

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 283

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

1140S.03P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, 311.620, and 311.710, RSMo, and to enact in lieu thereof sixteen new sections relating to alcoholic beverages, with existing penalty provisions.

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

Section A. Sections 311.070, 311.089, 311.096, 311.101,
2 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480,
3 311.482, 311.620, and 311.710, RSMo, are repealed and sixteen
4 new sections enacted in lieu thereof, to be known as sections
5 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178,
6 311.179, 311.199, 311.200, 311.202, 311.293, 311.480, 311.482,
7 311.620, and 311.710, to read as follows:

311.070. 1. Distillers, wholesalers, winemakers,
2 brewers or their employees, officers or agents shall not,
3 except as provided in this section, directly or indirectly,
4 have any financial interest in the retail business for sale
5 of intoxicating liquors, and shall not, except as provided
6 in this section, directly or indirectly, loan, give away or
7 furnish equipment, money, credit or property of any kind,
8 except ordinary commercial credit for liquors sold to such
9 retail dealers. However, notwithstanding any other

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 provision of this chapter to the contrary, for the purpose
11 of the promotion of tourism, a distiller whose manufacturing
12 establishment is located within this state may apply for and
13 the supervisor of [liquor] **alcohol and tobacco** control may
14 issue a license to sell intoxicating liquor, as in this
15 chapter defined, by the drink at retail for consumption on
16 the premises where sold; and provided further that the
17 premises so licensed shall be in close proximity to the
18 distillery and may remain open between the hours of 6:00
19 a.m. and 1:30 a.m., Monday through Saturday and between the
20 hours of 9:00 a.m. and midnight, Sunday. The authority for
21 the collection of fees by cities and counties as provided in
22 section 311.220, and all other laws and regulations relating
23 to the sale of liquor by the drink for consumption on the
24 premises where sold, shall apply to the holder of a license
25 issued under the provisions of this section in the same
26 manner as they apply to establishments licensed under the
27 provisions of section 311.085, 311.090, or 311.095.

28 2. Any distiller, wholesaler, winemaker, or brewer who
29 shall violate the provisions of subsection 1 of this
30 section, or permit his **or her** employees, officers or agents
31 to do so, shall be guilty of a misdemeanor, and upon
32 conviction thereof shall be punished as follows:

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

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

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

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

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

48 (2) "Equipment and supplies", glassware (or similar
49 containers made of other [material] **materials**), [dispensing
50 accessories,] carbon dioxide (and other gasses used in
51 dispensing equipment) [or], ice[. "Dispensing accessories"
52 include standards, faucets, cold plates, rods, vents, taps,
53 tap standards, hoses, washers, couplings, gas gauges, vent
54 tongues, shanks, and check valves], **nonrefrigerated rolling**
55 **coolers, portable bars, agitating tanks, tubs, tents not to**
56 **exceed one hundred square feet in size, and any permanently**
57 **inscribed or securely affixed brand identified**
58 **nonrefrigerated item that promotes intoxicating liquor;**

59 (3) "Nonrefrigeration dispensing accessories",
60 includes regulators, gauges, vents, nuts, clamps, splicers,
61 keg stackers, washers, shanks, wall brackets, beer and air
62 distributors, beer line insulation, beer and gas hoses,
63 faucets, taps, tap standards, couplers, air pumps draft
64 arms, blankets or other coverings for temporary wrapping of
65 barrels, tavern head and their internal parts, and any other
66 technology or parts necessary to preserve and serve
67 intoxicating liquor that are not self-refrigerating;

68 (4) "Permanent point-of-sale advertising materials",
69 advertising items designed to be used within a retail
70 business establishment for an extended period of time to
71 attract consumer attention to the products of a distiller,
72 wholesaler, winemaker or brewer. Such materials shall only

73 include inside signs (electric, mechanical or otherwise),
74 mirrors, **table umbrellas**, and sweepstakes/contest prizes
75 displayed on the licensed premises;

76 [(4)] (5) "Product display", wine racks, **portable**
77 **branded nonrefrigerated coolers**, bins, barrels, casks,
78 shelving or similar items the primary function of which is
79 to hold and display consumer products;

80 [(5)] (6) "Promotion", an advertising and publicity
81 campaign to further the acceptance and sale of the
82 merchandise or products of a distiller, wholesaler,
83 winemaker, or brewer;

84 [(6)] (7) "Temporary point-of-sale advertising
85 materials", advertising items designed to be used for short
86 periods of time. Such materials include, but are not
87 limited to: banners, decorations reflecting a particular
88 season or a limited-time promotion, or paper napkins,
89 coasters, cups, **tap handles, ice buckets, condiment caddies,**
90 **napkin holders, bar rail mats, shakers, salt rimmers,** or
91 menus.

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

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

100 (a) The total value of all product displays given or
101 sold to a retail business shall not exceed three hundred
102 dollars per brand at any one time in any one retail outlet.
103 There shall be no combining or pooling of the three hundred
104 dollar limits to provide a retail business a product display

105 in excess of three hundred dollars per brand. The value of
106 a product display is the actual cost to the distiller,
107 wholesaler, winemaker, or brewer who initially purchased
108 such product display. Transportation and installation costs
109 shall be excluded;

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

115 (c) The giving or selling of product displays may be
116 conditioned on the purchase of intoxicating beverages
117 advertised on the displays by the retail business in a
118 quantity necessary for the initial completion of the product
119 display. No other condition shall be imposed by the
120 distiller, wholesaler, winemaker, or brewer on the retail
121 business in order for such retail business to obtain the
122 product display;

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

129 (a) The total value of all permanent point-of-sale
130 advertising materials provided to a retail business by a
131 distiller, wholesaler, winemaker, or brewer shall not exceed
132 five hundred dollars per calendar year, per brand, per
133 retail outlet. **The replacement of similar in appearance,**
134 **type, and dollar value permanent point-of-sale advertising**
135 **materials that are damaged and nonfunctioning shall not**
136 **count towards the maximum of five hundred dollars per**

137 **calendar year, per brand, per retail outlet.** The value of
138 permanent point-of-sale advertising materials is the actual
139 cost to the distiller, wholesaler, winemaker, or brewer who
140 initially purchased such item. Transportation and
141 installation costs shall be excluded. All permanent point-
142 of-sale advertising materials provided to a retailer shall
143 be recorded, and records shall be maintained for a period of
144 three years;

