

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 126  
AN ACT

To repeal sections 311.070, 311.086, 311.089, 311.096, 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218, 311.293, 311.480, 311.482, 311.620, and 311.710, RSMo, and to enact in lieu thereof seventeen new sections relating to the sale of intoxicating liquor, with existing penalty provisions.

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

Section A. Sections 311.070, 311.086, 311.089, 311.096,  
2 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.218,  
3 311.293, 311.480, 311.482, 311.620, and 311.710, RSMo, are  
4 repealed and seventeen new sections enacted in lieu thereof, to  
5 be known as sections 311.070, 311.086, 311.089, 311.096,  
6 311.174, 311.176, 311.178, 311.179, 311.190, 311.200, 311.202,  
7 311.218, 311.293, 311.480, 311.482, 311.620, and 311.710, to  
8 read as follows:

311.070. 1. Distillers, wholesalers, winemakers,  
2 brewers or their employees, officers or agents shall not,  
3 except as provided in this section, directly or indirectly,  
4 have any financial interest in the retail business for sale  
5 of intoxicating liquors, and shall not, except as provided  
6 in this section, directly or indirectly, loan, give away or  
7 furnish equipment, money, credit or property of any kind,  
8 except ordinary commercial credit for liquors sold to such  
9 retail dealers. However, notwithstanding any other  
10 provision of this chapter to the contrary, for the purpose

11 of the promotion of tourism, a distiller whose manufacturing  
12 establishment is located within this state may apply for and  
13 the supervisor of [~~liquor~~] alcohol and tobacco control may  
14 issue a license to sell intoxicating liquor, as in this  
15 chapter defined, by the drink at retail for consumption on  
16 the premises where sold; and provided further that the  
17 premises so licensed shall be in close proximity to the  
18 distillery and may remain open between the hours of 6:00  
19 a.m. and 1:30 a.m., Monday through Saturday and between the  
20 hours of [~~9:00 a.m. and midnight, Sunday~~] 6:00 a.m. on  
21 Sundays and 1:30 a.m. on Mondays. The authority for the  
22 collection of fees by cities and counties as provided in  
23 section 311.220, and all other laws and regulations relating  
24 to the sale of liquor by the drink for consumption on the  
25 premises where sold, shall apply to the holder of a license  
26 issued under the provisions of this section in the same  
27 manner as they apply to establishments licensed under the  
28 provisions of section 311.085, 311.090, or 311.095.

29 2. Any distiller, wholesaler, winemaker or brewer who  
30 shall violate the provisions of subsection 1 of this  
31 section, or permit his or her employees, officers or agents  
32 to do so, shall be guilty of a misdemeanor, and upon  
33 conviction thereof shall be punished as follows:

34 (1) For the first offense, by a fine of one thousand  
35 dollars;

36 (2) For a second offense, by a fine of five thousand  
37 dollars; and

38 (3) For a third or subsequent offense, by a fine of  
39 ten thousand dollars or the license of such person shall be  
40 revoked.

41 3. As used in this section, the following terms mean:

42 (1) "Consumer advertising specialties", advertising  
43 items that are designed to be carried away by the consumer,

44 such items include, but are not limited to: trading stamps,  
45 nonalcoholic mixers, pouring racks, ash trays, bottle or can  
46 openers, cork screws, shopping bags, matches, printed  
47 recipes, pamphlets, cards, leaflets, blotters, postcards,  
48 pencils, shirts, caps and visors;

49 (2) "Equipment and supplies", glassware (or similar  
50 containers made of other [material] materials), [dispensing  
51 accessories,] carbon dioxide (and other gasses used in  
52 dispensing equipment) [or], ice["Dispensing accessories"  
53 include standards, faucets, cold plates, rods, vents, taps,  
54 tap standards, hoses, washers, couplings, gas gauges, vent  
55 tongues, shanks, and check valves], nonrefrigerated rolling  
56 coolers, portable bars, agitating tanks, tubs, tents not to  
57 exceed one hundred square feet in size, and any permanently  
58 inscribed or securely affixed brand identified  
59 nonrefrigerated item that promotes intoxicating liquor;

