

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 994

AN ACT

To repeal sections 262.823, 311.060, 311.091, 311.205, RSMo, and to enact in lieu thereof five new sections relating to alcohol.

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

1           Section A. Sections 262.823, 311.060, 311.091, 311.205,  
2 RSMo, are repealed and five new sections enacted in lieu thereof,  
3 to be known as sections 262.823, 311.060, 311.091, 311.205, and  
4 311.950, to read as follows:

5           262.823. The purpose of the board shall be to further the  
6 growth and development of the grape growing industry in the state  
7 of Missouri. The board shall have a correlate purpose of  
8 fostering the expansion of the grape market for Missouri grapes.  
9 To effectuate these goals, the board may:

10           (1) Participate in cooperation with state, regional,  
11 national, or international activities, groups, and organizations  
12 whose objectives are that of developing new and better grape  
13 varieties to determine their suitability for growing in Missouri;

14           (2) Participate in and develop research projects on  
15 improved wine-making methods utilizing the new grape varieties to  
16 be grown in Missouri;

1           (3) Utilize the individual and collective expertise of the  
2 board members as well as experts in the fields of enology and  
3 viticulture selected by the board, to update and improve the  
4 quality of grapes grown in Missouri and advanced methods of  
5 producing wines from these Missouri grapes;

6           (4) Furnish current information and associated data on  
7 research conducted by and for the board to grape growers and  
8 vintners in Missouri as well as to interested persons considering  
9 entering these fields within the state; and

10          (5) Participate in subsequent studies, programs, research,  
11 and information and data dissemination in the areas of sales,  
12 promotions, and effective distribution of Missouri wines, and to  
13 oversee and provide any professional or legal services to promote  
14 such marketing goals.

15          311.060. 1. No person shall be granted a license hereunder  
16 unless such person is of good moral character and a qualified  
17 legal voter and a taxpaying citizen of the county, town, city or  
18 village, nor shall any corporation be granted a license hereunder  
19 unless the managing officer of such corporation is of good moral  
20 character and a qualified legal voter and taxpaying citizen of  
21 the county, town, city or village; and, except as otherwise  
22 provided under subsection 7 of this section, no person shall be  
23 granted a license or permit hereunder whose license as such  
24 dealer has been revoked, or who has been convicted, since the  
25 ratification of the twenty-first amendment to the Constitution of  
26 the United States, of a violation of the provisions of any law  
27 applicable to the manufacture or sale of intoxicating liquor, or  
28 who employs in his or her business as such dealer any person

1 whose license has been revoked unless five years have passed  
2 since the revocation as provided under subsection 6 of this  
3 section, or who has been convicted of violating such law since  
4 the date aforesaid; provided, that nothing in this section  
5 contained shall prevent the issuance of licenses to nonresidents  
6 of Missouri or foreign corporations for the privilege of selling  
7 to duly licensed wholesalers and soliciting orders for the sale  
8 of intoxicating liquors to, by or through a duly licensed  
9 wholesaler, within this state.

10 2. (1) No person, partnership or corporation shall be  
11 qualified for a license under this law if such person, any member  
12 of such partnership, or such corporation, or any officer,  
13 director, or any stockholder owning, legally or beneficially,  
14 directly or indirectly, ten percent or more of the stock of such  
15 corporation, or other financial interest therein, or ten percent  
16 or more of the interest in the business for which the person,  
17 partnership or corporation is licensed, or any person employed in  
18 the business licensed under this law shall have had a license  
19 revoked under this law except as otherwise provided under  
20 subsections 6 and 7 of this section, or shall have been convicted  
21 of violating the provisions of any law applicable to the  
22 manufacture or sale of intoxicating liquor since the ratification  
23 of the twenty-first amendment to the Constitution of the United  
24 States, or shall not be a person of good moral character.

25 (2) No license issued under this chapter shall be denied,  
26 suspended, revoked or otherwise affected based solely on the fact  
27 that an employee of the licensee has been convicted of a felony  
28 unrelated to the manufacture or sale of intoxicating liquor.

1 Each employer shall report the identity of any employee convicted  
2 of a felony to the division of liquor control. The division of  
3 liquor control shall promulgate rules to enforce the provisions  
4 of this subdivision.

5 (3) No wholesaler license shall be issued to a corporation  
6 for the sale of intoxicating liquor containing alcohol in excess  
7 of five percent by weight, except to a resident corporation as  
8 defined in this section.

9 3. A "resident corporation" is defined to be a corporation  
10 incorporated under the laws of this state, all the officers and  
11 directors of which, and all the stockholders, who legally and  
12 beneficially own or control sixty percent or more of the stock in  
13 amount and in voting rights, shall be qualified legal voters and  
14 taxpaying citizens of the county and municipality in which they  
15 reside and who shall have been bona fide residents of the state  
16 for a period of three years continuously immediately prior to the  
17 date of filing of application for a license, provided that a  
18 stockholder need not be a voter or a taxpayer, and all the  
19 resident stockholders of which shall own, legally and  
20 beneficially, at least sixty percent of all the financial  
21 interest in the business to be licensed under this law; provided,  
22 that no corporation, licensed under the provisions of this law on  
23 January 1, 1947, nor any corporation succeeding to the business  
24 of a corporation licensed on January 1, 1947, as a result of a  
25 tax-free reorganization coming within the provisions of Section  
26 112, United States Internal Revenue Code, shall be disqualified  
27 by reason of the new requirements herein, except corporations  
28 engaged in the manufacture of alcoholic beverages containing

1 alcohol in excess of five percent by weight, or owned or  
2 controlled, directly or indirectly, by nonresident persons,  
3 partnerships or corporations engaged in the manufacture of  
4 alcoholic beverages containing alcohol in excess of five percent  
5 by weight.