145 (b) The provider of permanent point-of-sale
146 advertising materials shall own and otherwise control the
147 use of permanent point-of-sale advertising materials that
148 are provided by any distiller, wholesaler, winemaker, or
149 brewer;

150 (c) All permanent point-of-sale advertising materials,
151 temporary point-of-sale advertising materials, and consumer
152 advertising specialties shall bear in a conspicuous manner
153 substantial advertising matter about the product or the name
154 of the distiller, wholesaler, winemaker, or brewer. The
155 name, address and logos of the retail business may appear on
156 the permanent point-of-sale advertising materials, temporary
157 point-of-sale advertising materials, or the consumer
158 advertising specialties; and

159 (d) The distiller, wholesaler, winemaker, or brewer
160 shall not directly or indirectly pay or credit the retail
161 business for using or distributing the permanent point-of-
162 sale advertising materials, temporary point-of-sale
163 advertising materials, or consumer advertising specialties
164 or for any incidental expenses arising from their use or
165 distribution;

166 (3) A distiller, wholesaler, winemaker, or brewer may
167 give a gift not to exceed a value of one thousand dollars

168 per year to a holder of a temporary permit as [defined]
169 **described** in section 311.482;

170 (4) The distiller, wholesaler, winemaker, or brewer
171 may sell equipment [or] **and** supplies to a retail business if
172 all the following requirements are met:

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

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

180 (5) The [distiller,] wholesaler[, winemaker] or brewer
181 may install **nonrefrigeration** dispensing accessories at the
182 retail business establishment, which shall include for the
183 purposes of beer equipment to properly preserve and serve
184 draught beer only and to facilitate the delivery to the
185 retailer the brewers and wholesalers may lend, give, rent or
186 sell and they may install or repair [any of the following
187 items or render to retail licensees any of the following
188 services: beer coils and coil cleaning, sleeves and
189 wrappings, box couplings and draft arms, beer faucets and
190 tap markers, beer and air hose, taps, vents and washers,
191 gauges and regulators, beer and air distributors, beer line
192 insulation, coil flush hose, couplings and bucket pumps;
193 portable coil boxes, air pumps, blankets or other coverings
194 for temporary wrappings of barrels, coil box overflow pipes,
195 tilting platforms, bumper boards, skids, cellar ladders and
196 ramps, angle irons, ice box grates, floor runways;]
197 **nonrefrigeration dispensing accessories** and damage caused by
198 any beer delivery excluding normal wear and tear [and a]. **A**
199 complete record of equipment **and supplies, and**

200 **nonrefrigeration dispensing accessories** furnished and
201 installed and repairs and service made or rendered must be
202 kept by the brewer or wholesalers furnishing, making or
203 rendering same for a period of not less than one year;

204 (6) The distiller, wholesaler, winemaker, or brewer
205 may furnish, give, or sell [coil] cleaning **and sanitation**
206 [service] **services** to a retailer **to preserve product**
207 **integrity** of distilled spirits, wine, or malt beverages;

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

213 (a) The wholesaler may furnish or give not more than
214 seven hundred fifty milliliters of any brand of distilled
215 spirits and not more than seven hundred fifty milliliters of
216 any brand of wine; if a particular product is not available
217 in a size within the quantity limitations of this
218 subsection, a wholesaler may furnish or give to a retailer
219 the next larger size;

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

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

228 (d) For the purpose of this subsection, the word
229 "brand" refers to differences in brand name of product or
230 differences in nature of product; examples of different
231 brands would be products having a difference in: brand

232 name; class, type or kind designation; appellation of origin
233 (wine); viticulture area (wine); vintage date (wine); age
234 (distilled spirits); or proof (distilled spirits);
235 differences in packaging such a different style, type, size
236 of container, or differences in color or design of a label
237 are not considered different brands;

238 (8) The distiller, wholesaler, winemaker, or brewer
239 may package and distribute intoxicating beverages in
240 combination with other nonalcoholic items as originally
241 packaged by the supplier for sale ultimately to consumers;
242 notwithstanding any provision of law to the contrary, for
243 the purpose of this subsection, intoxicating liquor and wine
244 wholesalers are not required to charge for nonalcoholic
245 items any more than the actual cost of purchasing such
246 nonalcoholic items from the supplier;

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

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

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

257 (b) The listing of the retail businesses shall be the
258 only reference to such retail businesses in the
259 advertisement;

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

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

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

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

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

280 (12) The distiller, wholesaler, winemaker, or brewer
281 may stock, rotate, rearrange or reset the products sold by
282 such distiller, wholesaler, winemaker, or brewer at the
283 establishment of the retail business so long as the products
284 of any other distiller, wholesaler, winemaker, or brewer are
285 not altered or disturbed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

340 (d) Temporary banners of a seasonal nature or
341 promoting a specific event shall not be constructed to be
342 permanent outdoor signs and may be provided to retailers.
343 The total cost of temporary outdoor banners provided to a
344 retailer in use at any one time shall not exceed five
345 hundred dollars per brand;

346 (16) A wholesaler may, but shall not be required to,
347 exchange for an equal quantity of identical product or allow
348 credit against outstanding indebtedness for intoxicating
349 liquor with alcohol content of less than five percent by
350 weight **and malt liquor** that was delivered in a damaged
351 condition or damaged while in the possession of the retailer;

352 (17) To assure and control product quality,
353 wholesalers at the time of a regular delivery may, but shall
354 not be required to, withdraw, with the permission of the
355 retailer, a quantity of intoxicating liquor with alcohol
356 content of less than five percent by weight **and malt liquor**

357 in its undamaged original carton from the retailer's stock,
358 if the wholesaler replaces the product with an equal
359 quantity of identical product;

360 (18) In addition to withdrawals authorized pursuant to
361 subdivision (17) of this subsection, to assure and control
362 product quality, wholesalers at the time of a regular
363 delivery may, but shall not be required to, withdraw, with
364 the permission of the retailer, a quantity of intoxicating
365 liquor with alcohol content of less than five percent by
366 weight **and malt liquor** in its undamaged original carton from
367 the retailer's stock and give the retailer credit against
368 outstanding indebtedness for the product if:

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

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

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

384 **(19) Wholesalers shall distribute consumer advertising**
385 **specialties, equipment and supplies, nonrefrigeration**
386 **dispensing accessories, permanent point-of-sale advertising**
387 **materials, product display, promotion, and temporary point-**

388 **of-sale advertising materials to their retailers in a fair**
389 **and reasonable manner; and**

390 ~~[(19)]~~ (20) Nothing in this section authorizes
391 consignment sales.

