

FIRST REGULAR SESSION

SENATE BILL NO. 101

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0092S.011

AN ACT

To repeal section 311.310, RSMo, and to enact in lieu thereof one new section relating to penalties for allowing minors to possess intoxicating liquor, with penalty provisions.

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

Section A. Section 311.310, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 311.310, to read as follows:

311.310. 1. Any licensee under this chapter, or his employee, who shall
2 sell, vend, give away or otherwise supply any intoxicating liquor in any quantity
3 whatsoever to any person under the age of twenty-one years, or to any person
4 intoxicated or appearing to be in a state of intoxication, or to a habitual
5 drunkard, and any person whomsoever except his parent or guardian who shall
6 procure for, sell, give away or otherwise supply intoxicating liquor to any person
7 under the age of twenty-one years, or to any intoxicated person or any person
8 appearing to be in a state of intoxication, or to a habitual drunkard, shall be
9 deemed guilty of a misdemeanor, except that this section shall not apply to the
10 supplying of intoxicating liquor to a person under the age of twenty-one years for
11 medical purposes only, or to the administering of such intoxicating liquor to any
12 person by a duly licensed physician. No person shall be denied a license or
13 renewal of a license issued under this chapter solely due to a conviction for
14 unlawful sale or supply to a minor when serving in the capacity as an employee
15 of a licensed establishment.

16 2. Any owner, occupant, or other person or legal entity with a lawful right
17 to the exclusive use and enjoyment of any property who knowingly allows a
18 person under the age of twenty-one to drink or possess intoxicating liquor or

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

19 knowingly fails to stop a person under the age of twenty-one from drinking or
20 possessing intoxicating liquor on such property, unless such person allowing the
21 person under the age of twenty-one to drink or possess intoxicating liquor is his
22 or her parent or guardian, is guilty of a class [B] A misdemeanor. Any second or
23 subsequent violation of this subsection is a class [A misdemeanor] E felony.

24 3. **The penalty for a violation of subsection 2 of this section is a**
25 **class B felony if the person under the age of twenty-one injures or kills**
26 **another person while intoxicated.**

27 4. It shall be a defense to prosecution under this section if:

28 (1) The defendant is a licensed retailer, club, drinking establishment, or
29 caterer or holds a temporary permit, or an employee thereof;

30 (2) The defendant sold the intoxicating liquor to the minor with
31 reasonable cause to believe that the minor was twenty-one or more years of age;
32 and

33 (3) To purchase the intoxicating liquor, the person exhibited to the
34 defendant a driver's license, Missouri nondriver's identification card, or other
35 official or apparently official document, containing a photograph of the minor and
36 purporting to establish that such minor was twenty-one years of age and of the
37 legal age for consumption of intoxicating liquor.

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