

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 121
97TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, February 12, 2013, with recommendation that the Senate Committee Substitute do pass.

0828S.06C

TERRY L. SPIELER, Secretary.

AN ACT

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

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

Section A. Sections 311.071, 311.200, and 311.290, RSMo, are repealed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

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, 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-**

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

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, or their employees or officers only to pay special**
26 **event infrastructure expenses unrelated to any retail alcohol sales,**
27 **which include, but are not limited to, security, sanitation, fencing,**
28 **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.

311.200. 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.
46 No 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 whose business is conducted in one room
13 only and substantial quantities of food and merchandise other than intoxicating
14 liquors are dispensed, then the licensee shall keep securely locked during the
15 hours and on the days specified in this section all refrigerators, cabinets, cases,
16 boxes, and taps from which intoxicating liquor is dispensed.

17 A "closed place" is defined to mean a place where all doors are locked and where
18 no patrons are in the place or about the premises. Any person violating any
19 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. The temporary permit shall be**
6 **effective for a period not to exceed one hundred sixty-eight consecutive**
7 **hours, and shall authorize the service of alcoholic beverages at such**
8 **festival during the hours at which alcoholic beverages may lawfully be**
9 **sold or served upon premises licensed to sell alcoholic beverages for**
10 **on-premises consumption. For every permit issued pursuant to the**
11 **provisions of this section, the permittee shall pay to the director of**
12 **revenue the sum of ten dollars for each calendar day, or fraction**
13 **thereof, for which the permit is issued.**

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

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

26 **expiration of the permit issued pursuant to this section.**

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

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