold the intoxicating liquor to the minor with~~
 28 ~~reasonable cause to believe that the minor was twenty-one or more years of age;~~
 29 ~~and~~

30 ~~(3) To purchase the intoxicating liquor, the person exhibited to the~~
 31 ~~defendant a driver's license, Missouri nondriver's identification card, or other~~
 32 ~~official or apparently official document, containing a photograph of the minor~~
 33 ~~and purporting to establish that such minor was twenty-one years of age and of~~
 34 ~~the legal age for consumption of intoxicating liquor.]~~

35

~~[311.315. 1. A person commits the offense of manufacturing a false~~
 2 ~~identification if he or she possesses any means of identification for the purpose~~
 3 ~~of manufacturing and providing or selling a false identification card to a person~~
 4 ~~under the age of twenty-one for the purpose of purchasing or obtaining alcohol.~~

5 ~~2. The offense of manufacturing a false identification is a class A~~
 6 ~~misdemeanor.]~~

7

~~[311.320. 1. Any person of the age of seventeen years and under the age~~
 2 ~~of twenty-one years who shall represent that he has attained the age of twenty-one~~

3 ~~years for the purpose of purchasing, asking for or in any way receiving any~~
4 ~~intoxicating liquor, except in cases authorized by law, shall upon conviction be~~
5 ~~deemed guilty of a misdemeanor. Any person under the age of seventeen years~~
6 ~~who shall represent that he has attained the age of twenty-one years for the~~
7 ~~purpose of purchasing, asking for or in any way receiving any intoxicating liquor,~~
8 ~~except in cases authorized by law, may be considered a delinquent child and may~~
9 ~~be dealt with in accordance with the provisions of chapter 211.~~

10 ~~2. In addition to any other penalties established in subsection 1 of this~~
11 ~~section and established in sections 302.400 to 302.426, any person who is less~~
12 ~~than twenty-one years of age who uses a reproduced, modified or altered~~
13 ~~chauffeur's license, motor vehicle operator's license, identification card issued by~~
14 ~~any uniformed service of the United States, passport or identification card~~
15 ~~established in section 302.181 for the purpose of purchasing, asking for or in any~~
16 ~~way receiving any intoxicating liquor, shall be guilty of a misdemeanor and shall~~
17 ~~be subject to a fine of five hundred dollars for each separate offense.]~~

18

~~[311.325. 1. Any person under the age of twenty-one years, who~~
2 ~~purchases or attempts to purchase, or has in his or her possession, any~~
3 ~~intoxicating liquor as defined in section 311.020 or who is visibly in an~~
4 ~~intoxicated condition as defined in section 577.001, or has a detectable blood~~
5 ~~alcohol content of more than two-hundredths of one percent or more by weight~~
6 ~~of alcohol in such person's blood is guilty of a misdemeanor. A first violation of~~
7 ~~this section shall be punishable as a class D misdemeanor. A second or~~
8 ~~subsequent violation of this section shall be punishable as a class A~~
9 ~~misdemeanor. Prior findings of guilt shall be pleaded and proven in the same~~
10 ~~manner as required by section 558.021. For purposes of prosecution under this~~
11 ~~section or any other provision of this chapter involving an alleged illegal sale or~~
12 ~~transfer of intoxicating liquor to a person under twenty-one years of age, a~~
13 ~~manufacturer-sealed container describing that there is intoxicating liquor therein~~
14 ~~need not be opened or the contents therein tested to verify that there is~~
15 ~~intoxicating liquor in such container. The alleged violator may allege that there~~
16 ~~was not intoxicating liquor in such container, but the burden of proof of such~~
17 ~~allegation is on such person, as it shall be presumed that such a sealed container~~
18 ~~describing that there is intoxicating liquor therein contains intoxicating liquor.~~

19 ~~2. For purposes of determining violations of any provision of this~~
20 ~~chapter, or of any rule or regulation of the supervisor of alcohol and tobacco~~

21 ~~control, a manufacturer-sealed container describing that there is intoxicating~~
22 ~~liquor therein need not be opened or the contents therein tested to verify that~~
23 ~~there is intoxicating liquor in such container. The alleged violator may allege~~
24 ~~that there was not intoxicating liquor in such container, but the burden of proof~~
25 ~~of such allegation is on such person, as it shall be presumed that such a sealed~~
26 ~~container describing that there is intoxicating liquor therein contains intoxicating~~
27 ~~liquor.~~

28 ~~3. Any person under the age of twenty-one years who purchases or~~
29 ~~attempts to purchase, or has in his or her possession, any intoxicating liquor, or~~
30 ~~who is visibly in an intoxicated condition as defined in section 577.001, shall be~~
31 ~~deemed to have given consent to a chemical test or tests of the person's breath,~~
32 ~~blood, saliva, or urine for the purpose of determining the alcohol or drug content~~
33 ~~of the person's blood. The implied consent to submit to the chemical tests listed~~
34 ~~in this subsection shall be limited to not more than two such tests arising from the~~
35 ~~same arrest, incident, or charge. Chemical analysis of the person's breath, blood,~~
36 ~~saliva, or urine shall be performed according to methods approved by the state~~
37 ~~department of health and senior services by licensed medical personnel or by a~~
38 ~~person possessing a valid permit issued by the state department of health and~~
39 ~~senior services for this purpose. The state department of health and senior~~
40 ~~services shall approve satisfactory techniques, devices, equipment, or methods~~
41 ~~to be considered valid and shall establish standards to ascertain the qualifications~~
42 ~~and competence of individuals to conduct analyses and to issue permits which~~
43 ~~shall be subject to termination or revocation by the state department of health and~~
44 ~~senior services. The person tested may have a physician, or a qualified~~
45 ~~technician, chemist, registered nurse, or other qualified person at the choosing~~
46 ~~and expense of the person to be tested, administer a test in addition to any~~
47 ~~administered at the direction of a law enforcement officer. The failure or~~
48 ~~inability to obtain an additional test by a person shall not preclude the admission~~
49 ~~of evidence relating to the test taken at the direction of a law enforcement officer.~~
50 ~~Upon the request of the person who is tested, full information concerning the test~~
51 ~~shall be made available to such person. Full information is limited to the~~
52 ~~following:~~

53 ~~————— (1) The type of test administered and the procedures followed;~~

54 ~~————— (2) The time of the collection of the blood or breath sample or urine~~
55 ~~analyzed;~~

56 ~~————— (3) The numerical results of the test indicating the alcohol content of the~~
 57 ~~blood and breath and urine;~~

58 ~~————— (4) The type and status of any permit which was held by the person who~~
 59 ~~performed the test;~~

60 ~~————— (5) If the test was administered by means of a breath-testing instrument,~~
 61 ~~the date of performance of the most recent required maintenance of such~~
 62 ~~instrument.~~

63

64 ~~———— Full information does not include manuals, schematics, or software of the~~
 65 ~~instrument used to test the person or any other material that is not in the actual~~
 66 ~~possession of the state. Additionally, full information does not include~~
 67 ~~information in the possession of the manufacturer of the test instrument.~~

68 ~~————— 4. The provisions of this section shall not apply to a student who:~~

69 ~~————— (1) Is eighteen years of age or older;~~

70 ~~————— (2) Is enrolled in an accredited college or university and is a student in~~
 71 ~~a culinary course;~~

72 ~~————— (3) Is required to taste, but not consume or imbibe, any beer, ale, porter,~~
 73 ~~wine, or other similar malt or fermented beverage as part of the required~~
 74 ~~curriculum; and~~

75 ~~————— (4) Tastes a beverage under subdivision (3) of this subsection only for~~
 76 ~~instructional purposes during classes that are part of the curriculum of the~~
 77 ~~accredited college or university. The beverage must at all times remain in the~~
 78 ~~possession and control of an authorized instructor of the college or university,~~
 79 ~~who must be twenty-one years of age or older. Nothing in this subsection may~~
 80 ~~be construed to allow a student under the age of twenty-one to receive any beer,~~
 81 ~~ale, porter, wine, or other similar malt or fermented beverage unless the beverage~~
 82 ~~is delivered as part of the student's required curriculum and the beverage is used~~
 83 ~~only for instructional purposes during classes conducted as part of the~~
 84 ~~curriculum.]~~

85

2 ~~[311.326. After a period of not less than one year after reaching the age~~
 3 ~~of twenty-one a person who has pleaded guilty to or has been found guilty of~~
 4 ~~violating section 311.325 for the first time, and who since such conviction has~~
 5 ~~not been convicted of any other alcohol-related offense, may apply to the court~~
 6 ~~in which he or she was sentenced for an order to expunge all official records of~~
 his or her arrest, plea, trial and conviction. No records shall be expunged if the

7 person who has pleaded guilty to or has been found guilty of violating section
8 311.325 is licensed as a commercial motor vehicle driver or was operating a
9 commercial motor vehicle as defined in section 302.700 at the time of the
10 violation. If the court determines, upon review, that such person has not been
11 convicted of any other alcohol-related offense at the time of the application for
12 expungement, and the person has had no other alcohol-related enforcement
13 contacts, as defined in section 302.525, the court shall enter an order of
14 expungement. The effect of such an order shall be to restore such person to the
15 status he or she occupied prior to such arrest, plea or conviction, as if such event
16 had never happened. No person as to whom such order has been entered shall be
17 held thereafter under any provision of any law to be guilty of perjury or otherwise
18 giving a false statement by reason of his or her failure to recite or acknowledge
19 such arrest, plea, trial, conviction or expungement in response to any inquiry
20 made of him or her for any purpose whatsoever. A person shall be entitled to
21 only one expungement pursuant to this section. Nothing contained in this section
22 shall prevent courts or other state officials from maintaining such records as are
23 necessary to ensure that an individual receives only one expungement pursuant
24 to this section.]

25

2 [311.328. 1. A valid and unexpired operator's or chauffeur's license
3 issued under the provisions of section 302.177, or a valid and unexpired
4 operator's or chauffeur's license issued under the laws of any state or territory of
5 the United States to residents of those states or territories, or a valid and
6 unexpired identification card or nondriver's license as provided for under section
7 302.181, or a valid and unexpired nondriver's license issued under the laws of
8 any state or territory of the United States to residents of those states or territories,
9 or a valid and unexpired identification card issued by any uniformed service of
10 the United States, or a valid and unexpired passport shall be presented by the
11 holder thereof upon request of any agent of the division of alcohol and tobacco
12 control or any licensee or the servant, agent or employee thereof for the purpose
13 of aiding the licensee or the servant, agent or employee to determine whether or
14 not the person is at least twenty-one years of age when such person desires to
15 purchase or consume alcoholic beverages procured from a licensee. Upon such
16 presentation the licensee or the servant, agent or employee thereof shall compare
the photograph and physical characteristics noted on the license, identification

17 card or passport with the physical characteristics of the person presenting the
 18 license, identification card or passport.

19 ~~2. Upon proof by the licensee of full compliance with the provisions of
 20 this section, no penalty shall be imposed if the supervisor of the division of
 21 alcohol and tobacco control or the courts are satisfied that the licensee acted in
 22 good faith.~~

23 ~~3. Any person who shall, without authorization from the department of
 24 revenue, reproduce, alter, modify, or misrepresent any chauffeur's license, motor
 25 vehicle operator's license or identification card shall be deemed guilty of a
 26 misdemeanor and upon conviction shall be subject to a fine of not more than one
 27 thousand dollars, and confinement for not more than one year, or by both such
 28 fine and imprisonment.]~~

29

~~[311.329. Any person who has in his possession a reproduced, modified
 2 or altered motor vehicle driver's license, nondriver's license issued by any
 3 uniformed service of the United States, or identification card established in
 4 section 302.181, or any other such identification card which indicates that the
 5 person represented on the card is over twenty-one years of age, is guilty of a class
 6 A misdemeanor.]~~

7

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

8

~~[311.332. 1. It shall be unlawful for any wholesaler licensed to sell
 2 intoxicating liquor and wine containing alcohol in excess of five percent by
 3 weight to persons duly licensed to sell such intoxicating liquor and wine at retail,
 4 to discriminate between retailers or in favor of or against any retailer or group of
 5 retailers, directly or indirectly, in price, in discounts for time of payment, or in
 6 discounts on quantity of merchandise sold, or to grant directly or indirectly any
 7 discount, rebate, free goods, allowance or other inducement, excepting a discount
 8 not in excess of one percent for quantity of liquor and wine, and a discount not~~

9 in excess of one percent for payment on or before a certain date. The delivery of
10 manufacturer rebate coupons by wholesalers to retailers shall not be a violation
11 of this subsection.