60 (3) "Nonrefrigeration dispensing accessories",  
61 includes regulators, gauges, vents, nuts, clamps, splicers,  
62 keg stackers, washers, shanks, wall brackets, beer and air  
63 distributors, beer line insulation, beer and gas hoses,  
64 faucets, taps, tap standards, couplers, air pumps draft  
65 arms, blankets or other coverings for temporary wrapping of  
66 barrels, tavern head and their internal parts, and any other  
67 technology or parts necessary to preserve and serve  
68 intoxicating liquor that are not self-refrigerating;

69 [(3)] (4) "Permanent point-of-sale advertising  
70 materials", advertising items designed to be used within a  
71 retail business establishment for an extended period of time  
72 to attract consumer attention to the products of a  
73 distiller, wholesaler, winemaker or brewer. Such materials  
74 shall only include inside signs (electric, mechanical or  
75 otherwise), mirrors, table umbrellas, and

76 sweepstakes/contest prizes displayed on the licensed  
77 premises;

78 [(4)] (5) "Product display", wine racks, portable  
79 branded nonrefrigerated coolers, bins, barrels, casks,  
80 shelving or similar items the primary function of which is  
81 to hold and display consumer products;

82 [(5)] (6) "Promotion", an advertising and publicity  
83 campaign to further the acceptance and sale of the  
84 merchandise or products of a distiller, wholesaler,  
85 winemaker or brewer;

86 [(6)] (7) "Temporary point-of-sale advertising  
87 materials", advertising items designed to be used for short  
88 periods of time. Such materials include, but are not  
89 limited to: banners, decorations reflecting a particular  
90 season or a limited-time promotion, or paper napkins,  
91 coasters, cups, tap handles, ice buckets, condiment caddies,  
92 napkin holders, bar rail mats, shakers, salt rimmers, or  
93 menus.

94 4. Notwithstanding other provisions contained herein,  
95 the distiller, wholesaler, winemaker or brewer, or their  
96 employees, officers or agents may engage in the following  
97 activities with a retail licensee licensed pursuant to this  
98 chapter:

99 (1) The distiller, wholesaler, winemaker or brewer may  
100 give or sell product displays to a retail business if all of  
101 the following requirements are met:

102 (a) The total value of all product displays given or  
103 sold to a retail business shall not exceed three hundred  
104 dollars per brand at any one time in any one retail outlet.  
105 There shall be no combining or pooling of the three hundred  
106 dollar limits to provide a retail business a product display  
107 in excess of three hundred dollars per brand. The value of  
108 a product display is the actual cost to the distiller,

109 wholesaler, winemaker or brewer who initially purchased such  
110 product display. Transportation and installation costs  
111 shall be excluded;

112 (b) All product displays shall bear in a conspicuous  
113 manner substantial advertising matter on the product or the  
114 name of the distiller, wholesaler, winemaker or brewer. The  
115 name and address of the retail business may appear on the  
116 product displays; and

117 (c) The giving or selling of product displays may be  
118 conditioned on the purchase of intoxicating beverages  
119 advertised on the displays by the retail business in a  
120 quantity necessary for the initial completion of the product  
121 display. No other condition shall be imposed by the  
122 distiller, wholesaler, winemaker or brewer on the retail  
123 business in order for such retail business to obtain the  
124 product display;

125 (2) Notwithstanding any provision of law to the  
126 contrary, the distiller, wholesaler, winemaker or brewer may  
127 provide, give or sell any permanent point-of-sale  
128 advertising materials, temporary point-of-sale advertising  
129 materials, and consumer advertising specialties to a retail  
130 business if all the following requirements are met:

131 (a) The total value of all permanent point-of-sale  
132 advertising materials provided to a retail business by a  
133 distiller, wholesaler, winemaker, or brewer shall not exceed  
134 five hundred dollars per calendar year, per brand, per  
135 retail outlet. The replacement of similar in appearance,  
136 type, and dollar value permanent point-of-sale advertising  
137 materials that are damaged and nonfunctioning shall not  
138 count towards the maximum of five hundred dollars per  
139 calendar year, per brand, per retail outlet. The value of  
140 permanent point-of-sale advertising materials is the actual  
141 cost to the distiller, wholesaler, winemaker or brewer who

