

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114
97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

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TERRY L. SPIELER, Secretary.

0175S.05P

AN ACT

To repeal sections 311.055, 311.071, 311.091, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof eight new sections relating to intoxicating liquor, with existing penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 311.055, 311.071, 311.091, 311.200, 311.290, and
2 316.150, RSMo, are repealed and eight new sections enacted in lieu thereof, to be
3 known as sections 311.055, 311.071, 311.091, 311.197, 311.200, 311.290, 311.483,
4 and 316.150, to read as follows:

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

9 2. **Beer brewed under this section may be removed from the**
10 **premises where brewed for personal or family use, including use at**
11 **organized affairs, exhibitions, or competitions, such as home brewer**

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

12 **contests, tastings, or judging. The use may occur off licensed retail**
13 **premises, on any premises under a temporary retail license issued**
14 **under sections 311.218, 311.482, 311.485, 311.486, or 311.487, or on any**
15 **tax exempt organization's licensed premises as described in section**
16 **311.090.**

311.071. 1. Distillers, wholesalers, winemakers, brewers, or their
2 employees or officers may make contributions of money for special events where
3 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. The contributions from distillers, wholesalers, winemakers,
12 brewers, or their employees or officers shall be used to pay special event
13 infrastructure expenses unrelated to any retail alcohol sales, which include, but
14 are not limited to: security, sanitation, fencing, entertainment, and advertising.

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

19 (1) **Is registered with the secretary of state as a not-for-profit**
20 **organization;**

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

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

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

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

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

37 **course of its operation.**

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

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

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

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

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

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

**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 of
8 fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall
9 be consumed on the premises where sold nor shall any original package be opened
10 on the premises of the vendor except as otherwise provided in this law. For every
11 license for sale at retail in the original package, the licensee shall pay to the
12 director of revenue the sum of one hundred dollars per year.**

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

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

27 4. For every license issued for the sale of malt liquor and light wines
28 containing not in excess of fourteen percent of alcohol by weight made exclusively
29 from grapes, berries and other fruits and vegetables, at retail by the drink for
30 consumption on the premises where sold, the licensee shall pay to the director of
31 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[; except that such
40 license shall not permit sales at retail to be made while such cars are stopped at
41 any station]. A duplicate of such license shall be posted in every car where such
42 beverage is sold or served, for which the licensee shall pay a fee of one dollar for
43 each duplicate license.

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

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.
9 Monday. Where such licenses authorizing the sale of intoxicating liquor by the
10 drink are held by clubs [or], hotels, **or bowling alleys**, this section shall apply
11 only to the room or rooms in which intoxicating liquor is dispensed; and where
12 such licenses are held by restaurants **or bowling alleys** whose business is
13 conducted in one room only [and substantial quantities of food and merchandise
14 other than intoxicating liquors are dispensed], then the licensee shall keep
15 securely locked during the hours and on the days specified in this section all
16 refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is
17 dispensed. A "closed place" is defined to mean a place where all doors are locked
18 and where no patrons are in the place or about the premises. Any person
19 violating any provision of this section shall be deemed guilty of a class A
20 misdemeanor. Nothing in this section shall be construed to prohibit the sale or
21 delivery of any intoxicating liquor during any of the hours or on any of the days
22 specified in this section by a wholesaler licensed under the provisions of section
23 311.180 to a person licensed to sell the intoxicating liquor at retail.

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

15 **permit is issued.**

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

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

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

316.150. As used in sections 316.150 to 316.185, the following terms
2 mean:

3 (1) "County", any county of this state except a county having a charter
4 form of government and having a population of nine hundred thousand
5 inhabitants or more and no city not within a county which exercises county
6 functions;

7 (2) "County clerk", the clerk of the county commission or governing body
8 of a county;

9 (3) "Festival", any music festival, dance festival, "rock" festival or similar
10 musical activity likely to attract five thousand or more people at such an activity
11 which will continue [uninterrupted] for a period of twelve hours or more, at which
12 music is provided by paid or amateur performers or by prerecorded means, and
13 which is held at any place within this state, and to which members of the public
14 are invited or admitted for a charge. It shall not include a county fair or youth
15 fair approved by the Missouri department of agriculture, or any activity
16 conducted by any current or future ongoing licensed business in a permanent
17 location.

18 (4) "Sheriff", the sheriff of any county in this state.

Section B. Because of the need to clarify the laws relating to beer brewed
2 for personal or family use, the repeal and reenactment of section 311.055 of this
3 act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within
5 the meaning of the constitution, and the repeal and reenactment of section
6 311.055 of this act shall be in full force and effect upon its passage and approval.

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Unofficial

Bill

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