12 ~~2. Manufacturers or wholesalers shall be permitted to donate or deliver~~
13 ~~or cause to be delivered beer, wine, or brandy for nonresale purposes to any~~
14 ~~unlicensed person or any licensed retail dealer who is a charitable or religious~~
15 ~~organization as defined in section 313.005 or educational institution, at any~~
16 ~~location or licensed premises, provided, such beer, wine, or brandy is unrelated~~
17 ~~to the organization's or institution's licensed retail operation. A charge for~~
18 ~~admission to an event or activity at which beer, wine, or brandy is available~~
19 ~~without separate charge shall not constitute resale for the purposes of this~~
20 ~~subsection. Wine used in religious ceremonies may be sold by wholesalers to a~~
21 ~~religious organization as defined in section 313.005. Any manufacturer or~~
22 ~~wholesaler providing nonresale items shall keep a record of any deliveries made~~
23 ~~pursuant to this subsection.~~

24 ~~3. Manufacturers, wholesalers, retailers and unlicensed persons may~~
25 ~~donate wine in the original package to a charitable or religious organization as~~
26 ~~defined in section 313.005 or educational institution for the sole purpose of being~~
27 ~~auctioned by the organization or institution for fund-raising purposes, provided~~
28 ~~the auction takes place on a retail-licensed premises and all proceeds from the~~
29 ~~sale go into a fund of an organization or institution that is unrelated to any~~
30 ~~licensed retail operation.]~~

31

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

6 ~~2. Any wholesaler licensed to sell intoxicating liquor or wine containing~~
7 ~~alcohol in excess of five percent by weight to persons duly licensed to sell such~~
8 ~~intoxicating liquor and wine at retail shall make available to all such retailers, not~~
9 ~~later than five days prior to the first day of the month in which the pricing is to~~
10 ~~be effective, information regarding all products which shall be available for sale~~
11 ~~in the next month. Such information shall include the brand or trade name,~~
12 ~~capacity of individual packages, nature of contents, age and proof, the per-bottle~~
13 ~~and per-case price which shall be offered equally to all retailers, the number of~~

14 bottles contained in each case, and the size thereof. The price provided to
15 retailers under this section shall become effective on the first day of the next
16 month and remain in effect until the last day of that month. Supplemental pricing
17 information may be provided to retailers by wholesalers for items that were
18 unintentionally left off a regular monthly item information listing or for new
19 items after approval for sale in Missouri by the Missouri division of alcohol and
20 tobacco control. A wholesaler shall be allowed to sell such items to retailers
21 immediately upon production of such supplemental information.]
22

2 ~~[311.335. 1. Any wholesaler licensed to sell intoxicating liquor and wine~~
3 ~~containing alcohol in excess of five percent by weight shall deliver such~~
4 ~~intoxicating liquor and wine to a retailer at the price in effect for that calendar~~
5 ~~month in which the delivery occurs.~~

6 ~~2. Such wholesaler licensed to sell intoxicating liquor and wine~~
7 ~~containing alcohol in excess of five percent by weight shall not take an order for~~
8 ~~delivery in a month subsequent to the month in which the order is taken, provided~~
9 ~~that during the last five business days of each month, orders may be taken for~~
10 ~~delivery in the following month at the price in effect for that following month and~~
11 ~~provided, further, that for any order received within the last five business days of~~
12 ~~a month, the wholesaler may, with the consent of the retailer placing such order,~~
13 ~~deliver such order to the retailer within the first five business days of the month~~
14 ~~following the month in which the order was received by such wholesaler at the~~
15 ~~price in effect for the month in which the order was placed. Such order received~~
16 ~~within the last five business days of a month and delivered within the first five~~
17 ~~business days of the subsequent month shall be known as a "delayed shipment".~~
18 ~~A delayed shipment shall be deemed delivered on the last business day of the~~
19 ~~month in which the order was received for purposes of implementing and~~
20 ~~enforcing rules and regulations of the supervisor of alcohol and tobacco control~~
21 ~~relating to invoicing, discounts and ordinary commercial credit terms.~~

22 ~~3. Any wholesaler licensed to sell intoxicating liquors and wines~~
23 ~~containing alcohol in excess of five percent by weight shall be allowed to offer~~
24 ~~for sale intoxicating liquors or wines containing alcohol in excess of five percent~~
25 ~~by weight to persons duly licensed to sell intoxicating liquors and wines at retail~~
26 ~~at prices which are below the wholesaler's cost only if such intoxicating liquors~~
27 ~~and wines are designated to be close-out merchandise. Wholesalers shall~~
~~designate intoxicating liquors and wines containing alcohol in excess of five~~

28 ~~percent by weight to be close-out merchandise by identifying them such as~~
 29 ~~close-out items when providing monthly pricing information to retailers as~~
 30 ~~required in section 311.333. A wholesaler shall not purchase any intoxicating~~
 31 ~~liquor or wine containing alcohol in excess of five percent by weight while such~~
 32 ~~intoxicating liquor or wine is designated as close-out merchandise. Intoxicating~~
 33 ~~liquors or wines containing alcohol in excess of five percent by weight that are~~
 34 ~~designated as close-out merchandise shall be designated as close-out merchandise~~
 35 ~~for not less than six consecutive months. After such time, a wholesaler may~~
 36 ~~remove items from close-out designation by no longer identifying them as~~
 37 ~~close-out items when providing monthly pricing information to retailers as~~
 38 ~~required in section 311.333.]~~
 39

~~[311.338. Alleged violations of sections 311.332, 311.333, and 311.335~~
 2 ~~shall be reported to the supervisor of alcohol and tobacco control. Any person~~
 3 ~~violating any provisions of sections 311.332 , 311.333, and 311.335 shall be~~
 4 ~~deemed guilty of a misdemeanor, and it shall be the duty of the supervisor of~~
 5 ~~alcohol and tobacco control to suspend or revoke the license of any wholesaler~~
 6 ~~violating any of the provisions of sections 311.332 , 311.333, and 311.335.]~~
 7

~~[311.340. No holder of a license under this chapter, or any other person,~~
 2 ~~shall for any purpose whatsoever mix or permit or cause to be mixed with any~~
 3 ~~intoxicating liquor kept for sale, sold or supplied by him as a beverage, any drug~~
 4 ~~or form of methyl alcohol or impure form of alcohol.]~~
 5

~~[311.355. 1. Manufacturers of intoxicating liquor other than beer or wine~~
 2 ~~shall be permitted to offer consumer cash rebate coupons as provided in this~~
 3 ~~subsection:~~
 4 ~~————— (1) Consumer cash rebate coupons may be published or advertised by~~
 5 ~~manufacturers in newspapers, magazines and other mass media;~~
 6 ~~————— (2) Coupon advertisements may list the amount of the cash rebate, but~~
 7 ~~not the retail price of the intoxicating liquor after the rebate;~~
 8 ~~————— (3) Applications for cash rebates must be made directly from the~~
 9 ~~consumer to the manufacturer, and not through retailers or wholesalers;~~
 10 ~~————— (4) Cash rebates must be made directly to consumers by manufacturers;~~

11 ~~————— (5) Wholesalers and manufacturers may deliver cash rebate coupons to~~
12 ~~retailers, either for distribution at the point of sale or in connection with~~
13 ~~packaging.~~

14 ~~————— 2. Manufacturers of intoxicating liquor including beer and wine may~~
15 ~~offer coupons redeemable for nonalcoholic merchandise, except that such~~
16 ~~redeemable coupons must be made available without a purchase requirement to~~
17 ~~consumers at the point of sale, or by request through the mail, or at the retailer's~~
18 ~~cash register. Redeemable coupons may be published or advertised by~~
19 ~~manufacturers in newspapers, magazines and other mass media. Advertisements~~
20 ~~must state that no purchase is required to obtain the nonalcoholic merchandise~~
21 ~~and provide information on the procedure to obtain such merchandise. The retail~~
22 ~~value of the nonalcoholic merchandise shall not be stated in the advertisement or~~
23 ~~on the product. Wholesalers and manufacturers may deliver these redeemable~~
24 ~~coupons at the point of sale or in connection with packaging.]~~

25

~~[311.360. 1. No person holding a license or permit shall sell malt liquor,~~
2 ~~or any other intoxicating liquor in this state, or shall offer for sale any such malt~~
3 ~~liquor, or other intoxicating liquor whatsoever, brewed, manufactured or distilled~~
4 ~~by one manufacturer, in substitution for, or with the representation that any such~~
5 ~~malt liquor or other intoxicating liquor, is the product of any other brewer,~~
6 ~~manufacturer or distiller. Whosoever shall violate the provisions of this section~~
7 ~~shall be deemed guilty of a misdemeanor.~~

8 ~~————— 2. Notwithstanding the provisions of subsection 1 of this section, no~~
9 ~~person holding a license or permit shall be deemed guilty of a misdemeanor for~~
10 ~~offering for sale, or for the sale of, wine or brandy so long as the manufacturer~~
11 ~~of the brandy or the wine manufacturer has provided the supervisor of alcohol~~
12 ~~and tobacco control with a copy of the certificate of label approval issued by the~~
13 ~~Alcohol and Tobacco Tax and Trade Bureau and, if necessary, has properly~~
14 ~~registered such label or name with the appropriate state agency.]~~

15

~~[311.370. Every person, firm, partnership or corporation who shall keep~~
2 ~~or store any intoxicating liquor in any warehouse, or other storage place in this~~
3 ~~state, shall at the time such liquor is received and stored, notify the supervisor of~~
4 ~~liquor control and furnish to him a list of the kind and quantity of such~~
5 ~~intoxicating liquor, and the name and address of the owner thereof, and upon the~~
6 ~~withdrawal of said intoxicating liquor, or any part thereof, shall notify said~~

7 supervisor and furnish to him the name and address of the person to whom such
8 intoxicating liquor shall be delivered, the kind, quantity and amount thereof. A
9 violation of any of the provisions of this section shall constitute a misdemeanor.]
10

2 [311.373. All malt beverages purchased for resale in this state prior to
3 being resold at retail shall physically come into the possession of a licensed
4 wholesaler and be unloaded in and distributed from the licensed wholesaler's
5 warehouse in this state.]

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

2 [311.390. 1. Every railroad, express or transportation company, or other
3 common carrier or contract hauler, shall, when requested, furnish to the
4 supervisor of liquor control a duplicate bill of lading or receipt, showing the
5 name of the consignor and consignee, date, place received, destination and
6 quantity of intoxicating liquors, received by them for shipment to any point
7 within this state. Upon failure to comply with the provisions herein, said
8 railroad, express or transportation company, or other common carrier or contract
9 hauler, shall forfeit and pay to the state of Missouri the sum of fifty dollars for
10 each and every failure, to be recovered in any court of competent jurisdiction.
11 ————— 2. The supervisor of liquor control and the director of revenue are each
12 hereby authorized and empowered to call upon the prosecuting attorneys of the
13 respective counties or the circuit attorneys or the attorney general to bring any
14 proceeding hereunder on the relation of the supervisor of liquor control or the
15 director of revenue, as the case may be, to the use of the state of Missouri. The
16 penalties collected shall be disposed of as provided by Section 7, Article IX, of
17 the Constitution of Missouri, and section 171.010.]

2 [311.400. Any railroad or express company doing business in this state
3 shall have the right to sell unclaimed or refused shipments of intoxicating liquor
4 in the same manner that such railroad or express company is or may be hereafter
authorized to sell other unclaimed or refused property under the laws of this state;

5 and no license or permit shall be required of such railroad or express company
6 for such sale of such unclaimed or refused intoxicating liquor.]

7

2 ~~[311.401. Any lending institution doing business with any distiller,~~
3 ~~wholesaler, winemaker, brewer, or retailer in Missouri duly licensed under this~~
4 ~~chapter shall have the right to sell intoxicating liquor which such lending~~
5 ~~institution has repossessed to a retailer duly licensed under this chapter, with the~~
6 ~~approval of the supervisor of alcohol and tobacco control, provided such liquor~~
7 ~~was originally taken as collateral for a business loan. No license or permit shall~~
8 ~~be required for such sale, and such sale shall be limited to cases, kegs, or barrels~~
9 ~~of such liquor, and any leftover unopened containers. Such transaction shall be~~
10 ~~subject to the provisions of chapter 400. As used in this section, the term~~
11 ~~"lending institution" means any bank or trust company incorporated under the~~
12 ~~laws of this state or of the United States.]~~

2 ~~[311.410. No person shall transport intoxicating liquor in, into or through~~
3 ~~the state of Missouri which has not been lawfully manufactured. No person shall~~
4 ~~transport intoxicating liquor in any quantity exceeding five gallons in or into the~~
5 ~~state of Missouri for delivery or use therein, unless the required inspection,~~
6 ~~labeling or gauging fee or license has been paid thereon and unless the bottle or~~
7 ~~other container in which the liquor is immediately contained has upon it stamps~~
8 ~~of the director of revenue of the state of Missouri evidencing payment of such~~
9 ~~fee; provided, however, that persons licensed by the supervisor of liquor control~~
10 ~~as manufacturers, blenders, or distillers of intoxicating liquor may import~~
11 ~~intoxicating liquor into and transport it into and within this state in bulk without~~
12 ~~having paid the fees above referred to and without first affixing the stamps to the~~
13 ~~containers of such liquor when it is to be used only in manufacturing, blending,~~
14 ~~or distilling intoxicating liquor, and subject to such regulations as the supervisor~~
15 ~~of liquor control may prescribe to safeguard the fees due the state of Missouri;~~
16 ~~and provided further, that persons licensed as manufacturers, blenders, distillers,~~
17 ~~and wholesalers whose licensed premises are within the state of Missouri may~~
18 ~~import into United States government bonded warehouses located in this state~~
19 ~~intoxicating liquors which have been bottled in United States government bond~~
20 ~~without first paying said fees and without first affixing the stamps to the~~
21 ~~containers of such liquor, subject to such regulations as the supervisor of liquor~~
~~control may prescribe to safeguard the fees due this state when such liquor is~~

22 ~~withdrawn from said warehouse for sale or storage in this state outside of a~~
23 ~~United States internal revenue bonded warehouse, and provided further, that~~
24 ~~wholesalers licensed by the supervisor of liquor control whose licensed premises~~
25 ~~are within the state of Missouri may import into and transport into United States~~
26 ~~customs bonded warehouses in this state intoxicating liquors from foreign~~
27 ~~countries and from other United States customs bonded warehouses, located in~~
28 ~~any state of the United States, without first paying the fees above referred to and~~
29 ~~without first affixing the stamps to the containers of said liquor subject to such~~
30 ~~regulations as have been or may be prescribed by the supervisor of liquor control~~
31 ~~to safeguard the fees due the state of Missouri when such liquor is withdrawn~~
32 ~~from such United States customs bonded warehouse for sale or storage in this~~
33 ~~state outside of a United States customs bonded warehouse.]~~
34

