

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 919

AN ACT

To repeal sections 311.090, 311.195, 311.200, 311.205, 311.220, 311.328, and 311.665, RSMo, and to enact in lieu thereof ten new sections relating to intoxicating liquor, with an effective date for a certain section and penalty provisions.

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

1           Section A. Sections 311.090, 311.195, 311.200, 311.205,  
2           311.220, 311.328, and 311.665, RSMo, are repealed and ten new  
3           sections enacted in lieu thereof, to be known as sections  
4           311.090, 311.195, 311.198, 311.200, 311.201, 311.205, 311.220,  
5           311.328, 311.665, and 311.915, to read as follows:

6           311.090. 1. Any person who possesses the qualifications  
7           required by this chapter, and who meets the requirements of and  
8           complies with the provisions of this chapter, and the ordinances,  
9           rules and regulations of the incorporated city in which such  
10          licensee proposes to operate his business, may apply for, and the  
11          supervisor of alcohol and tobacco control may issue, a license to  
12          sell intoxicating liquor, as defined in this chapter, by the  
13          drink at retail for consumption on the premises described in the  
14          application; provided, that no license shall be issued for the  
15          sale of intoxicating liquor, other than malt liquor [containing

1 alcohol not in excess of five percent by weight] as defined in  
2 section 311.490, and light wines containing not in excess of  
3 fourteen percent of alcohol by weight made exclusively from  
4 grapes, berries and other fruits and vegetables, by the drink at  
5 retail for consumption on the premises where sold to any person  
6 other than a charitable, fraternal, religious, service or  
7 veterans' organization which has obtained an exemption from the  
8 payment of federal income taxes as provided in section 501(c)(3),  
9 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10),  
10 501(c)(19), or 501(d) of the United States Internal Revenue Code  
11 of 1954, as amended, in any incorporated city having a population  
12 of less than nineteen thousand five hundred inhabitants, until  
13 the sale of such intoxicating liquor, by the drink at retail for  
14 consumption on the premises where sold, shall have been  
15 authorized by a vote of the majority of the qualified voters of  
16 the city. Such authority shall be determined by an election to  
17 be held in those cities having a population of less than nineteen  
18 thousand five hundred inhabitants as determined by the last  
19 preceding federal decennial census, under the provisions and  
20 methods set out in this chapter. Once such licenses are issued  
21 in a city with a population of at least nineteen thousand five  
22 hundred inhabitants, any subsequent loss of population shall not  
23 require the qualified voters of such a city to approve the sale  
24 of such intoxicating liquor prior to the issuance or renewal of  
25 such licenses. No license shall be issued for the sale of  
26 intoxicating liquor, other than malt liquor [containing alcohol  
27 not in excess of five percent by weight] as defined in section  
28 311.490, and light wines containing not in excess of fourteen

1 percent of alcohol by weight made exclusively from grapes,  
2 berries and other fruits and vegetables, by the drink at retail  
3 for consumption on the premises where sold, outside the limits of  
4 such incorporated cities unless the licensee is a charitable,  
5 fraternal, religious, service or veterans' organization which has  
6 obtained an exemption from the payment of federal income taxes as  
7 provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7),  
8 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States  
9 Internal Revenue Code of 1954, as amended.

10 2. If any charitable, fraternal, religious, service, or  
11 veterans' organization has a license to sell intoxicating liquor  
12 on its premises pursuant to this section and such premises  
13 includes two or more buildings in close proximity, such permit  
14 shall be valid for the sale of intoxicating liquor at any such  
15 building.

16 311.195. 1. As used in this section, the term  
17 "microbrewery" means a business whose primary activity is the  
18 brewing and selling of beer, with an annual production of ten  
19 thousand barrels or less.

20 2. A microbrewer's license shall authorize the licensee to  
21 manufacture beer and malt liquor in quantities not to exceed ten  
22 thousand barrels per annum. In lieu of the charges provided in  
23 section 311.180, a license fee of five dollars for each one  
24 hundred barrels or fraction thereof, up to a maximum license fee  
25 of two hundred fifty dollars, shall be paid to and collected by  
26 the director of revenue.