142 initially purchased such item. Transportation and  
143 installation costs shall be excluded. All permanent point-  
144 of-sale advertising materials provided to a retailer shall  
145 be recorded, and records shall be maintained for a period of  
146 three years;

147 (b) The provider of permanent point-of-sale  
148 advertising materials shall own and otherwise control the  
149 use of permanent point-of-sale advertising materials that  
150 are provided by any distiller, wholesaler, winemaker, or  
151 brewer;

152 (c) All permanent point-of-sale advertising materials,  
153 temporary point-of-sale advertising materials, and consumer  
154 advertising specialties shall bear in a conspicuous manner  
155 substantial advertising matter about the product or the name  
156 of the distiller, wholesaler, winemaker or brewer. The  
157 name, address and logos of the retail business may appear on  
158 the permanent point-of-sale advertising materials, temporary  
159 point-of-sale advertising materials, or the consumer  
160 advertising specialties; and

161 (d) The distiller, wholesaler, winemaker or brewer  
162 shall not directly or indirectly pay or credit the retail  
163 business for using or distributing the permanent point-of-  
164 sale advertising materials, temporary point-of-sale  
165 advertising materials, or consumer advertising specialties  
166 or for any incidental expenses arising from their use or  
167 distribution;

168 (3) A distiller, wholesaler, winemaker, or brewer may  
169 give a gift not to exceed a value of one thousand dollars  
170 per year to a holder of a temporary permit as [defined]  
171 described in section 311.482;

172 (4) The distiller, wholesaler, winemaker, or brewer  
173 may sell equipment [or] and supplies to a retail business if  
174 all the following requirements are met:

175 (a) The equipment and supplies shall be sold at a  
176 price not less than the cost to the distiller, wholesaler,  
177 winemaker or brewer who initially purchased such equipment  
178 and supplies; and

179 (b) The price charged for the equipment and supplies  
180 shall be collected in accordance with credit regulations as  
181 established in the code of state regulations;

182 (5) The [distiller,] wholesaler[, winemaker] or brewer  
183 may install nonrefrigeration dispensing accessories at the  
184 retail business establishment, which shall include for the  
185 purposes of beer equipment to properly preserve and serve  
186 draught beer only and to facilitate the delivery to the  
187 retailer the brewers and wholesalers may lend, give, rent or  
188 sell and they may install or repair [any of the following  
189 items or render to retail licensees any of the following  
190 services: beer coils and coil cleaning, sleeves and  
191 wrappings, box couplings and draft arms, beer faucets and  
192 tap markers, beer and air hose, taps, vents and washers,  
193 gauges and regulators, beer and air distributors, beer line  
194 insulation, coil flush hose, couplings and bucket pumps;  
195 portable coil boxes, air pumps, blankets or other coverings  
196 for temporary wrappings of barrels, coil box overflow pipes,  
197 tilting platforms, bumper boards, skids, cellar ladders and  
198 ramps, angle irons, ice box grates, floor runways;]

199 nonrefrigeration dispensing accessories and damage caused by  
200 any beer delivery excluding normal wear and tear [and a]. A  
201 complete record of equipment and supplies, and  
202 nonrefrigeration dispensing accessories furnished and  
203 installed and repairs and service made or rendered must be  
204 kept by the brewer or wholesalers furnishing, making or  
205 rendering same for a period of not less than one year;

206 (6) The distiller, wholesaler, winemaker or brewer may  
207 furnish, give or sell [coil] cleaning [service] and

208 sanitation services to a retailer to preserve product  
209 integrity of distilled spirits, wine, or malt beverages;

210 (7) A wholesaler of intoxicating liquor may furnish or  
211 give and a retailer may accept a sample of distilled spirits  
212 or wine as long as the retailer has not previously purchased  
213 the brand from that wholesaler, if all the following  
214 requirements are met:

215 (a) The wholesaler may furnish or give not more than  
216 seven hundred fifty milliliters of any brand of distilled  
217 spirits and not more than seven hundred fifty milliliters of  
218 any brand of wine; if a particular product is not available  
219 in a size within the quantity limitations of this  
220 subsection, a wholesaler may furnish or give to a retailer  
221 the next larger size;