2 ~~[311.420. 1. No person, except carriers regulated by the motor carrier~~
3 ~~and railroad safety division of the department of economic development under~~
4 ~~chapters 387, 389 and 390, shall transport into, within, or through the state of~~
5 ~~Missouri any intoxicating liquors in quantities larger than five gallons unless~~
6 ~~such person holds a valid license or permit from the supervisor of alcohol and~~
7 ~~tobacco control of the state of Missouri to do so. For such license, there shall be~~
8 ~~paid to the director of revenue the sum of ten dollars per annum. Application for~~
9 ~~such license shall be made to the supervisor of alcohol and tobacco control of the~~
10 ~~state of Missouri and each applicant shall submit with his application a bond in~~
11 ~~the penal sum of one thousand dollars with sufficient surety to be approved by~~
12 ~~the supervisor of alcohol and tobacco control, conditioned that he will not violate~~
13 ~~any provisions of the liquor control laws of this state or any regulation~~
14 ~~promulgated under such liquor control laws, and any violation of such condition~~
15 ~~shall work a forfeiture of such bond to the state of Missouri. The license year~~
16 ~~shall end on June thirtieth, and the applicant shall pay as many twelfths as there~~
17 ~~are months, with each part of a month being counted as a month, remaining from~~
18 ~~the date of the license to the next succeeding July first. The supervisor of alcohol~~
19 ~~and tobacco control may issue single transaction licenses, for which there shall~~
20 ~~be paid to the director of revenue the sum of five dollars, and, if the value of the~~
21 ~~liquor to be transported exceeds one hundred dollars, the permit shall not be~~
22 ~~issued until the bond provided for above in this section is given to the state. No~~
23 ~~such transporter's license shall be required of any person licensed by the~~
~~supervisor of alcohol and tobacco control whose licensed premises are located~~

24 in the state of Missouri, nor shall it be necessary to procure a license to transport
25 liquor purchased from a retail liquor dealer duly licensed by the supervisor of
26 alcohol and tobacco control of the state of Missouri. No license or permit shall
27 be required to transport industrial alcohol.

28 ~~2. The qualifications prescribed for the issuance of other licenses by the~~
29 ~~provisions of the liquor control law shall not apply to licenses issued under this~~
30 ~~section, but no license shall be issued to any person who is not of good moral~~
31 ~~character or who has been convicted since the ratification of the twenty-first~~
32 ~~amendment to the Constitution of the United States of the violation of any law~~
33 ~~applicable to the manufacture or sale of intoxicating liquor, nor to any person~~
34 ~~who has had a license from the supervisor of alcohol and tobacco control~~
35 ~~revoked. If applicant is a corporation, the managing officer thereof must possess~~
36 ~~the qualifications prescribed in this section.~~

37 ~~3. Carriers licensed under this section or carriers exempt from holding~~
38 ~~a permit under this section shall not deliver wine to a resident of this state~~
39 ~~without obtaining an alcohol carrier license under section 311.185.]~~
40

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

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

2 ~~[311.450. Any alcoholic liquors in excess of one hundred gallons being~~
3 ~~transported into, within, or through the state of Missouri shall be accompanied~~
4 ~~at all times during transportation by a bill of lading or other memorandum of~~
5 ~~shipment, showing an exact description of the alcoholic liquors being transported;~~
6 ~~the name and address of the consignor, the name and address of the consignee;~~
7 ~~the route to be traveled by such vehicle while in Missouri, and the vehicle~~
8 ~~transporting such liquors shall not vary from such route. Such bill of lading or~~
9 ~~memorandum shall be shown to the supervisor of liquor control or any peace~~

9 ~~officer of this state upon demand. The name of the consignor on any such bill of~~
10 ~~lading or other memorandum of shipment shall be the name of the true consignor~~
11 ~~of the alcoholic beverages being transported and such consignor shall only be a~~
12 ~~person who has the legal right to make such shipment. The name of the~~
13 ~~consignee on such bill of lading or memorandum of shipment shall be the true~~
14 ~~consignee of the alcoholic beverages being transported and who has previously~~
15 ~~authorized in writing the shipment of the alcoholic beverages being transported~~
16 ~~and who has a legal right to receive such beverages at the point of destination~~
17 ~~shown on the bill of lading or other memorandum of shipment.]~~
18

~~[311.460. Any person knowingly and willfully violating any provisions~~
2 ~~of sections 311.410 to 311.450 shall be deemed guilty of a felony and shall be~~
3 ~~punished upon conviction by imprisonment in the penitentiary not exceeding two~~
4 ~~years or by imprisonment in the county jail not exceeding one year or by a fine~~
5 ~~not exceeding one thousand dollars.]~~
6

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

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

16 ~~————— 3. The drinking or consumption of intoxicating liquor shall not be~~
17 ~~permitted in or upon the licensed premises by any person under twenty-one years~~
18 ~~of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on~~
19 ~~any weekday, and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.~~
20 ~~Licenses issued hereunder shall be conditioned upon the observance of the~~

21 provisions of this section and the regulations promulgated thereunder governing
22 the conduct of premises licensed for the sale of intoxicating liquor by the drink.
23 ~~The provision of this section regulating the drinking or consumption of~~
24 ~~intoxicating liquor between certain hours and on Sunday shall apply also to~~
25 ~~premises licensed under this chapter to sell intoxicating liquor by the drink. In~~
26 ~~any incorporated city having a population of more than twenty thousand~~
27 ~~inhabitants, the board of aldermen, city council, or other proper authorities of~~
28 ~~incorporated cities may, in addition to the license fee required in this section,~~
29 ~~require a license fee not exceeding three hundred dollars per annum, payable to~~
30 ~~the incorporated cities, and provide for the collection thereof; make and enforce~~
31 ~~ordinances regulating the hours of consumption of intoxicating liquors on~~
32 ~~premises licensed hereunder, not inconsistent with the other provisions of this~~
33 ~~law, and provide penalties for the violation thereof. No person shall be granted~~
34 ~~a license hereunder unless such person is of good moral character and a qualified~~
35 ~~legal voter and a taxpaying citizen of the county, town, city or village, nor shall~~
36 ~~any corporation be granted a license hereunder unless the managing officer of~~
37 ~~such corporation is of good moral character and a qualified legal voter and~~
38 ~~taxpaying citizen of the county, town, city or village.~~

39 ~~4. Any premises operated in violation of the provisions of this section,~~
40 ~~or where intoxicating liquor is consumed in violation of this section, is hereby~~
41 ~~declared to be a public and common nuisance, and it shall be the duty of the~~
42 ~~supervisor of alcohol and tobacco control and of the prosecuting or circuit~~
43 ~~attorney of the city of St. Louis, and the prosecuting attorney of the county in~~
44 ~~which the premises are located, to enjoin such nuisance.~~

45 ~~5. Any person operating any premises, or any employee, agent,~~
46 ~~representative, partner, or associate of such person, who shall knowingly violate~~
47 ~~any of the provisions of this section, or any of the laws or regulations herein~~
48 ~~made applicable to the conduct of such premises, is guilty of a class A~~
49 ~~misdemeanor.~~

50 ~~6. The supervisor of alcohol and tobacco control is hereby empowered~~
51 ~~to promulgate regulations necessary or reasonably designed to enforce or construe~~
52 ~~the provisions of this section, and is empowered to revoke or suspend any license~~
53 ~~issued hereunder, as provided in this chapter, for violation of this section or any~~
54 ~~of the laws or regulations herein made applicable to the conduct of premises~~
55 ~~licensed hereunder.~~

56 ~~7. Nothing in this section shall be construed to prohibit the sale or~~
57 ~~delivery of any intoxicating liquor during any of the hours or on any of the days~~
58 ~~specified in this section by a wholesaler licensed under the provisions of section~~
59 ~~311.180 to a person licensed to sell the intoxicating liquor at retail.~~

60 ~~8. No intoxicating liquor may be served or sold on any premises used as~~
61 ~~a polling place on election day.]~~

62

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

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

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

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

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

28

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~~
5 ~~of this chapter who furnish provisions and service for use at a particular function,~~
6 ~~occasion or event at a particular location other than the licensed premises, but not~~
7 ~~including a festival as defined in chapter 316. The temporary permit shall be~~
8 ~~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~~
~~served upon premises licensed to sell alcoholic beverages for on-premises~~

11 consumption. For every special license issued pursuant to the provisions of this
12 subsection, the licensee shall pay to the director of revenue the sum of five
13 hundred dollars a year payable at the same time and in the same manner as its
14 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

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

~~[311.490. No person, partnership or corporation engaged in the brewing,~~
2 ~~manufacture or sale of beer as defined, in this chapter, or other intoxicating malt~~
3 ~~liquor, shall use in the manufacture or brewing thereof, or shall sell any such beer~~
4 ~~or other intoxicating malt liquor which contains ingredients not in compliance~~
5 ~~with the following standards:~~

6 ~~(1) Beer shall be brewed from malt or a malt substitute, which only~~
7 ~~includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit,~~

8 fruit juices, fruit concentrate, herbs, spices, and other food materials may be used
9 as adjuncts in fermenting beer;

10 ~~—————(2) Flavor and other nonbeverage ingredients containing alcohol may be~~
11 ~~used in producing beer, but may contribute to no more than forty-nine percent of~~
12 ~~the overall alcohol content of the finished beer. In the case of beer with an~~
13 ~~alcohol content of more than six percent by volume, no more than one and~~
14 ~~one-half percent of the volume of the beer may consist of alcohol derived from~~
15 ~~added flavors and other nonbeverage ingredients containing alcohol; and~~

16 ~~—————(3) Beer, intoxicating malt liquor, and malt beverages, as defined in this~~
17 ~~section, shall not be subject to the requirements of subsection 1 of section~~
18 ~~311.332 and sections 311.335 and 311.338.]~~

19

2 ~~[311.500. Every person, partnership, or corporation who shall erect or~~
3 ~~keep a brewery for the manufacture or brewing of beer, or other malt products~~
4 ~~within this state, for the purpose of offering the same for sale, shall cause the~~
5 ~~same to be inspected by the said supervisor of liquor control or his agents.]~~

5

2 ~~[311.510. 1. It shall be the duty of the supervisor of liquor control, or his~~
3 ~~or her designee, to cause to be inspected all beer, as defined in this chapter, or~~
4 ~~other intoxicating malt liquors, brewed, manufactured or sold in this state, and~~
5 ~~he or she shall determine whether such beer or other intoxicating malt liquor has~~
6 ~~been made from pure hops or the pure extract of hops, or of pure barley malt or~~
7 ~~other wholesome grains or cereals, or wholesome yeast, and pure water, and~~
8 ~~whether the package containing such beer or intoxicating malt liquor has been~~
9 ~~correctly labeled to show that the same has been made from wholesome~~
10 ~~ingredients:~~

11 ~~—————2. Notwithstanding the provisions of subsection 1 of this section, the~~
12 ~~supervisor of liquor control, or his or her designee, shall not require product~~
13 ~~samples and shall not require the testing of product samples to determine alcohol~~
14 ~~content prior to granting approval for the sale of any such beer or other~~
15 ~~intoxicating malt liquor product in the state of Missouri if the supervisor of liquor~~
16 ~~control is provided with a copy of a certificate of label approval issued by the~~
17 ~~Alcohol and Tobacco Tax and Trade Bureau.~~

18 ~~—————3. Notwithstanding the provisions of subsection 1 of this section, the~~
19 ~~supervisor of liquor control shall not require product samples prior to granting~~
approval for the sale of any beer or other intoxicating malt liquors brewed;

20 manufactured, and sold exclusively in this state if the supervisor of liquor control
21 is provided a label. The supervisor of liquor control shall have sole authority to
22 approve all labels for keg collars, bottles, and cans of such beer or other
23 intoxicating malt liquor and any inspections to determine labeling compliance for
24 such products shall be under the sole authority of the supervisor of liquor control,
25 with no approval or inspection by the Alcohol and Tobacco Tax and Trade
26 Bureau required.]

27

2 [311.520. As a charge for the inspection and gauging of all malt liquors,
3 the director of revenue shall collect the sum of one dollar and eighty-six cents per
4 barrel.]

4

2 [311.530. All beer as defined in this chapter, or other intoxicating malt
3 liquors manufactured in the state and exported outside of the state for sale, shall
4 be inspected as other liquors designated in this chapter, but said inspection shall
5 be free of cost to the manufacturer.]

5

2 [311.540. 1. Every person, persons or corporation who shall manufacture
3 or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other
4 spirituous liquors, within this state, and wholesale or retail dealers or any other
5 person who shall import such intoxicating liquors into this state, for the purpose
6 of sale or offering the same for sale in this state, shall, before offering the same
7 for sale, cause the same to be inspected and gauged by the supervisor of liquor
8 control, or his or her designee. It shall be the duty of the supervisor of liquor
9 control, or his or her designee, to inspect and gauge such character of intoxicating
10 liquor referred to in this section and to ascertain whether the same is correctly
11 labeled.]