27 3. Notwithstanding any other provision of this chapter to  
28 the contrary, the holder of a microbrewer's license may apply

1 for, and the supervisor of alcohol and tobacco control may issue,  
2 a license to sell all kinds of intoxicating liquor, as defined in  
3 this chapter, by the drink at retail for consumption on the  
4 premises of the microbrewery or in close proximity to the  
5 microbrewery. No holder of a microbrewer's license, or any  
6 employee, officer, agent, subsidiary, or affiliate thereof, shall  
7 have more than ten licenses to sell intoxicating liquor by the  
8 drink at retail for consumption on the premises. [The authority  
9 for the collection of fees by cities and counties as provided in  
10 section 311.220, and all other laws and regulations relating to  
11 the sale of liquor by the drink for consumption on the premises  
12 where sold, shall apply to the holder of a license issued under  
13 the provisions of this section in the same manner as they apply  
14 to establishments licensed under the provisions of section  
15 311.085, 311.090, 311.095, or 311.097.]

16 4. The holder of a microbrewer's license may also sell beer  
17 and malt liquor produced on the brewery premises to duly licensed  
18 wholesalers. However, holders of a microbrewer's license shall  
19 not, under any circumstances, directly or indirectly, have any  
20 financial interest in any wholesaler's business, and all such  
21 sales to wholesalers shall be subject to the restrictions of  
22 sections 311.181 and 311.182.

23 5. A microbrewer who is a holder of a license to sell  
24 intoxicating liquor by the drink at retail for consumption on the  
25 premises shall be exempt from the provisions of section 311.280,  
26 for such intoxicating liquor that is produced on the premises in  
27 accordance with the provisions of this chapter. For all other  
28 intoxicating liquor sold by the drink at retail for consumption

1 on the premises that the microbrewer possesses a license for must  
2 be obtained in accordance with section 311.280.

3 311.198. 1. Notwithstanding any other provision of law,  
4 rule, or regulation to the contrary, a brewer may lease to the  
5 retail licensee and the retail licensee may accept portable  
6 refrigeration units at a total lease value equal to the cost of  
7 the unit to the brewer. Such portable refrigeration units shall  
8 remain the property of the brewer. The brewer may also enter  
9 into lease agreements with wholesalers, who may enter into  
10 sublease agreements with retail licensees in which the value  
11 contained in the sublease is equal to the unit cost to the  
12 brewer. If the lease agreement is with a wholesaler, the  
13 portable refrigeration units shall become the property of the  
14 wholesaler at the end of the lease period, which is to be defined  
15 between the brewer and the wholesaler. A wholesaler may not  
16 directly or indirectly fund the cost or maintenance of the  
17 portable refrigeration units. Brewers shall be responsible for  
18 maintaining adequate records of retailer payments to be able to  
19 verify fulfillment of lease agreements. No portable  
20 refrigeration unit may exceed forty cubic feet in storage space.  
21 A brewer may lease, or wholesaler may sublease, not more than one  
22 portable refrigeration unit per retail location. Such portable  
23 refrigeration unit may bear in a conspicuous manner substantial  
24 advertising matter about a product or products of the brewer and  
25 shall be visible to consumers inside the retail outlet.  
26 Notwithstanding any other provision of law, rule, regulation, or  
27 lease to the contrary, the retail licensee is hereby authorized  
28 to stock, display, and sell any product in and from the portable

1 refrigeration units. No dispensing equipment shall be attached  
2 to a leased portable refrigeration unit, and no beer, wine, or  
3 intoxicating liquor shall be dispensed directly from a leased  
4 portable refrigeration unit. Any brewer or wholesaler that  
5 provides portable refrigeration units shall within thirty days  
6 thereafter notify the division of alcohol and tobacco control on  
7 forms designated by the division of the location, lease terms,  
8 and total cubic storage space of the units. The division is  
9 hereby given authority, including rulemaking authority, to  
10 enforce this section and to ensure compliance by having access to  
11 and copies of lease, payment, and portable refrigeration unit  
12 records and information.

13 2. Any lease or sublease executed under this section shall  
14 not exceed five years in duration.