392 5. (1) A distiller, wholesaler, winemaker, or brewer
393 that is also in business as a bona fide producer or vendor
394 of nonalcoholic beverages shall not condition the sale of
395 its alcoholic beverages on the sale of its nonalcoholic
396 beverages nor combine the sale of its alcoholic beverages
397 with the sale of its nonalcoholic beverages, except as
398 provided in subdivision (8) of subsection 4 of this
399 section. The distiller, wholesaler, winemaker, or brewer
400 that is also in business as a bona fide producer or vendor
401 of nonalcoholic beverages may sell, credit, market, and
402 promote nonalcoholic beverages in the same manner in which
403 the nonalcoholic products are sold, credited, marketed, or
404 promoted by a manufacturer or wholesaler not licensed by the
405 supervisor of alcohol and tobacco control.

406 (2) Any fixtures, equipment, or furnishings provided
407 by any distiller, wholesaler, winemaker, or brewer in
408 furtherance of the sale of nonalcoholic products shall not
409 be used by the retail licensee to store, service, display,
410 advertise, furnish, or sell, or aid in the sale of alcoholic
411 products regulated by the supervisor of alcohol and tobacco
412 control. All such fixtures, equipment, or furnishings shall
413 be identified by the retail licensee as being furnished by a
414 licensed distiller, wholesaler, winemaker, or brewer.

415 6. Distillers, wholesalers, brewers, and winemakers,
416 or their officers or directors shall not require, by
417 agreement or otherwise, that any retailer purchase any
418 intoxicating liquor from such distillers, wholesalers,
419 brewers, or winemakers to the exclusion in whole or in part

420 of intoxicating liquor sold or offered for sale by other
421 distillers, wholesalers, brewers, or winemakers.

422 7. Notwithstanding any other provisions of this
423 chapter to the contrary, a distiller, **winemaker**, or
424 wholesaler may install **nonrefrigeration** dispensing
425 accessories at the retail business establishment, which
426 shall include for the purposes of distilled spirits **and wine**
427 equipment to properly preserve and serve premixed distilled
428 spirit **and wine** beverages only. To facilitate delivery to
429 the retailer, the distiller, **winemaker**, or wholesaler may
430 lend, give, rent or sell and the distiller, **winemaker**, or
431 wholesaler may install or repair [any of the following items
432 or render to retail licensees any of the following
433 services: coils and coil cleaning, draft arms, faucets and
434 tap markers, taps, tap standards, tapping heads, hoses,
435 valves and other minor tapping equipment components,]
436 **nonrefrigeration dispensing accessories** and damage caused by
437 any delivery excluding normal wear and tear. A complete
438 record of [equipment] **nonrefrigeration dispensing**
439 **accessories** furnished and installed and repairs or service
440 made or rendered shall be kept by the distiller, **winemaker**,
441 or wholesaler furnishing, making or rendering the same for a
442 period of not less than one year.

443 8. Distillers, wholesalers, winemakers, brewers or
444 their employees or officers shall be permitted to make
445 contributions of money or merchandise to a licensed retail
446 liquor dealer that is a charitable, fraternal, civic,
447 service, veterans', or religious organization as defined in
448 section 313.005, or an educational institution if such
449 contributions are unrelated to such organization's retail
450 operations.

451 9. Distillers, brewers, wholesalers, and winemakers
452 may make payments for advertisements in programs or
453 brochures of tax-exempt organizations licensed under section
454 311.090 if the total payments made for all such
455 advertisements are the same as those paid by other vendors.

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

463 11. For the purpose of the promotion of tourism, a
464 wine manufacturer, its employees, officers or agents located
465 within this state may apply for and the supervisor of
466 **[liquor] alcohol and tobacco** control may issue a license to
467 sell intoxicating liquor, as defined in this chapter, by the
468 drink at retail for consumption on the premises where sold,
469 if the premises so licensed is in close proximity to the
470 winery. Such premises shall be closed during the hours
471 specified under section 311.290 and may remain open between
472 the hours of 9:00 a.m. and midnight on Sunday.

473 12. For the purpose of the promotion of tourism, a
474 person may apply for and the supervisor of **[liquor] alcohol**
475 **and tobacco** control may issue a license to sell intoxicating
476 liquor by the drink at retail for consumption on the
477 premises where sold, but seventy-five percent or more of the
478 intoxicating liquor sold by such licensed person shall be
479 Missouri-produced wines received from manufacturers licensed
480 under section 311.190. Such premises may remain open
481 between the hours of 6:00 a.m. and midnight, Monday through

482 Saturday, and between the hours of 11:00 a.m. and 9:00 p.m.
483 on Sundays.

311.089. Any establishment possessing or qualifying
2 for a license to sell intoxicating liquor by the drink at
3 retail in any city not within a county, any home rule city
4 with more than four hundred thousand inhabitants and located
5 in more than one county and if such establishment is also
6 located in a resort area, convention trade area, or
7 enterprise zone area, the establishment may apply for a
8 Sunday by-the-drink license between the hours of [9:00] **6:00**
9 a.m. [and midnight] on [Sunday] **Sundays and 1:30 a.m. on**
10 **Mondays**. The license fee for such Sunday by-the-drink
11 license shall be six hundred dollars per year. The license
12 fee shall be prorated for the period of the license based on
13 the cost of the annual license for the establishment.