222 (b) The wholesaler shall keep a record of the name of  
223 the retailer and the quantity of each brand furnished or  
224 given to such retailer;

225 (c) For the purposes of this subsection, no samples of  
226 intoxicating liquor provided to retailers shall be consumed  
227 on the premises nor shall any sample of intoxicating liquor  
228 be opened on the premises of the retailer except as provided  
229 by the retail license;

230 (d) For the purpose of this subsection, the word  
231 "brand" refers to differences in brand name of product or  
232 differences in nature of product; examples of different  
233 brands would be products having a difference in: brand  
234 name; class, type or kind designation; appellation of origin  
235 (wine); viticulture area (wine); vintage date (wine); age  
236 (distilled spirits); or proof (distilled spirits);  
237 differences in packaging such a different style, type, size  
238 of container, or differences in color or design of a label  
239 are not considered different brands;

240           (8) The distiller, wholesaler, winemaker or brewer may  
241 package and distribute intoxicating beverages in combination  
242 with other nonalcoholic items as originally packaged by the  
243 supplier for sale ultimately to consumers; notwithstanding  
244 any provision of law to the contrary, for the purpose of  
245 this subsection, intoxicating liquor and wine wholesalers  
246 are not required to charge for nonalcoholic items any more  
247 than the actual cost of purchasing such nonalcoholic items  
248 from the supplier;

249           (9) The distiller, wholesaler, winemaker or brewer may  
250 sell or give the retail business newspaper cuts, mats or  
251 engraved blocks for use in the advertisements of the retail  
252 business;

253           (10) The distiller, wholesaler, winemaker or brewer  
254 may in an advertisement list the names and addresses of two  
255 or more unaffiliated retail businesses selling its product  
256 if all of the following requirements are met:

257           (a) The advertisement shall not contain the retail  
258 price of the product;

259           (b) The listing of the retail businesses shall be the  
260 only reference to such retail businesses in the  
261 advertisement;

262           (c) The listing of the retail businesses shall be  
263 relatively inconspicuous in relation to the advertisement as  
264 a whole; and

265           (d) The advertisement shall not refer only to one  
266 retail business or only to a retail business controlled  
267 directly or indirectly by the same retail business;

268           (11) Distillers, winemakers, wholesalers, brewers or  
269 retailers may conduct a local or national  
270 sweepstakes/contest upon a licensed retail premise. The  
271 sweepstakes/contest prize dollar amount shall not be limited  
272 and can be displayed in a photo, banner, or other temporary

273 point-of-sale advertising materials on a licensed premises,  
274 if the following requirements are met:

275 (a) No money or something of value is given to the  
276 retailer for the privilege or opportunity of conducting the  
277 sweepstakes or contest; and

278 (b) The actual sweepstakes/contest prize is not  
279 displayed on the licensed premises if the prize value  
280 exceeds the permanent point-of-sale advertising materials  
281 dollar limit provided in this section;

282 (12) The distiller, wholesaler, winemaker or brewer  
283 may stock, rotate, rearrange or reset the products sold by  
284 such distiller, wholesaler, winemaker or brewer at the  
285 establishment of the retail business so long as the products  
286 of any other distiller, wholesaler, winemaker or brewer are  
287 not altered or disturbed;

288 (13) The distiller, wholesaler, winemaker or brewer  
289 may provide a recommended shelf plan or shelf schematic for  
290 distilled spirits, wine or malt beverages;

291 (14) The distiller, wholesaler, winemaker or brewer  
292 participating in the activities of a retail business  
293 association may do any of the following:

294 (a) Display, serve, or donate its products at or to a  
295 convention or trade show;

296 (b) Rent display booth space if the rental fee is the  
297 same paid by all others renting similar space at the  
298 association activity;

299 (c) Provide its own hospitality which is independent  
300 from the association activity;

301 (d) Purchase tickets to functions and pay registration  
302 or sponsorship fees if such purchase or payment is the same  
303 as that paid by all attendees, participants or exhibitors at  
304 the association activity;

305 (e) Make payments for advertisements in programs or  
306 brochures issued by retail business associations if the  
307 total payments made for all such advertisements are fair and  
308 reasonable;