15 3. Any rule or portion of a rule, as that term is defined  
16 in section 536.010 that is created under the authority delegated  
17 in this section shall become effective only if it complies with  
18 and is subject to all of the provisions of chapter 536, and, if  
19 applicable, section 536.028. This section and chapter 536 are  
20 nonseverable and if any of the powers vested with the general  
21 assembly pursuant to chapter 536, to review, to delay the  
22 effective date, or to disapprove and annul a rule are  
23 subsequently held unconstitutional, then the grant of rulemaking  
24 authority and any rule proposed or adopted after January 1, 2017,  
25 shall be invalid and void.

26 4. This section shall expire on January 1, 2020. Any lease  
27 or sublease executed under this section prior to January 1, 2020,  
28 shall remain in effect until the expiration of such lease or

1     sublease.

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

18            2. For a permit authorizing the sale of malt liquor [not in  
19    excess of five percent by weight], as defined in section 311.490,  
20    by grocers and other merchants and dealers in the original  
21    package direct to consumers but not for resale, a fee of fifty  
22    dollars per year payable to the director of the department of  
23    revenue shall be required. The phrase "original package" shall  
24    be construed and held to refer to any package containing one or  
25    more standard bottles, cans, or pouches of beer. Notwithstanding  
26    the provisions of section 311.290, any person licensed pursuant  
27    to this subsection may also sell malt liquor at retail between  
28    the hours of 9:00 a.m. and midnight on Sunday.

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

8           4. For every license issued for the sale of malt liquor, as  
9 defined in section 311.490, and light wines containing not in  
10 excess of fourteen percent of alcohol by weight made exclusively  
11 from grapes, berries and other fruits and vegetables, at retail  
12 by the drink for consumption on the premises where sold, the  
13 licensee shall pay to the director of revenue the sum of fifty  
14 dollars per year.

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

20           6. For every license issued to any railroad company,  
21 railway sleeping car company operated in this state, for sale of  
22 all kinds of intoxicating liquor, as defined in this chapter, at  
23 retail for consumption on its dining cars, buffet cars and  
24 observation cars, the sum of one hundred dollars per year. A  
25 duplicate of such license shall be posted in every car where such  
26 beverage is sold or served, for which the licensee shall pay a  
27 fee of one dollar for each duplicate license.

28           7. All applications for licenses shall be made upon such



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

5 311.201. 1. Any person who is licensed to sell  
6 intoxicating liquor in the original package at retail as provided  
7 in subsection 1 of section 311.200 may sell from thirty-two to  
8 one hundred twenty-eight fluid ounces of draft beer to customers  
9 in containers filled by any employee of the retailer on the  
10 premises for consumption off such premises. Before such beer may  
11 be sold, an employee of the licensee shall first close the filled  
12 container with a one-time-use tamper-proof seal. Any employee of  
13 the licensee shall be at least twenty-one years of age to fill  
14 containers with draft beer.

15 2. No provision of law, rule, or regulation of the  
16 supervisor of alcohol and tobacco control shall be interpreted to  
17 allow any wholesaler, distributor, or manufacturer of  
18 intoxicating liquor to furnish dispensing or cooling equipment,  
19 or containers that are filled or refilled under subsection 1 of  
20 this section, to any person who is licensed to sell intoxicating  
21 liquor in the original package at retail as provided in  
22 subsection 1 of section 311.200.

23 3. (1) Containers that are filled or refilled under  
24 subsection 1 of this section shall be affixed with a label or a  
25 tag that shall contain the following information in type not  
26 smaller than three millimeters in height and not more than twelve  
27 characters per inch:

28 (a) Brand name of the product dispensed;

1       (b) Name of brewer or bottler;

2       (c) Class of product, such as beer, ale, lager, bock,  
3 stout, or other brewed or fermented beverage;

4       (d) Net contents;

5       (e) Name and address of the business that filled or  
6 refilled the container;

7       (f) Date of fill or refill;

8       (g) The following statement: "This product may be  
9 unfiltered and unpasteurized. Keep refrigerated at all times."