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

14 2. Notwithstanding any other provisions of this
15 chapter to the contrary, any person who possesses the
16 qualifications required by this chapter, or who now or
17 hereafter meets the requirements of and complies with the

18 provisions of this chapter, may apply for, and the
19 supervisor of [liquor] **alcohol and tobacco** control may
20 issue, a license to sell intoxicating liquor, as defined in
21 this chapter, by the drink at retail not for consumption on
22 the premises where sold but for consumption in a common
23 eating and drinking area, as described in the application
24 for such license. In addition to all other fees required by
25 law, each establishment in a common eating and drinking area
26 licensed under this subsection shall pay to the director of
27 revenue the sum of three hundred dollars per year. The
28 times for selling intoxicating liquor as fixed in section
29 311.290, the authority for the collection of fees by
30 counties and cities as provided in section 311.220, and all
31 other laws and regulations of this state relating to the
32 sale of intoxicating liquor by the drink shall apply to each
33 establishment licensed under this subsection in the same
34 manner as they apply to establishments licensed under
35 sections 311.085 and 311.090.

36 3. Notwithstanding any other provisions of this
37 chapter to the contrary, any person who possesses the
38 qualifications required by this chapter, and who now or
39 hereafter meets the requirements of and complies with the
40 provisions of this chapter, may apply for, and the
41 supervisor of [liquor] **alcohol and tobacco** control may
42 issue, a license to sell intoxicating liquor, as defined in
43 this chapter, between the hours of [11:00] **6:00** a.m. on
44 [Sunday] **Sundays** and [12:00 midnight] **1:30** a.m. on [Sunday]
45 **Mondays** by the drink at retail not for consumption on the
46 premises where sold but for consumption in a common eating
47 and drinking area, as described in the application for such
48 license. In addition to all other fees required by law,
49 each establishment in a common eating and drinking area

50 licensed under this subsection shall pay an additional fee
51 of two hundred dollars a year payable at the same time and
52 in the same manner as its other license fees.

53 4. Any person possessing the qualifications and
54 meeting the requirements of this chapter, who is licensed to
55 sell intoxicating liquor by the drink at retail not for
56 consumption on the premises where sold but for consumption
57 in a common eating and drinking area, may apply to the
58 supervisor of [liquor] **alcohol and tobacco** control for a
59 special permit to remain open on all days of the week
60 [except Sunday] between the hours of 1:30 a.m. to 3:00 a.m.
61 [The provisions of subsection 3 of this section shall apply
62 to the sale of intoxicating liquor by the drink at retail
63 not for consumption on the premises where sold but for
64 consumption in a common eating and drinking area on
65 Sunday.] To qualify for such a permit, the premises of such
66 an applicant must be located in an area which has been
67 designated as a convention trade area by the governing body
68 of the county or city. An applicant granted a special
69 permit under this section shall pay, in addition to all
70 other fees required by this chapter, an additional fee of
71 three hundred dollars a year payable at the time and in the
72 same manner as its other license fees.

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

9 **containers of other alcoholic beverages** under the following
10 conditions:

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

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

14 (3)] The **restaurant or** restaurant bar must provide a
15 dated receipt **or an electronic record** for the [unfinished]
16 bottle or bottles of wine **or the container or containers of**
17 **other alcoholic beverages;** and

18 [(4)] (3) The restaurant bar must securely [reseal]
19 **seal** the bottle or bottles of wine **or the container or**
20 **containers of other alcoholic beverages** and place them in
21 one or more one-time-use, tamperproof, transparent bags and
22 securely seal the bags.

23 2. Notwithstanding any other provision of law, no
24 person who transports one or more bottles of [unfinished]
25 wine **or one or more containers of other alcoholic beverages**
26 which came from a **restaurant or** restaurant bar under the
27 circumstances described in subsection 1 of this section, in
28 a vehicle, shall be considered to have violated any state
29 law or local ordinance regarding open containers in vehicles
30 so long as such person has in his or her possession the
31 dated receipt **or an electronic record** from the **restaurant or**
32 restaurant bar and the bottle or bottles of wine **or the**
33 **container or containers of other alcoholic beverages** remain
34 in the [restaurant bar-furnished,] one-time-use,
35 tamperproof, transparent bags with the seals intact **that**
36 **were furnished by the restaurant or restaurant bar.**

37 3. Notwithstanding any other provision of law, it
38 shall be lawful for the owner, operator, or employees of a
39 winery to allow patrons to carry out one or more bottles of
40 [unfinished] wine and it shall be lawful for patrons of such

41 winery to carry out one or more bottles of [unfinished] wine
42 under the following conditions:

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

45 (2) The winery must provide a dated receipt **or an**
46 **electronic record** for the [unfinished] bottle or bottles of
47 wine; and

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

51 4. Notwithstanding any other provision of law, no
52 person who transports one or more bottles of [unfinished]
53 wine which came from a winery under the circumstances
54 described under subsection 3 of this section shall be
55 considered to have violated any state law or local ordinance
56 regarding open containers in vehicles so long as such person
57 has in his or her possession the dated receipt **or an**
58 **electronic record** from the winery and the bottle or bottles
59 of wine remain in the winery-furnished, one-time-use,
60 tamperproof, transparent bags with the seals intact.

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

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

11 in a first class county having a charter form of government
12 which contains all or part of a city with a population of
13 over three hundred thousand inhabitants, may apply to the
14 supervisor of alcohol and tobacco control for a special
15 permit to remain open on each day of the week until 3:00
16 a.m. of the morning of the following day; except that, an
17 entity exempt from federal income taxes under Section
18 501(c)(7) of the Internal Revenue Code of 1986, as amended,
19 and located in a building designated as a National Historic
20 Landmark by the United States Department of the Interior may
21 apply for a license to remain open until 6:00 a.m. of the
22 following day. The time of opening on Sunday may be [9:00]
23 **6:00** a.m. The provisions of this section and not those of
24 section [311.097] **311.293** regarding the time of closing
25 shall apply to the sale of intoxicating liquor by the drink
26 at retail for consumption on the premises on Sunday. When
27 the premises of such an applicant is located in a city as
28 defined in this section, then the premises must be located
29 in an area which has been designated as a convention trade
30 area by the governing body of the city. When the premises
31 of such an applicant is located in a county as defined in
32 this section, then the premises must be located in an area
33 which has been designated as a convention trade area by the
34 governing body of the county.

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

40 3. The provisions of this section allowing for
41 extended hours of business shall not apply in any
42 incorporated area wholly located in any first class county

43 having a charter form of government which contains all or
44 part of a city with a population of over three hundred
45 thousand inhabitants until the governing body of such
46 incorporated area shall have by ordinance or order adopted
47 the extended hours authorized by this section.

