

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 114

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:

1 Section A. Sections 311.055, 311.071, 311.091, 311.200,
2 311.290, and 316.150, RSMo, are repealed and eight new sections
3 enacted in lieu thereof, to be known as sections 311.055,
4 311.071, 311.091, 311.197, 311.200, 311.290, 311.483, and
5 316.150, to read as follows:

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

1 2. Beer brewed under this section may be removed from the
2 premises where brewed for personal or family use, including use
3 at organized affairs, exhibitions, or competitions, such as home
4 brewer contests, tastings, or judging. The use may occur off
5 licensed retail premises, on any premises under a temporary
6 retail license issued under sections 311.218, 311.482, 311.485,
7 311.486, or 311.487, or on any tax exempt organization's licensed
8 premises as described in section 311.090.

9 311.071. 1. Distillers, wholesalers, winemakers, brewers,
10 or their employees or officers may make contributions of money
11 for special events where alcohol is sold at retail to a
12 not-for-profit organization that:

13 (1) Does not hold a liquor license;

14 (2) Less than forty percent of the members and officers are
15 liquor licensees;

16 (3) Is registered with the secretary of state as a
17 not-for-profit organization; and

18 (4) Of which no part of the net earnings or contributions
19 inures to the benefit of any private shareholder or any retail
20 licensee member of such organization. The contributions from
21 distillers, wholesalers, winemakers, brewers, or their employees
22 or officers shall be used to pay special event infrastructure
23 expenses unrelated to any retail alcohol sales, which include,
24 but are not limited to: security, sanitation, fencing,
25 entertainment, and advertising.

26 2. Distillers, wholesalers, winemakers, brewers, retailers,
27 or their employees or officers may make contributions of money
28 for festivals as defined in section 316.150 where alcohol is sold

1 at retail to a not-for-profit organization that:

2 (1) Is registered with the secretary of state as a not-for-
3 profit organization;

4 (2) Of which no part of the net earnings or contributions,
5 directly or indirectly, inures to the benefit of any private
6 shareholder or any retail licensee member of such organization;
7 and

8 (3) Uses the contributions from distillers, wholesalers,
9 winemakers, brewers, retailers, or their employees or officers
10 only to pay special event infrastructure expenses unrelated to
11 any retail alcohol sales, which include, but are not limited to,
12 security, sanitation, fencing, advertising and transportation.

13 3. Any not-for-profit organization that receives
14 contributions under this section shall allow the division of
15 alcohol and tobacco control full access to the organization's
16 records for audit purposes.

17
18 311.091. 1. Except as provided under subsection 2 of this
19 section and notwithstanding any other provisions of this chapter
20 to the contrary, any person who possesses the qualifications
21 required by this chapter and who meets the requirements of and
22 complies with the provisions of this chapter may apply for and
23 the supervisor of [liquor] alcohol and tobacco control may issue
24 a license to sell intoxicating liquor, as defined in this
25 chapter, by the drink at retail for consumption on the premises
26 of any boat, or other vessel licensed by the United States Coast
27 Guard to carry one hundred or more passengers for hire on
28 navigable waters in or adjacent to this state, which has a

1 regular place of mooring in a location in this state or within
2 two hundred yards of a location which would otherwise be
3 licensable under this chapter. The license shall be valid even
4 though the boat, or other vessel, leaves its regular place of
5 mooring during the course of its operation.

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

1 under this chapter. The license shall be valid even though the
2 boat, or other vessel, leaves its regular place of mooring during
3 the course of its operation.

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

9 311.197. 1. A wholesaler of malt liquor may furnish or
10 give, and a retailer may accept, a sample of malt liquor as long
11 as the retailer has not previously purchased the brand of malt
12 liquor from that wholesaler if all of the following requirements
13 are met:

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

18 (2) The wholesaler shall keep a record of the name of the
19 retailer and the quantity of each brand furnished or given to
20 such retailer; and

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

24 2. For purposes of this section, brands shall be
25 differentiated by differences in the brand names of the products
26 or the nature of the products, including products that differ in
27 the designation of class, type, or kind. Differences in
28 packaging, such as differences in the style, type, or size of the

1 product container or the color or design of a label shall not be
2 considered different brands.

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

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

1 3. For every license issued for the sale of malt liquor at
2 retail by drink for consumption on the premises where sold, the
3 licensee shall pay to the director of revenue the sum of fifty
4 dollars per year. Notwithstanding the provisions of section
5 311.290, any person licensed pursuant to this subsection may also
6 sell malt liquor at retail between the hours of 9:00 a.m. and
7 midnight on Sunday.

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

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

19 6. For every license issued to any railroad company,
20 railway sleeping car company operated in this state, for sale of
21 all kinds of intoxicating liquor, as defined in this chapter, at
22 retail for consumption on its dining cars, buffet cars and
23 observation cars, the sum of one hundred dollars per year[;
24 except that such license shall not permit sales at retail to be
25 made while such cars are stopped at any station]. A duplicate of
26 such license shall be posted in every car where such beverage is
27 sold or served, for which the licensee shall pay a fee of one
28 dollar for each duplicate license.

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

6 311.290. No person having a license issued pursuant to this
7 chapter, nor any employee of such person, shall sell, give away,
8 or permit the consumption of any intoxicating liquor in any
9 quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays
10 and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday,
11 upon or about his or her premises. If the person has a license
12 to sell intoxicating liquor by the drink, his premises shall be
13 and remain a closed place as defined in this section between the
14 hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the
15 hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such
16 licenses authorizing the sale of intoxicating liquor by the drink
17 are held by clubs [or], hotels, or bowling alleys, this section
18 shall apply only to the room or rooms in which intoxicating
19 liquor is dispensed; and where such licenses are held by
20 restaurants or bowling alleys whose business is conducted in one
21 room only [and substantial quantities of food and merchandise
22 other than intoxicating liquors are dispensed], then the licensee
23 shall keep securely locked during the hours and on the days
24 specified in this section all refrigerators, cabinets, cases,
25 boxes, and taps from which intoxicating liquor is dispensed. A
26 "closed place" is defined to mean a place where all doors are
27 locked and where no patrons are in the place or about the
28 premises. Any person violating any provision of this section

1 shall be deemed guilty of a class A misdemeanor. Nothing in this
2 section shall be construed to prohibit the sale or delivery of
3 any intoxicating liquor during any of the hours or on any of the
4 days specified in this section by a wholesaler licensed under the
5 provisions of section 311.180 to a person licensed to sell the
6 intoxicating liquor at retail.

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

23 2. All provisions of the liquor control law and the
24 ordinances, rules, and regulations of the incorporated city, or
25 the unincorporated area of any county, in which is located the
26 premises in which such function, occasion, or event is held shall
27 extend to such premises and shall be in force and enforceable
28 during all the time that the permittee, its agents, servants,

1 employees, or stock are in such premises. This temporary permit
2 shall allow the sale of intoxicating liquor in the original
3 package.

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

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

14 316.150. As used in sections 316.150 to 316.185, the
15 following terms mean:

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

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

22 (3) "Festival", any music festival, dance festival, "rock"
23 festival or similar musical activity likely to attract five
24 thousand or more people at such an activity which will continue
25 [uninterrupted] for a period of twelve hours or more, at which
26 music is provided by paid or amateur performers or by prerecorded
27 means, and which is held at any place within this state, and to
28 which members of the public are invited or admitted for a charge.

1 It shall not include a county fair or youth fair approved by the
2 Missouri department of agriculture, or any activity conducted by
3 any current or future ongoing licensed business in a permanent
4 location.

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

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