10       (2) Containers that are filled or refilled under subsection  
11 1 of this section shall be affixed with the alcoholic beverage  
12 health warning statement as required by the Federal Alcohol  
13 Administration Act, 27 CFR Sections 16.20 to 16.22.

14       4. (1) The filling and refilling of containers shall only  
15 occur on demand by a customer and containers shall not be  
16 prefilled by the retailer or its employee.

17       (2) Containers shall only be filled or refilled by an  
18 employee of the retailer.

19       (3) Containers shall be filled or refilled as follows:

20       (a) Containers shall be filled or refilled with a tube as  
21 described in subdivision (4) of this subsection and:

22       a. Food grade sanitizer shall be used in accordance with  
23 the Environmental Protection Agency registered label use  
24 instructions;

25       b. A container of liquid food-grade sanitizer shall be  
26 maintained for no more than ten malt beverage taps that will be  
27 used for filling and refilling containers;

28       c. Each container shall contain no less than five tubes

1 that will be used only for filling and refilling containers;

2 d. The container shall be inspected visually for  
3 contamination;

4 e. After each filling or refilling of a container, the tube  
5 shall be immersed in the container with the liquid food-grade  
6 sanitizer; and

7 f. A different tube from the container shall be used for  
8 each filling or refilling of a container; or

9 (b) Containers shall be filled or refilled with a  
10 contamination-free process and:

11 a. The container shall be inspected visually for  
12 contamination;

13 b. The container shall only be filled or refilled by the  
14 retailer's employee; and

15 c. The filling or refilling shall be in compliance with the  
16 Food and Drug Administration Code 2009, Section 3-304.17(c).

17 (4) Containers shall be filled or refilled from the bottom  
18 of the container to the top with a tube that is attached to the  
19 malt beverage faucet and extends to the bottom of the container  
20 or with a commercial filling machine.

21 (5) When not in use, tubes to fill or refill shall be  
22 immersed and stored in a container with liquid food-grade  
23 sanitizer.

24 (6) After filling or refilling a container, the container  
25 shall be sealed as set forth in subsection 1 of this section.

26 311.205. 1. Any person licensed to sell liquor at retail  
27 by the drink for consumption on the premises where sold may use a  
28 [table tap dispensing] self-dispensing system [to allow], which

1 is monitored and controlled by the licensee and allows patrons of  
2 the licensee to ~~[dispense]~~ self-dispense beer ~~[at a table]~~ or  
3 wine. Before a patron may dispense beer or wine, an employee of  
4 the licensee must first authorize an amount of beer or wine, not  
5 to exceed thirty-two ounces of beer or sixteen ounces of wine per  
6 patron per authorization, to be dispensed by the ~~[table tap~~  
7 ~~dispensing]~~ self-dispensing system.

8 2. No provision of law or rule or regulation of the  
9 supervisor shall be interpreted to allow any wholesaler,  
10 distributor, or manufacturer of intoxicating liquor to furnish  
11 ~~[table tap dispensing]~~ self-dispensing or cooling equipment or  
12 provide services for the maintenance, sanitation, or repair of  
13 ~~[table tap dispensing]~~ self-dispensing systems.

14 311.220. 1. In addition to the permit fees and license  
15 fees and inspection fees by this law required to be paid into the  
16 state treasury, every holder of a permit or license authorized by  
17 this law shall pay into the county treasury of the county wherein  
18 the premises described and covered by such permit or license are  
19 located, or in case such premises are located in the city of St.  
20 Louis, to the collector of revenue of said city, a fee in such  
21 sum not in excess of the amount by this law required to be paid  
22 into the state treasury for such state permit or license, as the  
23 county commission, or the corresponding authority in the city of  
24 St. Louis, as the case may be, shall by order of record  
25 determine, and shall pay into the treasury of the municipal  
26 corporation, wherein said premises are located, a license fee in  
27 such sum, not exceeding one and one-half times the amount by this  
28 law required to be paid into the state treasury for such state

1 permit or license, as the lawmaking body of such municipality,  
2 including the city of St. Louis may by ordinance determine.