309 (f) Pay dues to the retail business association if  
310 such dues or payments are fair and reasonable;

311 (g) Make payments or donations for retail employee  
312 training on preventive sales to minors and intoxicated  
313 persons, checking identifications, age verification devices,  
314 and the [liquor] alcohol and tobacco control laws;

315 (h) Make contributions not to exceed one thousand  
316 dollars per calendar year for transportation services that  
317 shall be used to assist patrons from retail establishments  
318 to his or her residence or overnight accommodations;

319 (i) Donate or serve up to five hundred dollars per  
320 event of alcoholic products at retail business association  
321 activities; and

322 (j) Any retail business association that receives  
323 payments or donations shall, upon written request, provide  
324 the division of alcohol and tobacco control with copies of  
325 relevant financial records and documents to ensure  
326 compliance with this subsection;

327 (15) The distiller, wholesaler, winemaker or brewer  
328 may sell or give a permanent outside sign to a retail  
329 business if the following requirements are met:

330 (a) The sign, which shall be constructed of metal,  
331 glass, wood, plastic, or other durable, rigid material, with  
332 or without illumination, or painted or otherwise printed  
333 onto a rigid material or structure, shall bear in a  
334 conspicuous manner substantial advertising matter about the  
335 product or the name of the distiller, wholesaler, winemaker  
336 or brewer;

337 (b) The retail business shall not be compensated,  
338 directly or indirectly, for displaying the permanent sign or  
339 a temporary banner;

340 (c) The cost of the permanent sign shall not exceed  
341 five hundred dollars; and

342 (d) Temporary banners of a seasonal nature or  
343 promoting a specific event shall not be constructed to be  
344 permanent outdoor signs and may be provided to retailers.  
345 The total cost of temporary outdoor banners provided to a  
346 retailer in use at any one time shall not exceed five  
347 hundred dollars per brand;

348 (16) A wholesaler may, but shall not be required to,  
349 exchange for an equal quantity of identical product or allow  
350 credit against outstanding indebtedness for intoxicating  
351 liquor with alcohol content of less than five percent by  
352 weight and malt liquor that was delivered in a damaged  
353 condition or damaged while in the possession of the retailer;

354 (17) To assure and control product quality,  
355 wholesalers at the time of a regular delivery may, but shall  
356 not be required to, withdraw, with the permission of the  
357 retailer, a quantity of intoxicating liquor with alcohol  
358 content of less than five percent by weight and malt liquor  
359 in its undamaged original carton from the retailer's stock,  
360 if the wholesaler replaces the product with an equal  
361 quantity of identical product;

362 (18) In addition to withdrawals authorized pursuant to  
363 subdivision (17) of this subsection, to assure and control  
364 product quality, wholesalers at the time of a regular  
365 delivery may, but shall not be required to, withdraw, with  
366 the permission of the retailer, a quantity of intoxicating  
367 liquor with alcohol content of less than five percent by  
368 weight and malt liquor in its undamaged original carton from

369 the retailer's stock and give the retailer credit against  
370 outstanding indebtedness for the product if:

371 (a) The product is withdrawn at least thirty days  
372 after initial delivery and within twenty-one days of the  
373 date considered by the manufacturer of the product to be the  
374 date the product becomes inappropriate for sale to a  
375 consumer; and

376 (b) The quantity of product withdrawn does not exceed  
377 the equivalent of twenty-five cases of twenty-four twelve-  
378 ounce containers; and

379 (c) To assure and control product quality, a  
380 wholesaler may, but not be required to, give a retailer  
381 credit for intoxicating liquor with an alcohol content of  
382 less than five percent by weight and malt liquor, in a  
383 container with a capacity of four gallons or more, delivered  
384 but not used, if the wholesaler removes the product within  
385 seven days of the initial delivery; [and]

386 (19) Wholesalers shall distribute consumer advertising  
387 specialties, equipment and supplies, nonrefrigeration  
388 dispensing accessories, permanent point-of-sale advertising  
389 materials, product display, promotion, and temporary point-  
390 of-sale advertising materials to their retailers in a fair  
391 and reasonable manner; and

392 (20) Nothing in this section authorizes consignment  
393 sales.