6 4. The term "financial interest" as used in this chapter is  
7 defined to mean all interest, legal or beneficial, direct or  
8 indirect, in the capital devoted to the licensed enterprise and  
9 all such interest in the net profits of the enterprise, after the  
10 payment of reasonable and necessary operating business expenses  
11 and taxes, including interest in dividends, preferred dividends,  
12 interest and profits, directly or indirectly paid as compensation  
13 for, or in consideration of interest in, or for use of, the  
14 capital devoted to the enterprise, or for property or money  
15 advanced, loaned or otherwise made available to the enterprise,  
16 except by way of ordinary commercial credit or bona fide bank  
17 credit not in excess of credit customarily granted by banking  
18 institutions, whether paid as dividends, interest or profits, or  
19 in the guise of royalties, commissions, salaries, or any other  
20 form whatsoever.

21 5. The supervisor shall by regulation require all  
22 applicants for licenses to file written statements, under oath,  
23 containing the information reasonably required to administer this  
24 section. Statements by applicants for licenses as wholesalers  
25 and retailers shall set out, with other information required,  
26 full information concerning the residence of all persons  
27 financially interested in the business to be licensed as required  
28 by regulation. All material changes in the information filed

1 shall be promptly reported to the supervisor.

2 6. Any person whose license or permit issued under this  
3 chapter has been revoked shall be automatically eligible to work  
4 as an employee of an establishment holding a license or permit  
5 under this chapter five years after the date of the revocation.

6 7. Any person whose license or permit issued under this  
7 chapter has been revoked shall be eligible to apply and be  
8 qualified for a new license or permit five years after the date  
9 of the revocation. The person may be issued a new license or  
10 permit at the discretion of the division of alcohol and tobacco  
11 control. If the division denies the request for a new permit or  
12 license, the person may not submit a new application for five  
13 years from the date of the denial. If the application is  
14 approved, the person shall pay all fees required by law for the  
15 license or permit. Any person whose request for a new license or  
16 permit is denied may seek a determination by the administrative  
17 hearing commission as provided under section 311.691.

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 alcohol and tobacco control may issue a license  
24 to sell intoxicating liquor, as defined in this chapter, by the  
25 drink at retail for consumption on the premises of any boat, or  
26 other vessel licensed by the United States Coast Guard to carry  
27 ~~[one hundred]~~ thirty or more passengers for hire on navigable  
28 waters in or adjacent to this state, which has a regular place of

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

9 311.205. 1. Any person licensed to sell liquor at retail  
10 by the drink for consumption on the premises where sold may use a  
11 [table tap dispensing] self-dispensing system [to allow], which  
12 is monitored and controlled by the licensee and allows patrons of  
13 the licensee to [dispense] self-dispense beer [at a table] or  
14 wine. Before a patron may dispense beer or wine, an employee of  
15 the licensee must first authorize an amount of beer or wine, not  
16 to exceed thirty-two ounces of beer or sixteen ounces of wine per  
17 patron per authorization, to be dispensed by the [table tap  
18 dispensing] self-dispensing system.

19 2. No provision of law or rule or regulation of the  
20 supervisor shall be interpreted to allow any wholesaler,  
21 distributor, or manufacturer of intoxicating liquor to furnish  
22 [table tap dispensing] self-dispensing or cooling equipment or  
23 provide services for the maintenance, sanitation, or repair of  
24 [table tap dispensing] self-dispensing systems.

25 311.950. 1. Notwithstanding any provision of law to the  
26 contrary, entertainment facilities including, but not limited to,  
27 arenas and stadiums used primarily for concerts, shows, and  
28 sporting events of any kind and entities selling concessions at



1 such facilities that possess all necessary and valid licenses and  
2 permits to allow for the sale of alcoholic beverages shall not be  
3 prohibited from selling and delivering alcoholic beverages  
4 purchased through the use of mobile applications to individuals  
5 attending events on the premises of such facilities if the  
6 facilities are in compliance with all applicable state laws and  
7 regulations regarding the sale of alcoholic beverages.

8 2. For purposes of this section, the term "mobile  
9 application" shall mean a computer program or software designed  
10 to be used on hand-held mobile devices such as cellular phones  
11 and tablet computers.

12 3. Any employee of a facility or entity selling concessions  
13 at a facility who delivers an alcoholic beverage purchased  
14 through a mobile application to an individual shall require the  
15 individual to show a valid, government-issued identification  
16 document that includes the photograph and birth date of the  
17 individual, such as a driver's license, and shall verify that the  
18 individual is twenty-one years of age or older before the  
19 individual is allowed possession of the alcoholic beverage.

20 4. The division of alcohol and tobacco control may  
21 promulgate rules to implement the provisions of this section.  
22 Any rule or portion of a rule, as that term is defined in section  
23 536.010, that is created under the authority delegated in this  
24 section shall become effective only if it complies with and is  
25 subject to all of the provisions of chapter 536 and, if  
26 applicable, section 536.028. This section and chapter 536 are  
27 nonseverable, and if any of the powers vested with the general  
28 assembly pursuant to chapter 536 to review, to delay the

1 effective date, or to disapprove and annul a rule are  
2 subsequently held unconstitutional, then the grant of rulemaking  
3 authority and any rule proposed or adopted after August 28, 2016,  
4 shall be invalid and void.

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12 Brian Munzlinger

Justin Alferman