3 2. The board of aldermen, city council or other proper  
4 authorities of incorporated cities, may charge for licenses  
5 issued to manufacturers, distillers, brewers, wholesalers and  
6 retailers of all intoxicating liquor, located within their  
7 limits, fix the amount to be charged for such license, subject to  
8 the limitations of this law, and provide for the collection  
9 thereof, make and enforce ordinances for the regulation and  
10 control of the sale of all intoxicating liquors within their  
11 limits, provide for penalties for the violation of such  
12 ordinances, where not inconsistent with the provisions of this  
13 law.

14 3. Every licensee shall keep displayed prominently at all  
15 times on their licensed premises any city or county license  
16 designating their premises as a place licensed by the city or  
17 county to sell intoxicating liquors. Nonetheless, no application  
18 shall be disapproved by the supervisor of alcohol and tobacco  
19 control for failure to possess a city or county license when  
20 making application for a license. Within ten days from the  
21 issuance of said city or county license, the licensee shall file  
22 with the supervisor of alcohol and tobacco control a copy of such  
23 city or county license.

24 311.328. 1. A valid and unexpired operator's or  
25 chauffeur's license issued under the provisions of section  
26 302.177, or a valid and unexpired operator's or chauffeur's  
27 license issued under the laws of any state or territory of the  
28 United States to residents of those states or territories, or a

1 valid and unexpired identification card or nondriver's license as  
2 provided for under section 302.181, or a valid and unexpired  
3 nondriver's license issued under the laws of any state or  
4 territory of the United States to residents of those states or  
5 territories, or a valid and unexpired identification card issued  
6 by any uniformed service of the United States, or a valid and  
7 unexpired passport shall be presented by the holder thereof upon  
8 request of any agent of the division of alcohol and tobacco  
9 control or any licensee or the servant, agent or employee thereof  
10 for the purpose of aiding the licensee or the servant, agent or  
11 employee to determine whether or not the person is at least  
12 twenty-one years of age when such person desires to purchase or  
13 consume alcoholic beverages procured from a licensee. Upon such  
14 presentation the licensee or the servant, agent or employee  
15 thereof shall compare the photograph and physical characteristics  
16 noted on the license, identification card or passport with the  
17 physical characteristics of the person presenting the license,  
18 identification card or passport.

19 2. Upon proof by the licensee of full compliance with the  
20 provisions of this section, no penalty shall be imposed if the  
21 supervisor of the division of alcohol and tobacco control or the  
22 courts are satisfied that the licensee acted in good faith.

23 3. Any person who shall, without authorization from the  
24 department of revenue, reproduce, alter, modify, or misrepresent  
25 any chauffeur's license, motor vehicle operator's license or  
26 identification card shall be deemed guilty of a misdemeanor and  
27 upon conviction shall be subject to a fine of not more than one  
28 thousand dollars, and confinement for not more than one year, or

1 by both such fine and imprisonment.

2 311.665. Before any license is [issued or] renewed under  
3 the provisions of this chapter, the supervisor of liquor control  
4 shall require a statement from the director of revenue that the  
5 applicant has paid all sales and use taxes due, including all  
6 penalties and interest or does not owe any sales or use tax.

7 2. Within ten days from the issuance of a sales and use tax  
8 statement by the director of revenue, the licensee shall file  
9 with the supervisor of alcohol and tobacco control a copy of such  
10 sales and use tax statement.

11 311.915. A special permit shall be issued to an out of  
12 state manufacturer of intoxicating liquor who is not licensed in  
13 the state of Missouri for participation in festivals, bazaars, or  
14 similar events. Registration requirements under section 311.275  
15 shall be waived for such event. The amount of intoxicating  
16 liquor shipped in the state under this permit shall not exceed  
17 two hundred gallons. Excise taxes shall be paid by the licensed  
18 manufacturer that holds a retail license organizing the event in  
19 the same manner as if it were produced or purchased by the  
20 manufacturer. A permit issued under this section by the division  
21 of alcohol and tobacco control shall be valid for no more than  
22 seventy-two hours. An applicant shall complete a form provided  
23 by the supervisor of alcohol and tobacco control and pay a fee of  
24 twenty-five dollars before a special permit shall be issued.

25 Section B. The enactment of section 311.198 of section A of  
26 this act shall become effective January 1, 2017.