311.176. 1. Any person possessing the qualifications
2 and meeting the requirements of this chapter who is licensed
3 to sell intoxicating liquor by the drink at retail for
4 consumption on the premises in a city not located within a
5 county, may apply to the supervisor of alcohol and tobacco
6 control for a special permit to remain open on each day of
7 the week until 3:00 a.m. of the morning of the following
8 day. The time of opening on Sunday may be ~~[9:00]~~ **6:00** a.m.
9 The provisions of this section and not those of section
10 ~~[311.097]~~ **311.293** regarding the time of closing shall apply
11 to the sale of intoxicating liquor by the drink at retail
12 for consumption on the premises on Sunday. To qualify for
13 such a permit, the premises of such an applicant must be
14 located in an area which has been designated as a convention
15 trade area by the governing body of the city and the
16 applicant must meet at least one of the following conditions:

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

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

26 2. An applicant granted a special permit pursuant to
27 this section shall, in addition to all other fees required

28 by this chapter, pay an additional fee of three hundred
29 dollars a year payable at the time and in the same manner as
30 its other license fees.

311.178. 1. Any person possessing the qualifications
2 and meeting the requirements of this chapter who is licensed
3 to sell intoxicating liquor by the drink at retail for
4 consumption on the premises in a county of the first
5 classification having a charter form of government and not
6 containing all or part of a city with a population of over
7 three hundred thousand may apply to the supervisor of
8 alcohol and tobacco control for a special permit to remain
9 open on each day of the week until 3:00 a.m. of the morning
10 of the following day. The time of opening on Sunday may be
11 [9:00] **6:00** a.m. The provisions of this section and not
12 those of section [311.097] **311.293** regarding the time of
13 closing shall apply to the sale of intoxicating liquor by
14 the drink at retail for consumption on the premises on
15 Sunday. The premises of such an applicant shall be located
16 in an area which has been designated as a convention trade
17 area by the governing body of the county and the applicant
18 shall meet at least one of the following conditions:

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

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

28 2. Any person possessing the qualifications and
29 meeting the requirements of this chapter who is licensed to

30 sell intoxicating liquor by the drink at retail for
31 consumption on the premises in a county of the third
32 classification without a township form of government having
33 a population of more than twenty-three thousand five hundred
34 but less than twenty-three thousand six hundred inhabitants,
35 a county of the third classification without a township form
36 of government having a population of more than nineteen
37 thousand three hundred but less than nineteen thousand four
38 hundred inhabitants or a county of the first classification
39 without a charter form of government with a population of at
40 least thirty-seven thousand inhabitants but not more than
41 thirty-seven thousand one hundred inhabitants may apply to
42 the supervisor of alcohol and tobacco control for a special
43 permit to remain open on each day of the week until 3:00
44 a.m. of the morning of the following day. The time of
45 opening on Sunday may be ~~[9:00]~~ **6:00** a.m. The provisions of
46 this section and not those of section ~~[311.097]~~ **311.293**
47 regarding the time of closing shall apply to the sale of
48 intoxicating liquor by the drink at retail for consumption
49 on the premises on Sunday. The applicant shall meet all of
50 the following conditions:

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

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

60 (3) The applicant shall develop, and if granted a
61 special permit shall implement, a plan ensuring that between

62 the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating
63 liquor shall be made except to guests with overnight
64 accommodations at the licensee's resort. The plan shall be
65 subject to approval by the supervisor of alcohol and tobacco
66 control and shall provide a practical method for the
67 division of alcohol and tobacco control and other law
68 enforcement agencies to enforce the provisions of subsection
69 3 of this section.

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

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

82 5. The provisions of this section allowing for
83 extended hours of business shall not apply in any
84 incorporated area wholly located in any county of the first
85 classification having a charter form of government which
86 does not contain all or part of a city with a population of
87 over three hundred thousand inhabitants until the governing
88 body of such incorporated area shall have by ordinance or
89 order adopted the extended hours authorized by this section.

311.179. 1. Any person possessing the qualifications
2 and meeting the requirements of this chapter who is licensed
3 to sell intoxicating liquor by the drink at retail in an
4 international airport located in a county with a charter

5 form of government and with more than nine hundred fifty
6 thousand inhabitants or in a county of the first
7 classification with more than eighty-three thousand but
8 fewer than ninety-two thousand inhabitants and with a city
9 of the fourth classification with more than four thousand
10 five hundred but fewer than five thousand inhabitants as the
11 county seat may apply to the supervisor of alcohol and
12 tobacco control for a special permit which:

13 (1) Allows the premises located in the international
14 airport in such county to open at 4 a.m. and sell
15 intoxicating liquor by the drink at retail for consumption.
16 The provisions of this section and not those of section
17 [311.097] **311.293** regarding the time of opening shall apply
18 to the sale of intoxicating liquor by the drink at retail
19 for consumption on Sunday;

20 (2) Allows persons to leave licensed establishments
21 with an alcoholic beverage and enter other airport
22 designated areas located within such airport. No person
23 shall take any alcoholic beverage or beverages outside such
24 designated areas, including onto any airplane; and

25 (3) Requires every licensee within such international
26 airport to serve alcoholic beverages in containers that
27 display and contain the licensee's trade name or logo or
28 some other mark that is unique to that license and licensee.

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

**311.199. Notwithstanding any provision of law to the
2 contrary, a holder of a valid license to sell intoxicating
3 liquor in the manufacturer's original package to consumers**

4 may sell such intoxicating liquor to a consumer or another
5 retailer as follows:

6 (1) To a consumer in a container other than the
7 manufacturer's original package, provided that:

8 (a) The intoxicating liquor sold to a consumer is in a
9 durable, leakproof, and sealable container that contains one
10 or more standard bottles, pouches, or cans of malt liquor;
11 fifty milliliters or more of spirituous liquors; or one
12 hundred milliliters or more of wine. For purposes of this
13 section, a "standard bottle" is any bottle, pouch, or can
14 containing twelve ounces or less of malt liquor;

15 (b) The consumer orders and purchases a meal at the
16 same time that the consumer purchases the intoxicating
17 liquor. For purposes of this section, "a meal" does not
18 include snack food items that are not prepared for
19 consumption on the premises or for carry-out;

20 (c) The holder of the license provides the consumer
21 with a dated receipt for the purchase of the intoxicating
22 liquor; and

23 (d) The sealed alcohol container is placed in a
24 separate one-time-use, tamperproof, transparent bag that is
25 securely sealed; or

26 (2) To a licensed retailer by another licensed retailer
27 if such intoxicating liquor was:

28 (a) Originally purchased from a wholesaler or
29 distributor licensed by this state;

30 (b) Sold in the manufacturer's original package;

31 (c) Sold to a retailer who retains a receipt of such
32 purchase as proof that such liquor was purchased from a
33 retailer licensed to make liquor sales in this state;

34 (d) Sold in an amount of no more than five cases of
35 beer per month, no more than two-hundred and fifty-six

36 ounces of liquor per month, or no more than twelve bottles
37 of wine each containing no more than seven hundred and fifty
38 milliliters of wine per month.