394 5. (1) A distiller, wholesaler, winemaker, or brewer  
395 that is also in business as a bona fide producer or vendor  
396 of nonalcoholic beverages shall not condition the sale of  
397 its alcoholic beverages on the sale of its nonalcoholic  
398 beverages nor combine the sale of its alcoholic beverages  
399 with the sale of its nonalcoholic beverages, except as  
400 provided in subdivision (8) of subsection 4 of this  
401 section. The distiller, wholesaler, winemaker, or brewer

402 that is also in business as a bona fide producer or vendor  
403 of nonalcoholic beverages may sell, credit, market, and  
404 promote nonalcoholic beverages in the same manner in which  
405 the nonalcoholic products are sold, credited, marketed, or  
406 promoted by a manufacturer or wholesaler not licensed by the  
407 supervisor of alcohol and tobacco control.

408 (2) Any fixtures, equipment, or furnishings provided  
409 by any distiller, wholesaler, winemaker, or brewer in  
410 furtherance of the sale of nonalcoholic products shall not  
411 be used by the retail licensee to store, service, display,  
412 advertise, furnish, or sell, or aid in the sale of alcoholic  
413 products regulated by the supervisor of alcohol and tobacco  
414 control. All such fixtures, equipment, or furnishings shall  
415 be identified by the retail licensee as being furnished by a  
416 licensed distiller, wholesaler, winemaker, or brewer.

417 6. Distillers, wholesalers, brewers and winemakers, or  
418 their officers or directors shall not require, by agreement  
419 or otherwise, that any retailer purchase any intoxicating  
420 liquor from such distillers, wholesalers, brewers or  
421 winemakers to the exclusion in whole or in part of  
422 intoxicating liquor sold or offered for sale by other  
423 distillers, wholesalers, brewers, or winemakers.

424 7. Notwithstanding any other provisions of this  
425 chapter to the contrary, a distiller, winemaker, or  
426 wholesaler may install nonrefrigeration dispensing  
427 accessories at the retail business establishment, which  
428 shall include for the purposes of distilled spirits and wine  
429 equipment to properly preserve and serve premixed distilled  
430 spirit and wine beverages only. To facilitate delivery to  
431 the retailer, the distiller, winemaker, or wholesaler may  
432 lend, give, rent or sell and the distiller, winemaker, or  
433 wholesaler may install or repair [any of the following items  
434 or render to retail licensees any of the following

435 services: coils and coil cleaning, draft arms, faucets and  
436 tap markers, taps, tap standards, tapping heads, hoses,  
437 valves and other minor tapping equipment components,]  
438 nonrefrigeration dispensing accessories and damage caused by  
439 any delivery excluding normal wear and tear. A complete  
440 record of [equipment] nonrefrigeration dispensing  
441 accessories furnished and installed and repairs or service  
442 made or rendered shall be kept by the distiller, winemaker,  
443 or wholesaler furnishing, making or rendering the same for a  
444 period of not less than one year.

445 8. Distillers, wholesalers, winemakers, brewers or  
446 their employees or officers shall be permitted to make  
447 contributions of money or merchandise to a licensed retail  
448 liquor dealer that is a charitable, fraternal, civic,  
449 service, veterans', or religious organization as defined in  
450 section 313.005, or an educational institution if such  
451 contributions are unrelated to such organization's retail  
452 operations.

453 9. Distillers, brewers, wholesalers, and winemakers  
454 may make payments for advertisements in programs or  
455 brochures of tax-exempt organizations licensed under section  
456 311.090 if the total payments made for all such  
457 advertisements are the same as those paid by other vendors.

458 10. A brewer or manufacturer, its employees, officers  
459 or agents may have a financial interest in the retail  
460 business for sale of intoxicating liquors at entertainment  
461 facilities owned, in whole or in part, by the brewer or  
462 manufacturer, its subsidiaries or affiliates including, but  
463 not limited to, arenas and stadiums used primarily for  
464 concerts, shows and sporting events of all kinds.