11 ~~2. Notwithstanding the provisions of subsection 1 of this section, the~~
12 ~~supervisor of liquor control, or his or her designee, shall not require product~~
13 ~~samples and shall not require the testing of product samples to determine alcohol~~
14 ~~content prior to granting approval for the sale of any such spirituous liquors~~
15 ~~product in the state if the supervisor of liquor control, or his or her designee, is~~
16 ~~provided with a copy of a certificate of label approval issued by the Federal~~
17 ~~Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of~~
18 ~~the product.]~~

19

2 ~~[311.550. 1. In addition to all other licenses and charges, there shall be~~
3 ~~paid to and collected by the director of revenue charges as follows:~~

4 ~~—————(1) For the privilege of selling in the state of Missouri spirituous liquors,~~
5 ~~including brandy, rum, whiskey, and gin, and other spirituous liquors and alcohol~~
6 ~~for beverage purposes, there shall be paid, and the director of revenue shall be~~
7 ~~entitled to receive, the sum of two dollars per gallon or fraction thereof;~~

8 ~~—————(2) For the privilege of selling wines, the sum of thirty cents per gallon~~
9 ~~to the credit of the agriculture protection fund created under section 261.200 to~~
10 ~~be used solely for agricultural business development and marketing-related~~
11 ~~functions of the department of agriculture.~~

12 ~~—————2. The person who shall first sell such liquor to any person in this state~~
13 ~~shall be liable for the payment, except that no refund of any tax collected and~~
14 ~~remitted to the director of revenue by a retail seller upon gross receipts from a~~
15 ~~sale of beer, liquor or wine subject to the charges contained in sections 311.520,~~
16 ~~311.550 and 311.554 shall be claimed for refund under chapter 144 for any~~
17 ~~amount illegally or erroneously overcharged or overcollected as a result of~~
18 ~~imposition of sales tax by the retail seller upon amounts representing the charges~~
19 ~~imposed under this chapter.~~

20 ~~—————3. Any person who sells to any person within this state any intoxicating~~
21 ~~liquors mentioned in subdivision (1) of subsection 1, unless the charge hereby~~
22 ~~imposed is paid, is guilty of a felony and shall be punished by imprisonment by~~
23 ~~the state department of corrections for a term of not less than two years nor more~~
24 ~~than five years, or by imprisonment in the county jail for a term of not less than~~
25 ~~one month nor more than one year, or by a fine of not less than fifty dollars nor~~
26 ~~more than one thousand dollars, or by both such fine and imprisonment.~~

27 ~~—————4. It shall be unlawful for any person to remove the contents of any~~
28 ~~container containing any of the intoxicating liquors mentioned in subdivision (1)~~
29 ~~of subsection 1 without destroying such container, or to refill any such container,~~
30 ~~in whole or in part, with any of the liquors mentioned in subdivision (1) of~~
31 ~~subsection 1. Any person violating the provisions of this subsection shall be~~
32 ~~guilty of a misdemeanor.~~

33 ~~—————5. Every manufacturer, out-state solicitor and wholesale dealer licensed~~
34 ~~under this chapter shall make a true duplicate invoice of the same, showing the~~
35 ~~date, amount and value of each class of such liquors shipped or delivered, and~~
36 ~~retain a duplicate thereof, subject to the use and inspection of the supervisor of~~
 ~~liquor control and his representatives for two years.~~

37 ~~6. Any person who shall sell in this state any intoxicating liquor without~~
38 ~~first having procured a license from the supervisor of liquor control authorizing~~
39 ~~him to sell such intoxicating liquor is guilty of a felony and upon conviction shall~~
40 ~~be punished by imprisonment by the state department of corrections for a term~~
41 ~~of not less than two years nor more than five years, or by imprisonment in the~~
42 ~~county jail for a term of not less than three months nor more than one year, or by~~
43 ~~a fine of not less than one hundred dollars nor more than one thousand dollars,~~
44 ~~or by both such fine and imprisonment.]~~
45

~~[311.553. 1. Payment of the charges provided by section 311.550 shall~~
2 ~~be made by the manufacturer, including one who blends or bottles intoxicating~~
3 ~~liquors, as to all intoxicating liquor produced or imported by the manufacturer for~~
4 ~~sale or use for beverage purposes within this state, by the out-state solicitor who~~
5 ~~imports into this state intoxicating liquor manufactured or produced outside of~~
6 ~~this state for sale or use for beverage purposes within this state and by the~~
7 ~~wholesale dealer who imports or receives intoxicating liquor manufactured or~~
8 ~~produced without the United States for sale or use for beverage purposes within~~
9 ~~this state. Each manufacturer, out-state solicitor and wholesale dealer on or~~
10 ~~before the fifteenth day of each calendar month shall file with the supervisor of~~
11 ~~liquor control, on forms prescribed and furnished by the supervisor, a written~~
12 ~~report in duplicate, under oath, in such form as is required by the supervisor to~~
13 ~~enable him to compute, and assure the accuracy of, the charges due on all sales~~
14 ~~and importations of intoxicating liquor occurring during the preceding month.~~
15 ~~Payment of the charges in the amount disclosed by the report by bank draft,~~
16 ~~money order, certified check or cashier's check payable to the department of~~
17 ~~revenue shall accompany the report to the supervisor of liquor control.~~

18 ~~2. If the supervisor of liquor control deems it necessary in order to ensure~~
19 ~~the payment of the charges imposed by this law, he may require returns to be~~
20 ~~made more frequently than and covering periods of less than a month. The return~~
21 ~~shall contain such further information as the supervisor of liquor control may~~
22 ~~reasonably require. Each such manufacturer, out-state solicitor or wholesale~~
23 ~~dealer shall pay to the director of revenue, with the filing of such return, the tax~~
24 ~~imposed by this law, as so reported during the period covered by such return.~~

25 ~~3. In case of failure to pay any charges as required under sections 311.520~~
26 ~~and 311.550 on or before the date prescribed therefor, there shall be added to the~~
27 ~~amount of charge an amount equal to one percent per business day of the~~

28 ~~deficiency, not to exceed twenty-five percent of the deficiency, and in addition~~
29 ~~interest on the deficient charge and penalty at the rate of one percent a month or~~
30 ~~fraction of a month from the date the deficient charge became due until paid.]~~
31

~~[311.554. 1. In addition to the charges imposed by section 311.550, there shall be paid to and collected by the director of revenue for the privilege of selling wine, an additional charge of six cents per gallon or fraction thereof. The additional charge shall be paid and collected in the same manner and at the same time that the charges imposed by section 311.550 are paid and collected:~~

6 ~~————— 2. Until June 30, 2006, the revenue derived from the additional charge~~
7 ~~imposed by subsection 1 shall be deposited by the state treasurer to the credit of~~
8 ~~a separate account in the marketing development fund created by section~~
9 ~~261.035. Beginning July 1, 2006, the revenue derived from such additional~~
10 ~~charge shall be deposited by the state treasurer in the Missouri wine and grape~~
11 ~~fund created by this section. Moneys to the credit of both the marketing~~
12 ~~development fund and the Missouri wine and grape fund shall be used only for~~
13 ~~market development in developing programs for growing, selling, and marketing~~
14 ~~of grapes and grape products grown in Missouri, including all necessary funding~~
15 ~~for the employment of experts in the fields of viticulture and enology as deemed~~
16 ~~necessary, and programs aimed at improving marketing of all varieties of grapes~~
17 ~~grown in Missouri, and shall be appropriated and used for no other purpose.~~

18 ~~————— 3. There is hereby created in the state treasury the "Missouri Wine and~~
19 ~~Grape Fund", which shall consist of money collected under this section. The~~
20 ~~state treasurer shall be custodian of the fund and shall approve disbursements~~
21 ~~from the fund to the department of agriculture for use solely by the Missouri wine~~
22 ~~and grape board created under section 262.820 in accordance with sections~~
23 ~~30.170 and 30.180. Upon appropriation, money in the fund shall be used solely~~
24 ~~for the administration of this section. Notwithstanding the provisions of section~~
25 ~~33.080 to the contrary, any moneys remaining in the fund at the end of the~~
26 ~~biennium shall not revert to the credit of the general revenue fund. The state~~
27 ~~treasurer shall invest moneys in the fund in the same manner as other funds are~~
28 ~~invested. Any interest and moneys earned on such investments shall be credited~~
29 ~~to the fund.~~

30 ~~————— 4. In addition to the charges imposed by subsection 1 of this section and~~
31 ~~section 311.550, there shall be paid to and collected by the director of revenue for~~
32 ~~the privilege of selling wine an additional charge of six cents per gallon or~~

33 fraction thereof. Until June 30, 2006, this additional six cents per gallon shall be
34 deposited by the state treasurer to the credit of a separate account in the
35 marketing development fund created by section 261.035. Beginning July 1,
36 2006, the revenue derived from such additional charge shall be deposited by the
37 state treasurer in the Missouri wine and grape fund created in this section.]
38

[311.555. Every manufacturer, including one who blends or bottles
2 intoxicating liquors, as to all intoxicating liquor produced or imported by the
3 manufacturer for sale or use for beverage purposes within this state, and the
4 out-state solicitor who imports into this state intoxicating liquor manufactured or
5 produced outside of this state for sale or use for beverage purposes within this
6 state, and the wholesale dealer who imports or receives intoxicating liquor
7 manufactured or produced without the United States for sale or use for beverage
8 purposes within this state and, therefore, shall be liable for payment for charges
9 as provided by section 311.553, shall also file with the supervisor of liquor
10 control a bond in an amount not less than one thousand dollars and not to exceed
11 one hundred thousand dollars on a form to be approved by, and with a surety
12 satisfactory to, the supervisor of liquor control. Such bond shall be conditioned
13 upon the manufacturer, out-state solicitor or wholesale dealer paying to the
14 director of revenue all moneys becoming due from such manufacturer, out-state
15 solicitor or wholesale dealer under this law. The supervisor of liquor control
16 shall fix the penalty of the bond in each case, taking into consideration the
17 amount of intoxicating liquor expected to be sold and used by such manufacturer,
18 out-state solicitor or wholesale dealer, and the penalty fixed by the supervisor
19 shall be sufficient in the supervisor's opinion, to protect the state of Missouri
20 against failure to pay any amount due under this law, but the amount of the
21 penalty fixed by the supervisor shall not exceed twice the amount of tax liability
22 of a monthly return. In no event shall the amount of such penalty be less than one
23 thousand dollars. Failure by any licensed manufacturer, out-state solicitor or
24 wholesale dealer to keep a satisfactory bond in effect with the supervisor or to
25 furnish additional bond to the supervisor when required hereunder by the
26 supervisor to do so shall be grounds for the revocation or suspension of such
27 manufacturer's, out-state solicitor's or wholesale dealer's license by the
28 supervisor. If a manufacturer, out-state solicitor or wholesale dealer fails to pay
29 any amount due under this law, his bond with the supervisor shall be deemed

30 forfeited, and the department of revenue may institute a suit in its own name on
 31 such bond.]

32

~~[311.557. After notice and opportunity for a hearing, the supervisor may
 2 revoke or suspend the license of any manufacturer, out-state solicitor or
 3 wholesale dealer who fails to comply with the provisions of sections 311.553 and
 4 311.555. No new or renewal license shall be granted to a person who fails to
 5 comply with sections 311.553 and 311.555.]~~

6

~~[311.561. Notwithstanding any provision in this chapter, all charges
 2 imposed by this chapter shall be paid and collected as provided in sections
 3 311.520 and 311.553, and the affixing of stamps to the containers of intoxicating
 4 liquor shall not be required or sufficient to show the payment of the charges.]~~

5

~~[311.580. 1. No person shall possess intoxicating liquor in any quantity
 2 for any purpose in the state of Missouri which has not been lawfully
 3 manufactured.~~

~~4 ————— 2. No person shall possess intoxicating liquor within the state of Missouri
 5 for sale in any quantity, or for any other purpose in any quantity, in excess of five
 6 gallons, unless the required inspection, labeling or gauging fee or license has
 7 been paid thereon, except that persons licensed by the supervisor of liquor control
 8 as manufacturers, blenders, or distillers of intoxicating liquor may possess
 9 intoxicating liquor in this state in bulk without having paid the fees above
 10 referred to when it is to be used only in manufacturing, blending, or distilling
 11 intoxicating liquor, and subject to such regulations as the supervisor of liquor
 12 control may prescribe to safeguard the fees due the state of Missouri. Persons
 13 licensed as manufacturers, blenders, distillers, and wholesalers whose licensed
 14 premises are within the state of Missouri may possess in United States
 15 government bonded warehouses located in this state intoxicating liquors which
 16 have been bottled in United States government bond without first paying the fees
 17 subject to such regulations as the supervisor of liquor control may prescribe to
 18 safeguard the fees due this state when the liquor is withdrawn from said
 19 warehouse for sale or storage in this state outside of a United States internal
 20 revenue bonded warehouse. Wholesalers licensed by the supervisor of liquor
 21 control whose licensed premises are within the state of Missouri may possess in
 22 United States customs bonded warehouses in this state intoxicating liquors~~

23 without first paying the fees above referred to subject to regulations prescribed
24 by the supervisor of liquor control to safeguard the fees due the state of Missouri
25 when the liquor is withdrawn from a United States customs bonded warehouse
26 for sale or storage in this state outside of a United States customs bonded
27 warehouse.]
28

[311.600. Any person who shall sell any intoxicating liquors, as defined
2 in this chapter, within this state, which have not been inspected and labeled
3 according to the provisions of this law, shall be deemed guilty of a misdemeanor,
4 and in addition thereto shall have his license or other authority, giving him the
5 right to manufacture or sell said liquors in this state, revoked, and shall not again
6 receive any such license or other authority for a period of two years thereafter.]
7

[311.610. 1. For the purpose of carrying out the provisions of this
2 chapter and the liquor control law, the governor, by and with the advice and
3 consent of the senate, shall appoint some suitable person of good moral character
4 over the age of thirty years, who has been a qualified elector in the state of
5 Missouri for at least five years next before the date of his appointment, as
6 supervisor of liquor control. The supervisor of liquor control shall serve at the
7 pleasure and under the supervision and direction of the governor.