39 (3) Holders of a valid license to sell intoxicating
40 liquor in the manufacturer's original package to consumers
41 or retailers pursuant to the provisions of this section
42 shall not be subject to any penalties pursuant to chapter
43 311 for making such sales.

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

18 2. For a permit authorizing the sale of malt liquor,
19 as defined in section 311.490, by grocers and other
20 merchants and dealers in the original package direct to
21 consumers but not for resale, a fee of fifty dollars per
22 year payable to the director of the department of revenue
23 shall be required. The phrase "original package" shall be
24 construed and held to refer to any package containing one or

25 more standard bottles, cans, or pouches of beer.
26 Notwithstanding the provisions of section 311.290, any
27 person licensed pursuant to this subsection may also sell
28 malt liquor at retail between the hours of [9:00] **6:00** a.m.
29 [and midnight] on [Sunday] **Sundays to 1:30 a.m. on Mondays.**

30 3. For every license issued for the sale of malt
31 liquor, as defined in section 311.490, at retail by drink
32 for consumption on the premises where sold, the licensee
33 shall pay to the director of revenue the sum of fifty
34 dollars per year. Notwithstanding the provisions of section
35 311.290, any person licensed pursuant to this subsection may
36 also sell malt liquor at retail between the hours of 9:00
37 a.m. and midnight on Sunday.

38 4. For every license issued for the sale of malt
39 liquor, as defined in section 311.490, and light wines
40 containing not in excess of fourteen percent of alcohol by
41 weight made exclusively from grapes, berries and other
42 fruits and vegetables, at retail by the drink for
43 consumption on the premises where sold, the licensee shall
44 pay to the director of revenue the sum of fifty dollars per
45 year.

46 5. For every license issued for the sale of all kinds
47 of intoxicating liquor, at retail by the drink for
48 consumption on premises of the licensee, the licensee shall
49 pay to the director of revenue the sum of three hundred
50 dollars per year, which shall include the sale of
51 intoxicating liquor in the original package.

52 6. For every license issued to any railroad company,
53 railway sleeping car company operated in this state, for
54 sale of all kinds of intoxicating liquor, as defined in this
55 chapter, at retail for consumption on its dining cars,
56 buffet cars and observation cars, the sum of one hundred

57 dollars per year. A duplicate of such license shall be
58 posted in every car where such beverage is sold or served,
59 for which the licensee shall pay a fee of one dollar for
60 each duplicate license.

61 7. All applications for licenses shall be made upon
62 such forms and in such manner as the supervisor of alcohol
63 and tobacco control shall prescribe. No license shall be
64 issued until the sum prescribed by this section for such
65 license shall be paid to the director of revenue.

311.202. 1. Notwithstanding any provision of law to
2 the contrary, any person who is licensed to sell
3 intoxicating liquor at retail by the drink for on-premises
4 consumption may sell retailer-packaged alcoholic beverages
5 to customers in containers, filled on such premises by any
6 employee of the retailer who is twenty-one years of age or
7 older, for off-premises consumption if all the following
8 requirements are met:

9 (1) The container of the alcoholic beverage is rigid,
10 durable, leak-proof, sealable, and designed to prevent
11 consumption without removal of the tamperproof cap or seal.
12 A "sealable" container does not include a container with a
13 lid with sipping holes or openings for straws;

14 (2) The contents of each container do not exceed one
15 hundred twenty eight ounces;

16 (3) The patron orders and purchases a meal from the
17 licensee simultaneous with the alcoholic beverage purchase.
18 For purposes of this subdivision, a "meal" is defined as
19 food that has been prepared on-premises;

20 (4) The licensee provides the patron with a dated
21 receipt or an electronic record for the meal and alcohol
22 beverages; and

23 (5) The container is either:

24 (a) Placed in a one-time-use, tamperproof, transparent
25 bag that is securely sealed; or

26 (b) The container opening is sealed with tamperproof
27 tape;

28 For purposes of this subdivision, "tamperproof" means that a
29 lid, cap, or seal visibly demonstrates when a bag or
30 container has been opened.

31 2. Containers that are filled under subsection 1 of
32 this section shall be affixed with a label or a tag that
33 contains the name and address of the business that filled
34 the container, in type not smaller than three millimeters in
35 height and not more than twelve characters per inch, and
36 states, "THIS BEVERAGE CONTAINS ALCOHOL."

37 3. The filling of a container under this section shall
38 be in compliance with Section 3-304.17(c) of the 2009 Food
39 and Drug Administration Food Code.

40 4. No provision of law, or rule or regulation of the
41 division of alcohol and tobacco control, shall be
42 interpreted to allow any wholesaler, distributor, or
43 manufacturer of intoxicating liquor to furnish containers
44 that are filled under subsection 1 of this section to any
45 person who is licensed to sell intoxicating liquor at retail.

311.293. 1. Except for any establishment that may
2 apply for a license under section 311.089, any person
3 possessing the qualifications and meeting the requirements
4 of this chapter, who is licensed to sell intoxicating liquor
5 at retail, may apply to the supervisor of alcohol and
6 tobacco control for a special license to sell intoxicating
7 liquor at retail between the hours of [9:00] **6:00** a.m. [and
8 midnight] on Sundays **and 1:30 a.m. on Mondays**. A licensee
9 under this section shall pay to the director of revenue an

10 additional fee of two hundred dollars a year payable at the
11 same time and in the same manner as its other license fees.