465 11. For the purpose of the promotion of tourism, a  
466 wine manufacturer, its employees, officers or agents located  
467 within this state may apply for and the supervisor of

468 ~~[liquor]~~ alcohol and tobacco control may issue a license to  
469 sell intoxicating liquor, as defined in this chapter, by the  
470 drink at retail for consumption on the premises where sold,  
471 if the premises so licensed is in close proximity to the  
472 winery. Such premises shall be closed during the hours  
473 specified under section 311.290 and may remain open between  
474 the hours of ~~[9:00 a.m. and midnight on Sunday]~~ 6:00 a.m. on  
475 Sundays and 1:30 a.m. on Mondays.

476 12. For the purpose of the promotion of tourism, a  
477 person may apply for and the supervisor of ~~[liquor]~~ alcohol  
478 and tobacco control may issue a license to sell intoxicating  
479 liquor by the drink at retail for consumption on the  
480 premises where sold, but seventy-five percent or more of the  
481 intoxicating liquor sold by such licensed person shall be  
482 Missouri-produced wines received from manufacturers licensed  
483 under section 311.190. Such premises may remain open  
484 between the hours of 6:00 a.m. and midnight, Monday through  
485 Saturday, and between the hours of ~~[11:00]~~ 6:00 a.m. ~~[and~~  
486 ~~9:00 p.m.]~~ on Sundays and 1:30 a.m. on Mondays.

311.086. 1. As used in this section, the following  
2 terms mean:

3 (1) "Common area", any area designated as a common  
4 area in a development plan for the entertainment district  
5 approved by the governing body of the city, any area of a  
6 public right-of-way that is adjacent to or within the  
7 entertainment district when it is closed to vehicular  
8 traffic and any other area identified in the development  
9 plan where a physical barrier precludes motor vehicle  
10 traffic and limits pedestrian accessibility;

11 (2) "Entertainment district", any area located in a  
12 home rule city with more than four hundred thousand  
13 inhabitants and located in more than one county with a  
14 population of at least four thousand inhabitants that:

15 (a) Is located in the city's central business district  
16 which is the historic core locally known as the city's  
17 downtown area;

18 (b) Contains a combination of entertainment venues,  
19 bars, nightclubs, and restaurants; and

20 (c) Is designated as a redevelopment area by the  
21 governing body of the city under and pursuant to the  
22 Missouri downtown and rural economic stimulus act, sections  
23 99.915 to 99.1060;

24 (3) "Portable bar", any bar, table, kiosk, cart, or  
25 stand that is not a permanent fixture and can be moved from  
26 place to place;

27 (4) "Promotional association", an association,  
28 incorporated in the state of Missouri, which is organized or  
29 authorized by one or more property owners located within the  
30 entertainment district, who own or otherwise control not  
31 less than one hundred thousand square feet of premises  
32 designed, constructed, and available for lease for bars,  
33 nightclubs, restaurants, and other entertainment venues, for  
34 the purpose of organizing and promoting activities within  
35 the entertainment district. For purposes of determining  
36 ownership or control as set forth in this subdivision, the  
37 square footage of premises used for residential, office or  
38 retail uses, (other than bars, nightclubs, restaurants, and  
39 other entertainment venues), parking facilities, and hotels  
40 within the entertainment district shall not be used in the  
41 calculation of square footage.

42 2. Notwithstanding any other provisions of this  
43 chapter to the contrary, any person acting on behalf of or  
44 designated by a promotional association, who possesses the  
45 qualifications required by this chapter, and who meets the  
46 requirements of and complies with the provisions of this  
47 chapter, may apply for, and the supervisor of alcohol and

48 tobacco control may issue, an entertainment district special  
49 license to sell intoxicating liquor by the drink for retail  
50 for consumption dispensed from one or more portable bars  
51 within the common areas of the entertainment district until  
52 3:00 a.m. on Mondays through Saturdays and from ~~[9:00]~~ 6:00  
53 a.m. ~~[until 12:00 midnight]~~ on Sundays and until 1:30 a.m.  
54 on Mondays.

55 3. An applicant granted an entertainment district  
56 special license under this section shall pay a license fee  
57 of three hundred dollars per year.