8 ————— 2. The supervisor of liquor control shall devote his entire time to the
9 duties of his office and, with the approval of the governor, appoint and employ
10 all agents, assistants, deputies, inspectors and employees necessary for the proper
11 enforcement and administration of the provisions of the liquor control law whose
12 salaries shall be fixed by the governor, but no salary shall be greater than that
13 paid to employees in other state departments for similar work, except that no
14 salary of an agent directly engaged in the enforcement of the liquor control law
15 shall be less than eight thousand dollars a year. In addition to his salary, the
16 supervisor of liquor control and each of the agents, assistants, deputies, inspectors
17 and employees shall be reimbursed for all expenses necessarily incurred in the
18 discharge of their duties. No expenses shall be allowed for sustenance to any
19 supervisor, agent, assistant, deputy, inspector or employee while in the city or
20 town of his residence.

21 ————— 3. Before entering upon the discharge of his duties, the supervisor of
22 liquor control shall take and subscribe to an oath to support the Constitution of
23 the United States and of this state, and faithfully demean himself in office, and

24 shall also execute bond to the state of Missouri in the penal sum of ten thousand
25 dollars, conditioned for the faithful performance of the duties of his office, which
26 bond shall be approved by the governor and deposited with the secretary of state
27 and kept in his office; the premiums of the bond shall be paid by the state out of
28 funds appropriated for that purpose.

29 ~~4. The supervisor of liquor control shall issue licenses for the~~
30 ~~manufacture and sale of ardent spirits, malt, vinous, fermented and every class~~
31 ~~of liquors used as beverages. The supervisor of liquor control shall keep a record~~
32 ~~of all intoxicating liquor manufactured, brewed or sold in this state by every~~
33 ~~brewery, distiller, manufacturer, distributor or wholesaler, and make a complete~~
34 ~~report of the same to the governor at the end of each calendar year, or as soon~~
35 ~~thereafter as possible.]~~

36

2 [311.615. There shall be a division within the department of public safety
3 known as the "Division of Alcohol and Tobacco Control", which shall have as
4 its chief executive officer the supervisor of alcohol and tobacco control appointed
5 pursuant to section 311.610. All references to the division of liquor control and
6 the supervisor of liquor control in the statutes shall mean the division of alcohol
7 and tobacco control and the supervisor of alcohol and tobacco control.]

7

2 [311.620. 1. No person shall be appointed as agent, assistant, deputy or
3 inspector under the provisions of the liquor control law who shall have been
4 convicted of or against whom any indictment may be pending for any offense;
5 nor shall any person be appointed as such agent, assistant, deputy or inspector
6 who is not of good character or who is not a citizen of the United States, and who
7 is not or has not been a resident taxpaying citizen of the state for a period of three
8 years previous to his appointment; or who is not able to read and write the
9 English language or who does not possess ordinary physical strength and who is
10 not able to pass such physical and mental examination as the majority of a board,
11 consisting of the governor, lieutenant governor, attorney general, and the
12 supervisor of liquor control may prescribe.

13 ~~2. No agent, assistant, deputy or inspector so appointed shall hold any~~
14 ~~other commission or office, elective or appointive or accept any other~~
15 ~~employment compensation while he is an employee of the department of liquor~~
16 ~~control, except with the written permission of the supervisor of liquor control.~~
~~No agent, assistant, deputy or inspector of the department of liquor control shall~~

17 accept any reward or gift other than his regular salary and expenses as provided
18 in this chapter. No agent, assistant, deputy or inspector of the department of
19 liquor control shall perform any police duty connected with the conduct of any
20 election, nor at any time or in any manner electioneer for or against any party
21 ticket, or any candidate for nomination or office on any party ticket, nor for or
22 against any proposition of any kind or nature to be voted upon at any election.

23 ~~3. The agents, assistants, deputies and inspectors appointed under the~~
24 ~~provisions of section 311.610 shall before entering upon the discharge of their~~
25 ~~duties, each take and subscribe an oath to support the Constitution and laws of~~
26 ~~the United States and the State of Missouri and to faithfully demean themselves~~
27 ~~in office in the form prescribed by Section 11, Article VII of the Constitution of~~
28 ~~this State, and they shall each give bond to be approved by the supervisor of~~
29 ~~liquor control for faithful performance of the duties of their respective offices and~~
30 ~~to safely keep and account for all moneys and property received by them. This~~
31 ~~bond shall be in the sum of five thousand dollars, and the cost of furnishing all~~
32 ~~such bonds shall be paid by the state.~~

33 ~~4. Any agent, assistant, deputy or inspector of the department of liquor~~
34 ~~control who shall violate the provisions of this chapter shall be immediately~~
35 ~~discharged.]~~

36

~~[311.630. 1. The supervisor of alcohol and tobacco control and~~
2 ~~employees to be selected and designated as peace officers by the supervisor of~~
3 ~~alcohol and tobacco control are hereby declared to be peace officers of the state~~
4 ~~of Missouri, with full power and authority to make arrests and searches and~~
5 ~~seizures only for violations of the provisions of this chapter relating to~~
6 ~~intoxicating liquors, and sections 407.924 to 407.934 relating to tobacco~~
7 ~~products, and to serve any process connected with the enforcement of such laws.~~
8 ~~The peace officers so designated shall have been previously appointed and~~
9 ~~qualified under the provisions of section 311.620 and shall be required to hold~~
10 ~~a valid peace officer license pursuant to chapter 590.~~

11 ~~2. The supervisor of alcohol and tobacco control shall furnish such peace~~
12 ~~officers with credentials showing their authority and a special badge, which they~~
13 ~~shall carry on their person at all times while on duty. The names of the peace~~
14 ~~officers so designated shall be made a matter of public record in the office of the~~
15 ~~supervisor of alcohol and tobacco control.~~

16 ~~3. All fees for the arrest and transportation of persons arrested and for the~~
17 ~~service of writs and process shall be the same as provided by law in criminal~~
18 ~~proceedings and shall be taxed as costs.]~~
19

~~[311.640. Neither the supervisor of liquor control nor any of his~~
2 ~~employees, shall have any interest, directly or indirectly, either proprietary or by~~
3 ~~means of any loan, mortgage or other lien, either for his own benefit or in a~~
4 ~~fiduciary capacity, or in any other manner in or on any premises where~~
5 ~~intoxicating liquor is distilled, brewed, manufactured or sold; nor shall he or they~~
6 ~~have any interest, directly or indirectly in any business, wholly or partially~~
7 ~~devoted to the distilling, brewing, manufacture or sale of intoxicating liquor; nor~~
8 ~~shall he or they, directly or indirectly, engage in dealing in or distilling, brewing,~~
9 ~~manufacturing or selling intoxicating liquor, either as owner, part owner, partner,~~
10 ~~member of a syndicate, shareholder of a corporation, agent or employee, either~~
11 ~~for his or their benefit or in a fiduciary capacity.]~~
12

~~[311.650. The principal office of the supervisor of liquor control shall be~~
2 ~~at the seat of government at Jefferson City, and the director of the division of~~
3 ~~facilities management, design and construction at the capitol shall provide offices~~
4 ~~for the liquor control department.]~~
5

~~[311.660. The supervisor of liquor control shall have the authority to~~
2 ~~suspend or revoke for cause all such licenses; and to make the following~~
3 ~~regulations, without limiting the generality of provisions empowering the~~
4 ~~supervisor of liquor control as in this chapter set forth as to the following matters;~~
5 ~~acts and things:~~

6 ~~————— (1) Fix and determine the nature, form and capacity of all packages used~~
7 ~~for containing intoxicating liquor of any kind, to be kept or sold under this law;~~

8 ~~————— (2) Prescribe an official seal and label and determine the manner in which~~
9 ~~such seal or label shall be attached to every package of intoxicating liquor so sold~~
10 ~~under this law; this includes prescribing different official seals or different labels~~
11 ~~for the different classes, varieties or brands of intoxicating liquor;~~

12 ~~————— (3) Prescribe all forms, applications and licenses and such other forms~~
13 ~~as are necessary to carry out the provisions of this chapter, except that when a~~
14 ~~licensee substantially complies with all requirements for the renewal of a license~~
15 ~~by the date on which the application for renewal is due, such licensee shall be~~

- 16 permitted at least an additional ten days from the date notice is sent that the
- 17 application is deficient, in which to complete the application;
- 18 ~~————— (4) Prescribe the terms and conditions of the licenses issued and granted~~
- 19 ~~under this law;~~
- 20 ~~————— (5) Prescribe the nature of the proof to be furnished and conditions to be~~
- 21 ~~observed in the issuance of duplicate licenses, in lieu of those lost or destroyed;~~
- 22 ~~————— (6) Establish rules and regulations for the conduct of the business carried~~
- 23 ~~on by each specific licensee under the license, and such rules and regulations if~~
- 24 ~~not obeyed by every licensee shall be grounds for the revocation or suspension~~
- 25 ~~of the license;~~
- 26 ~~————— (7) The right to examine books, records and papers of each licensee and~~
- 27 ~~to hear and determine complaints against any licensee;~~
- 28 ~~————— (8) To issue subpoenas and all necessary processes and require the~~
- 29 ~~production of papers, to administer oaths and to take testimony;~~
- 30 ~~————— (9) Prescribe all forms of labels to be affixed to all packages containing~~
- 31 ~~intoxicating liquor of any kind; and~~
- 32 ~~————— (10) To make such other rules and regulations as are necessary and~~
- 33 ~~feasible for carrying out the provisions of this chapter, as are not inconsistent~~
- 34 ~~with this law.]~~

35
 2 ~~[311.665. 1. Before any license is renewed under the provisions of this~~
 3 ~~chapter, the supervisor of liquor control shall require a statement from the~~
 4 ~~director of revenue that the applicant has paid all sales and use taxes due,~~
 5 ~~including all penalties and interest or does not owe any sales or use tax.~~

6 ~~————— 2. Within ten days from the issuance of a sales and use tax statement by~~
 7 ~~the director of revenue, the licensee shall file with the supervisor of alcohol and~~
 8 ~~tobacco control a copy of such sales and use tax statement.]~~

2 ~~[311.670. If the supervisor of liquor control or any of his employees or~~
 3 ~~agents shall fail to perform any of the duties imposed upon them by this chapter,~~
 4 ~~or shall in any manner violate any of the provisions thereof, he or they shall be~~
 5 ~~deemed guilty of a misdemeanor and, if the supervisor of liquor control or any~~
 6 ~~of his employees or agents shall fail to faithfully perform the duties enjoined~~
 7 ~~upon them by this chapter, they may be removed from office by the governor.]~~

- 2 ~~[311.680. 1. Whenever it shall be shown, or whenever the supervisor of~~
3 ~~liquor control has knowledge, that a person licensed hereunder has not at all~~
4 ~~times kept an orderly place or house, or has violated any of the provisions of this~~
5 ~~chapter, the supervisor of liquor control may warn, place on probation on such~~
6 ~~terms and conditions as the supervisor of liquor control deems appropriate for a~~
7 ~~period not to exceed twelve months, suspend or revoke the license of that person,~~
8 ~~but the person shall have ten days' notice of the application to warn, place on~~
9 ~~probation, suspend or revoke the person's license prior to the order of warning,~~
10 ~~probation, revocation or suspension issuing.~~
- 11 ~~2. Any wholesaler licensed pursuant to this chapter in lieu of, or in~~
12 ~~addition to, the warning, probation, suspension or revocation authorized in~~
13 ~~subsection 1 of this section, may be assessed a civil penalty by the supervisor of~~
14 ~~liquor control of not less than one hundred dollars or more than twenty-five~~
15 ~~hundred dollars for each violation.~~
- 16 ~~3. Any solicitor licensed pursuant to this chapter in lieu of the suspension~~
17 ~~or revocation authorized in subsection 1 of this section may be assessed a civil~~
18 ~~penalty or fine by the supervisor of liquor control of not less than one hundred~~
19 ~~dollars nor more than five thousand dollars for each violation.~~
- 20 ~~4. Any retailer with less than five thousand occupant capacity licensed~~
21 ~~pursuant to this chapter in lieu of the suspension or revocation authorized by~~
22 ~~subsection 1 of this section may be assessed a civil penalty or fine by the~~
23 ~~supervisor of liquor control of not less than fifty dollars nor more than one~~
24 ~~thousand dollars for each violation.~~
- 25 ~~5. Any retailer with five thousand or more occupant capacity licensed~~
26 ~~pursuant to this chapter in lieu of the suspension or revocation authorized by~~
27 ~~subsection 1 of this section, may be assessed a civil penalty or fine by the~~
28 ~~supervisor of liquor control of not less than fifty dollars nor more than five~~
29 ~~thousand dollars for each violation.~~
- 30 ~~6. Any aggrieved person may appeal to the administrative hearing~~
31 ~~commission in accordance with section 311.691.~~
- 32 ~~7. In order to encourage the early resolution of disputes between the~~
33 ~~supervisor of liquor control and licensees, the supervisor of liquor control, prior~~
34 ~~to issuing an order of warning, probation, revocation, suspension, or fine, shall~~
35 ~~provide the licensee with the opportunity to meet or to confer with the supervisor~~
36 ~~of liquor control, or his or her designee, concerning the alleged violations. At~~
~~least ten days prior to such meeting or conference, the supervisor shall provide~~

37 the licensee with notice of the time and place of such meeting or conference, and
38 the supervisor of liquor control shall also provide the licensee with a written
39 description of the specific conduct for which discipline is sought, a citation of the
40 law or rules allegedly violated, and, upon request, copies of any violation report
41 or any other documents which are the basis for such action. Any order of
42 warning, probation, revocation, suspension, or fine shall be effective no sooner
43 than thirty days from the date of such order.]
44

2 [311.685. 1. Any retail licensee selling intoxicating liquor under this
3 chapter and aggrieved by official action of the supervisor affecting the licensee
4 may bring a civil action against any person who is the proximate cause of such
5 official action by the supervisor, if the violation occurred on or about the
6 premises of the retail licensee. If a judgment is entered in favor of the licensee,
7 the court shall award the retail licensee civil damages up to an amount of five
8 thousand dollars and shall award reasonable court costs and attorney fees.