12 2. In addition to any fee collected pursuant to
13 section 311.220, a city or county may charge and collect an
14 additional fee not to exceed three hundred dollars from any
15 licensee under this section for the privilege of selling
16 intoxicating liquor at retail between the hours of [9:00]
17 **6:00 a.m. [and midnight] on Sundays and 1:30 a.m. on Mondays**
18 in such city or county; however the additional fee shall not
19 exceed the fee charged by that city or county for a special
20 license issued pursuant to any provision of this chapter
21 which allows a licensee to sell intoxicating liquor by the
22 drink for consumption on the premises of the licensee on
23 Sundays.

24 3. The provisions of this section regarding the time
25 of closing shall not apply to any person who possesses a
26 special permit issued under section 311.174, 311.176, or
27 311.178.

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

8 2. Application for such license shall be made to the
9 supervisor of alcohol and tobacco control on forms to be
10 prescribed by him **or her**, describing the premises to be
11 licensed and giving all other reasonable information
12 required by the form. The license shall be issued upon the
13 payment of the fee required in this section. A license
14 shall be required for each separate premises and shall

15 expire on the thirtieth day of June next succeeding the date
16 of such license. The license fee shall be sixty dollars per
17 year and the applicant shall pay five dollars for each month
18 or part thereof remaining from the date of the license to
19 the next succeeding first of July. Applications for
20 renewals of licenses shall be filed on or before the first
21 of May of each year.

22 3. The drinking or consumption of intoxicating liquor
23 shall not be permitted in or upon the licensed premises by
24 any person under twenty-one years of age, or by any other
25 person between the hours of 1:30 a.m. and 6:00 a.m. on any
26 [weekday, and between the hours of 1:30 a.m. Sunday and 6:00
27 a.m. Monday] **day of the week.** Licenses issued hereunder
28 shall be conditioned upon the observance of the provisions
29 of this section and the regulations promulgated thereunder
30 governing the conduct of premises licensed for the sale of
31 intoxicating liquor by the drink. The provision of this
32 section regulating the drinking or consumption of
33 intoxicating liquor between certain hours and on Sunday
34 shall apply also to premises licensed under this chapter to
35 sell intoxicating liquor by the drink. In any incorporated
36 city having a population of more than twenty thousand
37 inhabitants, the board of aldermen, city council, or other
38 proper authorities of incorporated cities may, in addition
39 to the license fee required in this section, require a
40 license fee not exceeding three hundred dollars per annum,
41 payable to the incorporated cities, and provide for the
42 collection thereof; make and enforce ordinances regulating
43 the hours of consumption of intoxicating liquors on premises
44 licensed hereunder, not inconsistent with the other
45 provisions of this law, and provide penalties for the
46 violation thereof. No person shall be granted a license

47 hereunder unless such person is of good moral character and
48 a qualified legal voter and a taxpaying citizen of the
49 county, town, city or village, nor shall any corporation be
50 granted a license hereunder unless the managing officer of
51 such corporation is of good moral character and a qualified
52 legal voter and taxpaying citizen of the county, town, city
53 or village.

54 4. Any premises operated in violation of the
55 provisions of this section, or where intoxicating liquor is
56 consumed in violation of this section, is hereby declared to
57 be a public and common nuisance, and it shall be the duty of
58 the supervisor of alcohol and tobacco control and of the
59 prosecuting or circuit attorney of the city of St. Louis,
60 and the prosecuting attorney of the county in which the
61 premises are located, to enjoin such nuisance.

62 5. Any person operating any premises, or any employee,
63 agent, representative, partner, or associate of such person,
64 who shall knowingly violate any of the provisions of this
65 section, or any of the laws or regulations herein made
66 applicable to the conduct of such premises, is guilty of a
67 class A misdemeanor.

68 6. The supervisor of alcohol and tobacco control is
69 hereby empowered to promulgate regulations necessary or
70 reasonably designed to enforce or construe the provisions of
71 this section, and is empowered to revoke or suspend any
72 license issued hereunder, as provided in this chapter, for
73 violation of this section or any of the laws or regulations
74 herein made applicable to the conduct of premises licensed
75 hereunder.

76 7. Nothing in this section shall be construed to
77 prohibit the sale or delivery of any intoxicating liquor
78 during any of the hours or on any of the days specified in

79 this section by a wholesaler licensed under the provisions
80 of section 311.180 to a person licensed to sell the
81 intoxicating liquor at retail.

82 8. No intoxicating liquor may be served or sold on any
83 premises used as a polling place on election day.

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

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

18 3. If the event will be held on a Sunday, the permit
19 shall authorize the sale of intoxicating liquor on that day
20 beginning at [11:00] **6:00** a.m.

21 4. At the same time that an applicant applies for a
22 permit under the provisions of this section, the applicant
23 shall notify the director of revenue of the holding of the
24 event and by such notification, by certified mail, shall
25 accept responsibility for the collection and payment of any
26 applicable sales tax. Any sales tax due shall be paid to
27 the director of revenue within fifteen days after the close

28 of the event, and failure to do so shall result in a
29 liability of triple the amount of the tax due plus payment
30 of the tax, and denial of any other permit for a period of
31 three years. Under no circumstances shall a bond be required
32 from the applicant.

33 5. No provision of law or rule or regulation of the
34 supervisor shall be interpreted as preventing any wholesaler
35 or distributor from providing customary storage, cooling or
36 dispensing equipment for use by the permit holder at such
37 picnic, bazaar, fair or similar gathering.

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

17 2. No agent, assistant, deputy or inspector so
18 appointed shall hold any other commission or office,
19 elective or appointive or accept any other employment
20 compensation while he **or she** is an employee of the
21 [department of liquor] **division of alcohol and tobacco**
22 control, except with the written permission of the

23 supervisor of [liquor] **alcohol and tobacco** control. No
24 agent, assistant, deputy or inspector of the [department of
25 liquor] **division of alcohol and tobacco** control shall accept
26 any reward or gift other than his **or her** regular salary and
27 expenses as provided in this chapter. No agent, assistant,
28 deputy or inspector of the [department of liquor] **division**
29 **of alcohol and tobacco** control shall perform any police duty
30 connected with the conduct of any election, nor at any time
31 or in any manner electioneer for or against any party
32 ticket, or any candidate for nomination or office on any
33 party ticket, nor for or against any proposition of any kind
34 or nature to be voted upon at any election.

