

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 121

AN ACT

To repeal sections 311.071, 311.200, 311.290, and 316.150, RSMo, and to enact in lieu thereof six new sections relating to liquor control, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

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2 RSMo, are repealed and six new sections enacted in lieu thereof,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

5 311.071. 1. Distillers, wholesalers, winemakers, brewers,
6 or their employees or officers may make contributions of money
7 for special events where alcohol is sold at retail to a
8 not-for-profit organization that:

9 (1) Does not hold a liquor license;

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

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

14 (4) Of which no part of the net earnings or contributions
15 inures to the benefit of any private shareholder or any retail
16 licensee member of such organization. The contributions from

1 distillers, wholesalers, winemakers, brewers, or their employees
2 or officers shall be used to pay special event infrastructure
3 expenses unrelated to any retail alcohol sales, which include,
4 but are not limited to: security, sanitation, fencing,
5 entertainment, and advertising.

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

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

12 (2) Of which no part of the net earnings or contributions,
13 directly or indirectly, inures to the benefit of any private
14 shareholder or any retail licensee member of such organization;
15 and

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

21 3. Any not-for-profit organization that receives
22 contributions under this section shall allow the division of
23 alcohol and tobacco control full access to the organization's
24 records for audit purposes.

25 311.197. 1. A wholesaler of malt liquor may furnish or
26 give, and a retailer may accept, a sample of malt liquor as long
27 as the retailer has not previously purchased the brand of malt
28 liquor from that wholesaler if all of the following requirements

1 are met:

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

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

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

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

19 311.200. 1. No license shall be issued for the sale of
20 intoxicating liquor in the original package, not to be consumed
21 upon the premises where sold, except to a person engaged in, and
22 to be used in connection with, the operation of one or more of
23 the following businesses: a drug store, a cigar and tobacco
24 store, a grocery store, a general merchandise store, a
25 confectionery or delicatessen store, nor to any such person who
26 does not have and keep in his store a stock of goods having a
27 value according to invoices of at least one thousand dollars,
28 exclusive of fixtures and intoxicating liquors. Under such

1 license, no intoxicating liquor shall be consumed on the premises
2 where sold nor shall any original package be opened on the
3 premises of the vendor except as otherwise provided in this law.
4 For every license for sale at retail in the original package, the
5 licensee shall pay to the director of revenue the sum of one
6 hundred dollars per year.

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

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

24 4. For every license issued for the sale of malt liquor and
25 light wines containing not in excess of fourteen percent of
26 alcohol by weight made exclusively from grapes, berries and other
27 fruits and vegetables, at retail by the drink for consumption on
28 the premises where sold, the licensee shall pay to the director

1 of revenue the sum of fifty dollars per year.

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

7 6. For every license issued to any railroad company,
8 railway sleeping car company operated in this state, for sale of
9 all kinds of intoxicating liquor, as defined in this chapter, at
10 retail for consumption on its dining cars, buffet cars and
11 observation cars, the sum of one hundred dollars per year[;
12 except that such license shall not permit sales at retail to be
13 made while such cars are stopped at any station]. A duplicate of
14 such license shall be posted in every car where such beverage is
15 sold or served, for which the licensee shall pay a fee of one
16 dollar for each duplicate license.

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

22 311.290. No person having a license issued pursuant to this
23 chapter, nor any employee of such person, shall sell, give away,
24 or permit the consumption of any intoxicating liquor in any
25 quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays
26 and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday,
27 upon or about his or her premises. If the person has a license
28 to sell intoxicating liquor by the drink, his premises shall be

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

23 311.483. 1. The supervisor of liquor control may issue a
24 temporary permit to persons holding licenses to sell intoxicating
25 liquor by the drink at retail for consumption on the premises
26 pursuant to the provisions of this chapter who furnish provisions
27 and service for use at a festival as defined in chapter 316. An
28 application for a permit under this section shall be made at

1 least five business days prior to the festival. The temporary
2 permit shall be effective for a period not to exceed one hundred
3 sixty-eight consecutive hours, and shall authorize the service of
4 alcoholic beverages at such festival during the hours at which
5 alcoholic beverages may lawfully be sold or served upon premises
6 licensed to sell alcoholic beverages for on-premises consumption.
7 For every permit issued pursuant to the provisions of this
8 section, the permittee shall pay to the director of revenue the
9 sum of ten dollars for each calendar day, or fraction thereof,
10 for which the permit is issued.

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

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

26 4. No provision of law or rule or regulation of the
27 supervisor shall be interpreted as preventing any wholesaler,
28 retailers, or distributor from providing customary storage,

1 cooling, or dispensing equipment for use at a festival.

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

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

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

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

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