9 ~~2. No civil action shall be brought under this section against any~~
10 ~~employee of the supervisor of alcohol and tobacco control or any law~~
11 ~~enforcement officer.]~~

2 [311.691. Any person aggrieved by official action of the supervisor of
3 liquor control affecting the licensed status of a person subject to the jurisdiction
4 of the supervisor of liquor control, including the refusal to grant, the grant, the
5 revocation, the suspension, the warning, the probation, the imposition of a civil
6 penalty or the failure to renew a license, may seek a determination thereon by the
7 administrative hearing commission pursuant to the provisions of section 621.045,
8 and it shall not be a condition to such determination that the person aggrieved
9 seek a reconsideration, a rehearing, or exhaust any other procedure within the
10 office of the supervisor of liquor control.]

2 [311.710. 1. In addition to the penalties and proceedings for suspension
3 or revocation of licenses provided for in this chapter, and without limiting them,
4 proceedings for the suspension or revocation of any license authorizing the sale
5 of intoxicating liquor at retail may be brought in the circuit court of any county
6 in this state, or in the city of St. Louis, in which the licensed premises are located
and such proceedings may be brought by the sheriff or any peace officer of that

7 county or by any eight or more persons who are taxpaying citizens of the county
8 or city for any of the following offenses:

9 ~~————— (1) Selling, giving or otherwise supplying intoxicating liquor to a~~
10 ~~habitual drunkard or to any person who is under or apparently under the influence~~
11 ~~of intoxicating liquor;~~

12 ~~————— (2) Knowingly permitting any prostitute, degenerate, or dissolute person~~
13 ~~to frequent the licensed premises;~~

14 ~~————— (3) Permitting on the licensed premises any disorderly conduct, breach~~
15 ~~of the peace, or any lewd, immoral or improper entertainment, conduct or~~
16 ~~practices;~~

17 ~~————— (4) Selling, offering for sale, possessing or knowingly permitting the~~
18 ~~consumption on the licensed premises of any kind of intoxicating liquors, the~~
19 ~~sale, possession or consumption of which is not authorized under his license;~~

20 ~~————— (5) Selling, giving, or otherwise supplying intoxicating liquor to any~~
21 ~~person under the age of twenty-one years;~~

22 ~~————— (6) Selling, giving or otherwise supplying intoxicating liquors between~~
23 ~~the hours of 12:00 midnight Saturday night and 12:00 midnight Sunday night.~~

24 ~~————— 2. Provided, that said taxpaying citizen shall submit in writing, under~~
25 ~~oath, by registered United States mail to the supervisor of liquor control a joint~~
26 ~~complaint, stating the name of the licensee, the name under which the licensee's~~
27 ~~business is conducted and the address of the licensed premises, setting out in~~
28 ~~general the character and nature of the offense or offenses charged, together with~~
29 ~~the names and addresses of the witnesses by whom proof thereof is expected to~~
30 ~~be made; and provided, that after a period of thirty days after the mailing of such~~
31 ~~complaint to the supervisor of liquor control the person therein complained of~~
32 ~~shall not have been cited by the supervisor to appear and show cause why his~~
33 ~~license should not be suspended or revoked then they shall file with the circuit~~
34 ~~clerk of the county or city in which the premises are located a copy of the~~
35 ~~complaint on file with the supervisor of liquor control.~~

36 ~~————— 3. If, pursuant to the receipt of such complaint by the supervisor of liquor~~
37 ~~control, the licensee appears and shows cause why his license should not be~~
38 ~~suspended or revoked at a hearing held for that purpose by the supervisor and~~
39 ~~either the complainants or the licensee consider themselves aggrieved with the~~
40 ~~order of the supervisor then, after a request in writing by either the complainants~~
41 ~~or the licensee, the supervisor shall certify to the circuit clerk of the county or city~~
42 ~~in which the licensed premises are located a copy of the original complaint filed~~

43 with him, together with a copy of the transcript of the evidence adduced at the
44 hearing held by him. Such certification by the supervisor shall not act as a
45 supersedeas of any order made by him.

46 ~~4. Upon receipt of such complaint, whether from the complainant directly~~
47 ~~or from the supervisor of liquor control, the court shall set a date for an early~~
48 ~~hearing thereon and it shall be the duty of the circuit clerk to cause to be~~
49 ~~delivered by registered United States mail to the prosecuting attorney of the~~
50 ~~county or to the circuit attorney of the city of St. Louis and to the licensee copies~~
51 ~~of the complaint and he shall, at the same time, give notice of the time and place~~
52 ~~of the hearing. Such notice shall be delivered to the prosecuting attorney or to~~
53 ~~the circuit attorney and to the licensee at least fifteen days prior to the date of the~~
54 ~~hearing.~~

55 ~~5. The complaint shall be heard by the court without a jury and if there~~
56 ~~has been a prior hearing thereon by the supervisor of liquor control then the case~~
57 ~~shall be heard de novo and both the complainants and the licensee may produce~~
58 ~~new and additional evidence material to the issues.~~

59 ~~6. If the court shall find upon the hearing that the offense or offenses~~
60 ~~charged in the complaint have been established by the evidence, the court shall~~
61 ~~order the suspension or revocation of the license but, in so doing, shall take into~~
62 ~~consideration whatever order, if any, may have been made in the premises by the~~
63 ~~supervisor of liquor control. If the court finds that to revoke the license would~~
64 ~~be unduly severe, then the court may suspend the license for such period of time~~
65 ~~as the court deems proper.~~

66 ~~7. The judgment of the court in no event shall be superseded or stayed~~
67 ~~during pendency of any appeal therefrom.~~

68 ~~8. It shall be the duty of the prosecuting attorney or circuit attorney to~~
69 ~~prosecute diligently and without delay any such complaints coming to him by~~
70 ~~virtue of this section.~~

71 ~~9. The jurisdiction herein conferred upon the circuit courts to hear and~~
72 ~~determine complaints for the suspension or revocation of licenses in the manner~~
73 ~~provided in this section shall not be exclusive and any authority conferred upon~~
74 ~~the supervisor of liquor control to revoke or suspend licenses shall remain in full~~
75 ~~force and effect, and the suspension or revocation of a license as provided in this~~
76 ~~section shall be in addition to and not in lieu of any other revocation or~~
77 ~~suspension provided by this chapter.~~

78 ~~10. Costs accruing because of such hearings in the circuit court shall be~~
79 ~~taxed in the same manner as criminal costs.]~~

80

2 ~~[311.720. Conviction in any court of any violation of this chapter, or any~~
3 ~~felony violation of chapter 195, in the course of business, shall have the effect of~~
4 ~~automatically revoking the license of the person convicted, and such revocation~~
5 ~~shall continue operative until said case is finally disposed of, and if the defendant~~
6 ~~is finally acquitted, he may apply for and receive a license hereunder, upon~~
7 ~~paying the regular license charge therefor, in the same manner as though he had~~
8 ~~never had a license hereunder; provided, however, that the provisions of this~~
9 ~~section shall not apply to violations of section 311.070, and violations of said~~
10 ~~section shall be punished only as therein provided.]~~

10

2 ~~[311.722. 1. The supervisor of alcohol and tobacco control shall not use~~
3 ~~minors to enforce the laws of this chapter unless the supervisor promulgates rules~~
4 ~~and regulations that establish standards for the use of minors. The standards shall~~
5 ~~include those in subsection 2 of this section.~~

6 ~~2. The supervisor shall establish, by July 1, 2006, permissive standards~~
7 ~~for the use of minors in investigations by any state, county, municipal or other~~
8 ~~local law enforcement authority, and which shall, at a minimum, provide for the~~
9 ~~following:~~

10 ~~(1) The minor shall be eighteen or nineteen years of age;~~

11 ~~(2) The minor shall have a youthful appearance and the minor, if a male,~~
12 ~~shall not have facial hair or a receding hairline;~~

13 ~~(3) The minor shall carry his or her own identification showing the~~
14 ~~minor's correct date of birth and shall, upon request, produce such identification~~
15 ~~to the seller of the intoxicating liquor at the licensed establishment;~~

16 ~~(4) The minor shall answer truthfully any questions about his or her age~~
17 ~~and shall not remain silent when asked questions regarding his or her age, nor~~
18 ~~misrepresent anything in order to induce a sale of intoxicating liquor.~~

19 ~~3. The supervisor of alcohol and tobacco control shall not participate~~
20 ~~with any state, county, municipal, or other local law enforcement agency, nor~~
21 ~~discipline any licensed establishment when any state, county, municipal, or other~~
22 ~~law enforcement agency chooses not to follow the supervisor's permissive~~
standards.

23 ~~4. Any minors used in investigations under this section shall be exempt~~
24 ~~from any violations under this chapter during the time they are under direct~~
25 ~~control of the state, county, municipal, or other law enforcement authorities.]~~
26

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

5 ~~2. Seventy percent of all fees for licenses and permits collected under this~~
6 ~~chapter shall be paid to the credit of the division of alcohol and tobacco control~~
7 ~~fund established under section 311.735.]~~
8

~~[311.735. 1. There is hereby created in the state treasury the "Division~~
2 ~~of Alcohol and Tobacco Control Fund". The state treasurer shall be custodian of~~
3 ~~the fund. In accordance with sections 30.170 and 30.180, the state treasurer may~~
4 ~~approve disbursements. The fund shall be a dedicated fund and, upon~~
5 ~~appropriation, money in the fund shall be used solely by the division of alcohol~~
6 ~~and tobacco control for the administration of this chapter and sections 407.925~~
7 ~~to 407.934, and any duties under such chapter and sections relating to licensing,~~
8 ~~training, technical assistance, and regulations.~~

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

12 ~~3. Appropriation of funds by the general assembly from the fund shall be~~
13 ~~used to support the division of alcohol and tobacco control for the purposes~~
14 ~~provided under subsection 1 of this section.]~~
15

~~[311.740. 1. Any room, house, building, boat, vehicle, structure or place~~
2 ~~of any kind where intoxicating liquor is sold, manufactured, kept for sale or~~
3 ~~bartered, in violation of this law and all intoxicating liquors and all property kept~~
4 ~~and used in maintaining such a place and any still, doubler, worm, worm tub,~~
5 ~~mash tub, fermenting tub, vessel, fixture or other property of any kind or~~
6 ~~character used or fit for use in the production or manufacture of intoxicating~~
7 ~~liquor is hereby declared to be a public and common nuisance, and any person~~
8 ~~who maintains or assists in maintaining such public and common nuisance shall~~
9 ~~be guilty of a misdemeanor and upon conviction thereof shall be fined not less~~

10 than one hundred dollars nor more than one thousand dollars or by imprisonment
11 for not less than thirty days nor more than one year or both.

12 ~~2. If a person has knowledge or reason to believe that his property, real
13 or personal, vehicle, boat or structure is occupied or used for the manufacture,
14 sale, storing, keeping or bartering of intoxicating liquor in violation of the
15 provisions of this law and suffers the same to be so used, or maintains or keeps
16 therein any still, doubler, worm, worm tub, mash tub, fermenting tub or fixture
17 used or fit for use in the production or manufacture of intoxicating liquor
18 illegally, after such knowledge or reason to believe, such property shall be subject
19 to a lien for and may be sold to pay all fines and costs assessed against the
20 occupant of such building or property for any violation of this law occurring after
21 the passage thereof which said lien shall attach from the time of filing of notice
22 of commencement of the suit in the office where the records of the transfer of real
23 estate are kept and any such lien may be established and enforced by legal action
24 instituted for that purpose in any court having jurisdiction.~~

25 ~~3. Such lien shall be released upon final judgment assessing no fines or
26 costs or by paying the final judgment assessing fine and cost.]~~

27

[311.750. 1. That an action to enjoin any nuisance defined in this chapter
2 may be brought in the name of the state of Missouri by the attorney general of the
3 state of Missouri, or by any prosecuting attorney or circuit attorney of any county
4 or city of the state of Missouri. Such action shall be brought and tried as an
5 action in equity and may be brought in any court having jurisdiction to hear and
6 determine equity cases. If it is made to appear by affidavit, or otherwise to the
7 satisfaction of the court, or judge in vacation, that such nuisance exists, a
8 temporary writ of injunction shall forthwith issue restraining the defendant from
9 conducting or maintaining any such nuisance until the conclusion of the trial.
10 Where a temporary injunction is prayed for, the court may issue an order
11 restraining the defendant and all other persons from removing or in any way
12 interfering with the liquor or fixtures, or other things used in connection with the
13 violation of this chapter constituting such nuisance. No bond shall be required
14 in instituting such proceedings.