35 3. The agents, assistants, deputies and inspectors
36 appointed under the provisions of section 311.610 shall
37 before entering upon the discharge of their duties, each
38 take and subscribe an oath to support the Constitution and
39 laws of the United States and the State of Missouri and to
40 faithfully demean themselves in office in the form
41 prescribed by Section 11, Article VII of the Constitution of
42 this State, and they shall each give bond to be approved by
43 the supervisor of [liquor] **alcohol and tobacco** control for
44 faithful performance of the duties of their respective
45 offices and to safely keep and account for all moneys and
46 property received by them. This bond shall be in the sum of
47 five thousand dollars, and the cost of furnishing all such
48 bonds shall be paid by the state.

49 4. Any agent, assistant, deputy or inspector of the
50 [department of liquor] **division of alcohol and tobacco**
51 control who shall violate the provisions of this chapter
52 shall be immediately discharged.

311.710. 1. In addition to the penalties and
2 proceedings for suspension or revocation of licenses

3 provided for in this chapter, and without limiting them,
4 proceedings for the suspension or revocation of any license
5 authorizing the sale of intoxicating liquor at retail may be
6 brought in the circuit court of any county in this state, or
7 in the city of St. Louis, in which the licensed premises are
8 located and such proceedings may be brought by the sheriff
9 or any peace officer of that county or by any eight or more
10 persons who are taxpaying citizens of the county or city for
11 any of the following offenses:

12 (1) Selling, giving or otherwise supplying
13 intoxicating liquor to a habitual drunkard or to any person
14 who is under or apparently under the influence of
15 intoxicating liquor;

16 (2) Knowingly permitting any prostitute, degenerate,
17 or dissolute person to frequent the licensed premises;

18 (3) Permitting on the licensed premises any disorderly
19 conduct, breach of the peace, or any lewd, immoral or
20 improper entertainment, conduct or practices;

21 (4) Selling, offering for sale, possessing or
22 knowingly permitting the consumption on the licensed
23 premises of any kind of intoxicating liquors, the sale,
24 possession or consumption of which is not authorized under
25 his **or her** license;

26 (5) Selling, giving, or otherwise supplying
27 intoxicating liquor to any person under the age of twenty-
28 one years;

29 (6) Selling, giving or otherwise supplying
30 intoxicating liquors between the hours of [12:00 midnight
31 Saturday night and 12:00 midnight Sunday night] **1:30 a.m.**
32 **and 6:00 a.m. any day of the week.**

33 2. Provided, that said taxpaying citizen shall submit
34 in writing, under oath, by registered United States mail to

35 the supervisor of [liquor] **alcohol and tobacco** control a
36 joint complaint, stating the name of the licensee, the name
37 under which the licensee's business is conducted and the
38 address of the licensed premises, setting out in general the
39 character and nature of the offense or offenses charged,
40 together with the names and addresses of the witnesses by
41 whom proof thereof is expected to be made; and provided,
42 that after a period of thirty days after the mailing of such
43 complaint to the supervisor of [liquor] **alcohol and tobacco**
44 control the person therein complained of shall not have been
45 cited by the supervisor to appear and show cause why his **or**
46 **her** license should not be suspended or revoked then they
47 shall file with the circuit clerk of the county or city in
48 which the premises are located a copy of the complaint on
49 file with the supervisor of [liquor] **alcohol and tobacco**
50 control.

51 3. If, pursuant to the receipt of such complaint by
52 the supervisor of [liquor] **alcohol and tobacco** control, the
53 licensee appears and shows cause why his **or her** license
54 should not be suspended or revoked at a hearing held for
55 that purpose by the supervisor and either the complainants
56 or the licensee consider themselves aggrieved with the order
57 of the supervisor then, after a request in writing by either
58 the complainants or the licensee, the supervisor shall
59 certify to the circuit clerk of the county or city in which
60 the licensed premises are located a copy of the original
61 complaint filed with him **or her**, together with a copy of the
62 transcript of the evidence adduced at the hearing held by
63 him **or her**. Such certification by the supervisor shall not
64 act as a supersedeas of any order made by him **or her**.

65 4. Upon receipt of such complaint, whether from the
66 complainant directly or from the supervisor of [liquor]

67 **alcohol and tobacco** control, the court shall set a date for
68 an early hearing thereon and it shall be the duty of the
69 circuit clerk to cause to be delivered by registered United
70 States mail to the prosecuting attorney of the county or to
71 the circuit attorney of the city of St. Louis and to the
72 licensee copies of the complaint and he **or she** shall, at the
73 same time, give notice of the time and place of the hearing.

74 Such notice shall be delivered to the prosecuting attorney
75 or to the circuit attorney and to the licensee at least
76 fifteen days prior to the date of the hearing.

77 5. The complaint shall be heard by the court without a
78 jury and if there has been a prior hearing thereon by the
79 supervisor of [liquor] **alcohol and tobacco** control then the
80 case shall be heard de novo and both the complainants and
81 the licensee may produce new and additional evidence
82 material to the issues.

83 6. If the court shall find upon the hearing that the
84 offense or offenses charged in the complaint have been
85 established by the evidence, the court shall order the
86 suspension or revocation of the license but, in so doing,
87 shall take into consideration whatever order, if any, may
88 have been made in the premises by the supervisor of [liquor]
89 **alcohol and tobacco** control. If the court finds that to
90 revoke the license would be unduly severe, then the court
91 may suspend the license for such period of time as the court
92 deems proper.

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

95 8. It shall be the duty of the prosecuting attorney or
96 circuit attorney to prosecute diligently and without delay
97 any such complaints coming to him **or her** by virtue of this
98 section.

99 9. The jurisdiction herein conferred upon the circuit
100 courts to hear and determine complaints for the suspension
101 or revocation of licenses in the manner provided in this
102 section shall not be exclusive and any authority conferred
103 upon the supervisor of [liquor] **alcohol and tobacco** control
104 to revoke or suspend licenses shall remain in full force and
105 effect, and the suspension or revocation of a license as
106 provided in this section shall be in addition to and not in
107 lieu of any other revocation or suspension provided by this
108 chapter.

109 10. Costs accruing because of such hearings in the
110 circuit court shall be taxed in the same manner as criminal
111 costs.

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