15 ~~2. It shall not be necessary for the court to find the property involved was
16 being lawfully used as aforesaid at the time of the hearing, but on finding that the
17 material allegations of the petition are true, the court shall order that no liquors
18 shall be manufactured, sold, bartered, stored or kept in any such room, house,~~

19 ~~building, boat, vehicle, structure or place, or any part thereof. And upon such~~
20 ~~judgment of the court ordering said nuisance to be abated, the court may order~~
21 ~~that the room, house, building, boat, vehicle, structure or place, shall not be~~
22 ~~occupied or used for such period as the court may determine, not to exceed the~~
23 ~~period of one year; provided, however, that the court may find that the owner of~~
24 ~~such property, real or personal, or boat, vehicle, room or other structure or place~~
25 ~~knew or should have known or had reason to believe that the said property, boat,~~
26 ~~vehicle, room or structure was used for the purpose of the violation of this law.]~~
27

~~[311.760. Any person violating the terms of the injunction as provided~~
2 ~~for in this chapter, shall be punished for contempt by fine of not less than one~~
3 ~~hundred dollars, nor more than one thousand dollars, or by imprisonment in the~~
4 ~~county jail for not less than thirty days or more than one year; or by both such~~
5 ~~fine and imprisonment and the court shall have the power to enforce such~~
6 ~~injunction by such measures and means as in the judgment of the court may be~~
7 ~~necessary.]~~
8

~~[311.770. 1. In case the existence of any place where intoxicating liquors~~
2 ~~are manufactured or sold in violation of law is disclosed in any criminal~~
3 ~~proceedings, it shall be the duty of the prosecuting attorney to proceed promptly~~
4 ~~to enforce the provisions of this law against such place as a nuisance.~~
5 ~~————— 2. In any affidavit, information or indictment for the violation of this law,~~
6 ~~separate offenses may be united in separate counts and the defendant may be tried~~
7 ~~on all of the separate offenses at one trial and the cumulative penalty for each~~
8 ~~offense may be imposed by the courts. It shall not be necessary in any affidavit,~~
9 ~~information or indictment to give the name of the purchaser or to include any~~
10 ~~defensive negative averments, but it shall be sufficient to state that the act~~
11 ~~complained of was then and there prohibited and unlawful.~~
12 ~~————— 3. Whenever any prosecuting attorney shall be unable or shall neglect,~~
13 ~~fail or refuse to enforce any of the provisions of this chapter, or for any reason~~
14 ~~whatsoever, the provisions of this chapter shall not be enforced in any county in~~
15 ~~this state, it shall be the duty of the attorney general of the state to enforce the~~
16 ~~same in such county, and for that purpose, he may appoint as many assistants as~~
17 ~~he shall deem necessary, and he and his assistants shall be authorized to sign,~~
18 ~~verify and file, all such complaints, affidavits, petitions, informations,~~
19 ~~indictments and papers as the prosecuting attorney is authorized to sign, verify~~

20 or file, and to do and perform any act that the prosecuting attorney might lawfully
21 do or perform.]

22

~~[311.780. 1. The supervisor of liquor control shall, at least once each
2 month, transmit a list of all complaints made to or by him against licensees for
3 alleged violations of the liquor control law to the circuit attorney of the city of St.
4 Louis and to the prosecuting attorney of every county in which said violations are
5 alleged to have occurred, together with a list showing all revocations and
6 suspensions of licenses within such county ordered by said supervisor of liquor
7 control, together with a brief statement of the facts pertaining to each case, and
8 it shall be the duty of the supervisor of liquor control at the time of transmitting
9 each such list and statement to transmit to the attorney general a duplicate thereof
10 for the information of the attorney general in carrying out and enforcing the
11 provisions of the liquor control law.~~

~~12 ————— 2. It shall be the duty of the circuit attorney of the city of St. Louis and
13 the prosecuting attorney of every county to transmit to the supervisor of liquor
14 control, at least once in every three months, a written report of the action, if any,
15 taken by such circuit or prosecuting attorney on each complaint contained on the
16 lists so transmitted to him.]~~

17

~~[311.790. 1. For the purpose of enforcing the provisions of this chapter
2 and acts amendatory thereto, the prosecuting attorneys of the respective counties
3 or the circuit attorneys, or at the request of the governor, the attorney general
4 shall investigate and prosecute all violations of any provision of this law, and
5 shall represent the supervisor of liquor control in any and all legal matters arising
6 under this chapter. When requested by the governor, the attorney general, or his
7 assistants shall in the enforcement of this law, have the power to sign indictments
8 or informations and conduct prosecutions in any county or city within this state.~~

~~9 ————— 2. Whenever any tax, fee or other charge, as authorized by this chapter
10 shall be due, suit may be instituted in any court of competent jurisdiction by the
11 prosecuting attorney of the county, or at the request of the director of revenue, by
12 the attorney general, in the name of the state at the relation of the director of
13 revenue, to recover such tax, fee or other charge, and in any such suit all persons,
14 associations or corporations interested may be made parties and service may be
15 had on both residents and nonresidents in the same manner as provided by law
16 in civil actions.]~~

2 ~~[311.800. Whenever requested to carry out any of the duties as required~~
3 ~~by this chapter, the attorney general may, in his discretion, direct the prosecuting~~
4 ~~attorney of the county to conduct prosecutions and institute suits as required by~~
5 ~~this chapter.]~~

2 ~~[311.810. 1. The attorney general of the state of Missouri at the direction~~
3 ~~of the governor, or the prosecuting attorney of any county, or the supervisor of~~
4 ~~liquor control, or any assistant deputy or inspector appointed by the supervisor~~
5 ~~of liquor control, is hereby empowered to file in the circuit court an application~~
6 ~~for a search warrant, which application shall be presented to a circuit or associate~~
7 ~~circuit judge and shall be by petition setting forth substantially the facts upon~~
8 ~~which the same is based, describing the place to be searched and the thing or~~
9 ~~things to be seized as nearly as may be, which petition shall be verified by the~~
10 ~~oath of the officer filing the same.~~

11 ~~2. If it shall appear to the satisfaction of the court in which said petition~~
12 ~~is filed, either from the facts set forth in such petition, if supported by the~~
13 ~~affidavit of a competent witness to the facts set forth therein, or from evidence~~
14 ~~heard thereon, that there is probable cause to believe that intoxicating liquor is~~
15 ~~being unlawfully manufactured, sold, stored or kept in any building, structure,~~
16 ~~motor vehicle or other conveyance, or at any place described in such petition,~~
17 ~~within such county or transported, as by the law of this state defined, contrary to~~
18 ~~the provisions of any such law, or that thereat or therein is being used or kept any~~
19 ~~still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture~~
20 ~~or equipment, or any part or parts thereof used or fit for use in the unlawful~~
21 ~~manufacture or production of intoxicating liquor, it shall be the duty of such court~~
22 ~~to issue or cause to be issued a search warrant thereon, directed to the sheriff or~~
23 ~~other officer authorized by law to serve such process in this state, which search~~
24 ~~warrant shall substantially recite the facts set forth in such petition, and it shall~~
25 ~~thereupon be the duty of the officer executing such search warrant forthwith to~~
26 ~~enter any such building, structure, place, motor vehicle or other conveyance,~~
27 ~~either in the daytime or nighttime, by force if necessary, and to remove therefrom~~
28 ~~any intoxicating liquor, malt, mash and all grain, grain products, fruit or fruit~~
29 ~~products found therein or thereat which have reached such a stage of fermentation~~
30 ~~as to be unfit for any use save in the unlawful manufacture of intoxicating liquor;~~
31 ~~and to seize and remove therefrom any intoxicating liquor, still, doubler, worm,~~
 ~~worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any~~

32 ~~part or parts thereof, used or fit for use in the unlawful manufacture of~~
33 ~~intoxicating liquor, and all grain, grain products, sugar syrup, hops, raisins and~~
34 ~~other fruit or fruit products used or fit for use in the unlawful manufacture of~~
35 ~~intoxicating liquor, which have not so fermented as to be useless for any other~~
36 ~~purpose than in the manufacture or production of intoxicating liquor, and to hold~~
37 ~~such property until all prosecutions arising out of such search and seizure shall~~
38 ~~be ended and determined. All intoxicating liquor unlawfully manufactured,~~
39 ~~stored, kept, sold, transported or otherwise disposed of, and the containers thereof~~
40 ~~and all equipment used or fit for use in the manufacture or production of the~~
41 ~~same, including all grain or other materials used, in the unlawful manufacture of~~
42 ~~intoxicating liquor, and which are found at or about any still or outfit for the~~
43 ~~unlawful making or manufacture of intoxicating liquor, are hereby declared~~
44 ~~contraband, and no right of property shall be or exist in any person or persons,~~
45 ~~firm, or corporation owning, furnishing or possessing any such property, liquor,~~
46 ~~material or equipment; but all such intoxicating liquors, property, articles and~~
47 ~~things, shall be sold upon an order of the court and in the manner provided in this~~
48 ~~chapter and the proceeds thereof shall be applied on the payment of any fine and~~
49 ~~costs lawfully assessed against any person or persons convicted of the unlawful~~
50 ~~manufacture, production, transportation, sale, gift, storing, or possession of~~
51 ~~intoxicating liquor, or for any other unlawful disposition thereof in any such~~
52 ~~building, structure, motor vehicle or other conveyance, at any such place or on~~
53 ~~the premises thereof, or applied on the payment of any fine or costs of any person~~
54 ~~so convicted of keeping therein or thereat any still, doubler, worm, worm tub,~~
55 ~~mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts~~
56 ~~thereof used or fit for use in the unlawful manufacture or production of~~
57 ~~intoxicating liquor, contrary to the provisions of this chapter, and all such~~
58 ~~property shall likewise be liable for the costs of making any search and seizure~~
59 ~~in case no person or persons shall be found in charge or control of any such~~
60 ~~property or claiming the same; provided, that all persons engaged in the work of~~
61 ~~unlawfully manufacturing intoxicating liquors in any building, structure, motor~~
62 ~~vehicle or other conveyance, or at any place as defined in this chapter, or of~~
63 ~~keeping, storing or selling intoxicating liquor in violation of this law or of any of~~
64 ~~the laws of this state, or assisting in any way in such unlawful manufacture,~~
65 ~~production, keeping, storing, selling or transporting same, and all persons in~~
66 ~~possession or control, whether owners or not, of any still, doubler, worm, worm~~
67 ~~tub, mash, mash tub, fermenting tub, vessel, fixture or equipment used or fit for~~

68 use in the unlawful manufacture or production of intoxicating liquor, or in
69 possession or control of any grain, grain products, syrup, sugar, hops, raisins, or
70 other fruit or fruit products, being used in the unlawful manufacture or unlawful
71 production of intoxicating liquor, shall be deemed equally guilty of a violation
72 of this law; provided further, that nothing in this chapter shall be so construed as
73 to prevent any officer whose duty it is to make arrests from arresting, with or
74 without warrant, any person or persons found violating any of the provisions of
75 this law or from seizing or holding, as the case may be, any of the intoxicating
76 liquor so found, including any liquor in process of fermentation or distillation, or
77 any of the equipment, articles or materials, being in use or fit for use, in the
78 process of unlawfully manufacturing intoxicating liquor as herein specified;
79 however, in the case of a misdemeanor or a violation of a municipal or county
80 ordinance, no physical arrest shall be made of any licensee who was not on the
81 licensed premises at the time the violation occurred but a summons for later
82 appearance may be issued. It is hereby expressly made the duty of the sheriffs
83 and their deputies within their respective counties, and of marshals, chiefs of
84 police and policemen in cities, towns and villages, and of all other officials
85 whose duty it is or shall be to make arrests, to diligently suppress any violation
86 of this law, and to this end such officers are hereby authorized and directed to
87 arrest, with or without a warrant, any person or persons found violating any such
88 provisions; and, if arrested without a warrant, then such officer shall immediately
89 report the same to the prosecuting attorney of the county, and file the necessary
90 complaint thereon. It shall be equally the duty of any officer to seize and hold
91 without first obtaining a search warrant, any intoxicating liquor, still, doubler,
92 worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment,
93 or any part or parts thereof, which he may find in use or fit for use in the unlawful
94 manufacture of intoxicating liquor and to report same immediately to the
95 prosecuting attorney of the county in which such liquor, articles and equipment
96 may be found; provided further, that any officer executing a search warrant as
97 provided in this chapter shall forthwith make his return thereon to the court
98 issuing said search warrant of the manner and date of his execution thereof,
99 showing what, if anything, was seized and held by such search, together with the
100 name of the owner or owners, if known, of the things seized, and if not known,
101 then the name or names of the person or persons appearing to be in charge or
102 control thereof, and shall attach to said return as a part thereof an accurate list or
103 inventory of the article and things so seized and in case of the seizure of any such

104 articles, things or equipment, or intoxicating liquor which said officer may have
105 found in use or fit for use without the aid of a search warrant as herein provided;
106 he shall immediately file a list of the things so seized with the prosecuting
107 attorney of the county in which the same were found, and shall hold the things so
108 seized for disposition in accordance with the provisions of this law; and provided
109 further, that all such articles, products and things declared in this section to be
110 contraband, and which shall be seized by any officer and which shall be of such
111 perishable nature as not to be susceptible of preservation until the determination
112 of any prosecution arising out of seizure, shall be sold or otherwise disposed of
113 as provided in this chapter by an order of the court issuing such search warrant,
114 and the proceeds of such sale shall be held and applied as in this law providing.]
115

2 [311.820. The supervisor of liquor control of the state of Missouri and
his agents and inspectors, members of the Missouri state highway patrol, and
3 every sheriff and deputy sheriff in the state of Missouri may inspect and search
4 any vehicle, with or without a search warrant, which he has probable cause to
5 believe is being used in violation of the terms of this statute; provided, however,
6 that any evidence found by any such officer while inspecting or searching any
7 vehicle pursuant to the provisions of sections 311.410 to 311.460 may be used
8 in any prosecution for the violation of sections 311.410 to 311.460; in any
9 proceeding seeking to have any property seized in such search declared
10 contraband under the provisions of sections 311.410 to 311.460, 311.580 and
11 311.820 to 311.850, but any such evidence shall not be used in any other
12 proceeding whatsoever, civil or criminal.]
13

2 [311.830. Any intoxicating liquor being transported into, within, or
through the state of Missouri in knowing and willful violation of the provisions
3 of sections 311.410 to 311.460, 311.580 and 311.820 to 311.850, and the
4 conveyance in which it is being transported shall be deemed contraband and shall
5 be forfeited to the state of Missouri, and the supervisor of liquor control, or any
6 of his agents and inspectors, and any peace officer of the state of Missouri shall
7 seize any such liquor and the conveyance in which it is being transported as
8 contraband.]
9

2 [311.840. 1. Whenever any intoxicating liquor or other property having
a value of more than fifty dollars is seized as contraband under any section of the

3 liquor control law, the officer seizing such property, or the supervisor of liquor
4 control, if the seizure is made by one of his agents, shall commence an action in
5 the circuit court of the county in which such property is seized by filing a petition
6 in the office of the clerk of said court in the name of the state of Missouri as
7 plaintiff against the person from whom the property was seized as defendant, and
8 there shall be a rebuttable presumption that said property is the property of the
9 defendant from whom it was seized. Said petition shall describe the property
10 seized and the circumstances of the seizure and shall pray the court to make an
11 order, declaring said liquor or other property to be contraband and directing said
12 seizing officer or the supervisor of liquor control, if the seizure was made by the
13 supervisor or one of his agents, to sell said property at public or private sale,
14 subject to the approval of the said circuit court. A summons shall be issued and
15 process served on the defendant as in other civil suits. The defendant shall file
16 his answer within thirty days after service of process upon him, whether such
17 service is personal service, service by mail, or service by publication. After
18 defendant's time for filing answer has expired, the court shall fix a day for
19 hearing and said action shall be heard by the court without a jury and shall be
20 conducted, except as otherwise in this chapter provided, as other cases under the
21 code of civil procedure of the state of Missouri.

22 ————— 2. However, in addition to any other process provided by the civil code,
23 the clerk of the circuit court shall cause to be published one time in some
24 newspaper having a general circulation in the county where the action is pending,
25 or if there be no newspaper of general circulation in the county, then in some
26 newspaper of an adjoining county, a notice to all persons whom it may concern
27 that said petition has been filed in said court, briefly describing the property
28 seized, the time and circumstances of the seizure, the person from whom seized,
29 and stating that any person claiming any interest in the property may, upon his
30 own request, be made a party to the action and assert any claim he may have
31 thereto within thirty days after the publication of said notice.

32 ————— 3. Any person claiming any interest in said property may intervene in said
33 action within thirty days after the publication of said notice, setting forth any
34 claim he may have to said property.

35 ————— 4. The court shall render such judgment as to it shall seem meet and just,
36 and if it shall appear that any person who has made claim to said property is the
37 owner thereof and was ignorant of the illegal use thereof and such illegal use was
38 without his connivance or consent, express or implied, or if the court shall find

39 that said property was not being illegally used at the time of seizure, the court
40 shall relieve said property from forfeiture and restore it to the rightful owner, or
41 if it shall appear that the claimant is the holder of a bona fide lien against the
42 property, and that he was ignorant of the illegal use thereof and that such use was
43 without his connivance or consent, express or implied, the court shall, first, if the
44 lien so established is equal to or more than the value of the property, order said
45 property to be delivered to the lienor. Or, if the property is valued at more than
46 the established lien and all costs of proceedings and sale, an order shall be made
47 for the sale of said property by the seizing officer or by the supervisor of liquor
48 control, if the seizure was made by him or one of his agents, at public or private
49 sale, subject to the approval of the court, and out of the proceeds of such sale
50 shall be paid: Storage, if any, the lien, the cost of the proceedings, and the
51 residue, if any, shall be paid into the general revenue fund of the state of
52 Missouri. If it shall be determined that no person, other than the defendant, has
53 any interest in said property or that the person or persons having any interest in
54 said property knew of or connived or gave consent, express or implied, to the
55 illegal use thereof, and if it shall be found by the court that said property was, at
56 the time it was seized, being illegally used and was contraband, as declared by
57 any section of the liquor control law of the state of Missouri, the said property
58 shall be declared to be forfeited to the state of Missouri, and the court shall order
59 the officer who seized said property or the supervisor of liquor control, if the
60 property was seized by one of his agents, to sell said property at public or private
61 sale, subject to the approval of the court, and out of the proceeds of said sale shall
62 be paid: The cost of storage, if any, cost of the proceedings of the case and the
63 balance thereof shall be paid into the general revenue fund of the state of
64 Missouri.

65 ————— 5. Appeals shall be allowed from the judgment of the circuit court as in
66 other civil actions.

67 ————— 6. Whenever any liquor is sold under the provisions of this section, the
68 officer selling it shall procure the proper excise stamps from the director of
69 revenue and attach them to the container thereof, unless such liquor is already
70 properly stamped, and he shall be reimbursed for the cost of said stamps out of
71 the proceeds of the sale.

72 ————— 7. Under no circumstances shall the officer commencing said action on
73 behalf of the state be liable for any costs or storage.

74 ~~8. The supervisor of liquor control and his agents and any other officer~~
75 ~~authorized to make seizures of contraband under the liquor control law are each~~
76 ~~hereby authorized and empowered to call upon the prosecuting attorneys of the~~
77 ~~respective counties and the circuit attorney of the city of St. Louis and the~~
78 ~~attorney general of the state of Missouri to represent them in any proceeding~~
79 ~~hereunder, and thereafter it shall be the duty of such prosecuting or circuit~~
80 ~~attorney or the attorney general to proceed on behalf of the officer making such~~
81 ~~call according to the provisions of this chapter.]~~
82

~~[311.850. 1. Whenever any intoxicating liquor or other property of the~~
2 ~~value of fifty dollars or less is seized as contraband under any provision of the~~
3 ~~liquor control law by any officer, he shall give to the person from whom it is~~
4 ~~seized a receipt for said property. Any person claiming title to said property as~~
5 ~~owner or otherwise may at any time within sixty days of such seizure file a suit~~
6 ~~in replevin against the officer seizing said property. Said suit shall be heard by~~
7 ~~the court without a jury and conducted as any other suit in replevin is conducted~~
8 ~~except as otherwise provided in this chapter, but if the court shall adjudge the~~
9 ~~return of the property to the defendant or to some third party, the officer making~~
10 ~~the seizure shall not be liable for any costs or damages, unless the court shall find~~
11 ~~that said seizure was made maliciously and that said officer did not have probable~~
12 ~~cause to believe said property was contraband. If the court shall find that said~~
13 ~~seized property is contraband, he shall order it turned over to the supervisor of~~
14 ~~liquor control to be sold by him and the proceeds to be paid into the general~~
15 ~~revenue fund of the state.~~

16 ~~2. Appeals shall be allowed from the judgment of the court as in other~~
17 ~~civil actions.~~

18 ~~3. If no suit is filed within sixty days after the seizure of such property,~~
19 ~~the officer seizing said property shall turn it over to the supervisor of liquor~~
20 ~~control to be sold by him and the proceeds of the sale shall be paid into the~~
21 ~~general revenue fund of the state of Missouri. Whenever any liquor is sold by~~
22 ~~any officer which does not bear proper stamps of the director of revenue upon the~~
23 ~~containers, he shall, before selling it, obtain the proper excise stamps from the~~
24 ~~director of revenue and affix them to the containers of such liquor, and the cost~~
25 ~~thereof shall be returned to the officer out of the proceeds of the sale.~~

26 ~~4. The supervisor of liquor control and his agents and any other officer~~
27 ~~authorized to make seizures of contraband property under the liquor control act~~

28 are each hereby authorized and empowered to call upon the prosecuting attorneys
29 of the respective counties and the circuit attorney of the city of St. Louis and the
30 attorney general of the state of Missouri to represent them in any proceeding
31 hereunder, and thereafter it shall be the duty of such prosecuting or circuit
32 attorney or the attorney general to proceed on behalf of the officer making such
33 call according to the provisions of this chapter.]
34

2 [311.860. All officers whose duty it is to issue or execute search warrants
3 as provided for in this chapter, shall be entitled to the same fees and mileage as
4 such officers are now or may hereafter be entitled to for similar services in the
5 issuance and execution of criminal processes, the same to be taxed and collected
6 as other criminal costs are taxed and collected.]

2 [311.868. 1. Notwithstanding the provisions of section 311.070,
3 311.550, or 311.600, or any other provision within this chapter containing a
4 penalty provision, any person who shall manufacture or distill intoxicating liquor
5 in this state shall be subject only to the penalty provision of subsection 2 of this
6 section with regard only to its manufacturer's or distiller's license rather than the
7 general or specific penalty provisions of the other provisions within this chapter,
8 or any rule or regulation promulgated pursuant thereto. Such manufacturer or
9 distiller shall not be subject to any other form of punishment with regard to its
10 manufacturer's or distiller's license.

11 2. Any person as defined by subsection 1 of this section violating a
12 provision of law contained in this chapter, or any rule or regulation promulgated
13 pursuant thereto, shall be fined for the first offense, ten thousand dollars; for the
14 second offense, twenty-five thousand dollars; and for the third and subsequent
15 offenses, fifty thousand dollars.]

2 [311.870. Whenever any corporation is convicted of any offense under
3 this chapter, and a pecuniary penalty is imposed or an order under this chapter
4 requires payment of a sum of money by a corporation, the court, judge or
5 magistrate, upon its conviction or order, after adjudging payment of such
6 penalties with costs, may order and adjudge that in default of payment of such
7 penalty forthwith such penalty or sum of money shall be levied by execution and
8 sale of the goods and chattels of such corporation.]

2 ~~[311.880. Any person violating any of the provisions of this chapter,~~
3 ~~except where some penalty is otherwise provided, shall upon conviction thereof~~
4 ~~be adjudged guilty of a misdemeanor and punished by a fine of not less than fifty~~
5 ~~dollars, nor more than one thousand dollars, or by imprisonment in the county jail~~
6 ~~for a term not exceeding one year, or by both such fine and jail sentence.]~~

2 ~~[311.915. A special permit shall be issued to an out-of-state manufacturer~~
3 ~~of intoxicating liquor who is not licensed in the state of Missouri for participation~~
4 ~~in festivals, bazaars, or similar events. Registration requirements under section~~
5 ~~311.275 shall be waived for such event. The amount of intoxicating liquor~~
6 ~~shipped in the state under this permit shall not exceed two hundred gallons.~~
7 ~~Excise taxes shall be paid by the licensed manufacturer that holds a retail license~~
8 ~~organizing the event in the same manner as if it were produced or purchased by~~
9 ~~the manufacturer. A permit issued under this section by the division of alcohol~~
10 ~~and tobacco control shall be valid for no more than seventy-two hours. An~~
11 ~~applicant shall complete a form provided by the supervisor of alcohol and~~
12 ~~tobacco control and pay a fee of twenty-five dollars before a special permit shall~~
13 ~~be issued.]~~

2 ~~[311.950. 1. Notwithstanding any provision of law to the contrary,~~
3 ~~entertainment facilities including, but not limited to, arenas and stadiums used~~
4 ~~primarily for concerts, shows, and sporting events of any kind and entities selling~~
5 ~~concessions at such facilities that possess all necessary and valid licenses and~~
6 ~~permits to allow for the sale of alcoholic beverages shall not be prohibited from~~
7 ~~selling and delivering alcoholic beverages purchased through the use of mobile~~
8 ~~applications to individuals attending events on the premises of such facilities if~~
9 ~~the facilities are in compliance with all applicable state laws and regulations~~
10 ~~regarding the sale of alcoholic beverages.~~

11 ~~2. For purposes of this section, the term “mobile application” shall mean~~
12 ~~a computer program or software designed to be used on hand-held mobile devices~~
13 ~~such as cellular phones and tablet computers.~~

14 ~~3. Any employee of a facility or entity selling concessions at a facility~~
15 ~~who delivers an alcoholic beverage purchased through a mobile application to an~~
16 ~~individual shall require the individual to show a valid, government-issued~~
17 ~~identification document that includes the photograph and birth date of the~~
 ~~individual, such as a driver’s license, and shall verify that the individual is~~

18 ~~twenty-one years of age or older before the individual is allowed possession of~~
19 ~~the alcoholic beverage.~~
20 ~~4. The division of alcohol and tobacco control may promulgate rules to~~
21 ~~implement the provisions of this section. Any rule or portion of a rule, as that~~
22 ~~term is defined in section 536.010, that is created under the authority delegated~~
23 ~~in this section shall become effective only if it complies with and is subject to all~~
24 ~~of the provisions of chapter 536 and, if applicable, section 536.028. This section~~
25 ~~and chapter 536 are nonseverable and if any of the powers vested with the general~~
26 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~
27 ~~disapprove and annul a rule are subsequently held unconstitutional, then the grant~~
28 ~~of rulemaking authority and any rule proposed or adopted after August 28, 2016,~~
29 ~~shall be invalid and void.]~~

✓