58 4. Notwithstanding any other provision of this chapter  
59 to the contrary, on such days and at such times designated  
60 by the promotional association, in its sole discretion,  
61 provided such times are during the hours a license is  
62 allowed under this chapter to sell alcoholic beverages, the  
63 promotional association may allow persons to leave licensed  
64 establishments, located in portions of the entertainment  
65 district designated by the promotional association, with an  
66 alcoholic beverage and enter upon and consume the alcoholic  
67 beverage within other licensed establishments and common  
68 areas located in portions of the entertainment district  
69 designated by the promotional association. No person shall  
70 take any alcoholic beverage or alcoholic beverages outside  
71 the boundaries of the entertainment district or portions of  
72 the entertainment district as designated by the promotional  
73 association, in its sole discretion. At times when a person  
74 is allowed to consume alcoholic beverages dispensed from  
75 portable bars and in common areas of all or any portion of  
76 the entertainment district designated by the promotional  
77 association, the promotional association must and shall  
78 ensure that minors can be easily distinguished from persons  
79 of legal age buying alcoholic beverages.

80           5. Every licensee within the entertainment district  
81 must and shall serve alcoholic beverages in containers that  
82 display and contain the licensee's trade name or logo or  
83 some other mark that is unique to that license and licensee.

84           6. The holder of an entertainment district special  
85 license is solely responsible for alcohol violations  
86 occurring at its portable bar and in any common area.

          311.089. Any establishment possessing or qualifying  
2 for a license to sell intoxicating liquor by the drink at  
3 retail in any city not within a county, any home rule city  
4 with more than four hundred thousand inhabitants and located  
5 in more than one county and if such establishment is also  
6 located in a resort area, convention trade area, or  
7 enterprise zone area, the establishment may apply for a  
8 Sunday by-the-drink license between the hours of [9:00 a.m.  
9 and midnight on Sunday] 6:00 a.m. on Sundays and 1:30 a.m.  
10 on Mondays. The license fee for such Sunday by-the-drink  
11 license shall be six hundred dollars per year. The license  
12 fee shall be prorated for the period of the license based on  
13 the cost of the annual license for the establishment.

          311.096. 1. As used in this section, the term "common  
2 eating and drinking area" means an area or areas within a  
3 building or group of buildings designated for the eating of  
4 food and drinking of liquor sold at retail by establishments  
5 which do not provide areas within their premises for the  
6 consumption of food and liquor; where the costs of  
7 maintaining such area or areas are shared by the payment of  
8 common area maintenance charges, as provided in the  
9 respective leases permitting the use of such areas, or  
10 otherwise; and where the annual gross income from the sale  
11 of prepared meals or food consumed in such common eating and  
12 drinking area is, or is projected to be, at least two  
13 hundred seventy-five thousand dollars.

14           2. Notwithstanding any other provisions of this  
15 chapter to the contrary, any person who possesses the  
16 qualifications required by this chapter, or who now or  
17 hereafter meets the requirements of and complies with the  
18 provisions of this chapter, may apply for, and the  
19 supervisor of [liquor] alcohol and tobacco control may  
20 issue, a license to sell intoxicating liquor, as defined in  
21 this chapter, by the drink at retail not for consumption on  
22 the premises where sold but for consumption in a common  
23 eating and drinking area, as described in the application  
24 for such license. In addition to all other fees required by  
25 law, each establishment in a common eating and drinking area  
26 licensed under this subsection shall pay to the director of  
27 revenue the sum of three hundred dollars per year. The  
28 times for selling intoxicating liquor as fixed in section  
29 311.290, the authority for the collection of fees by  
30 counties and cities as provided in section 311.220, and all  
31 other laws and regulations of this state relating to the  
32 sale of intoxicating liquor by the drink shall apply to each  
33 establishment licensed under this subsection in the same  
34 manner as they apply to establishments licensed under  
35 sections 311.085 and 311.090.

36           3. Notwithstanding any other provisions of this  
37 chapter to the contrary, any person who possesses the  
38 qualifications required by this chapter, and who now or  
39 hereafter meets the requirements of and complies with the  
40 provisions of this chapter, may apply for, and the  
41 supervisor of [liquor] alcohol and tobacco control may  
42 issue, a license to sell intoxicating liquor, as defined in  
43 this chapter, between the hours of [11:00 a.m. on Sunday and  
44 12:00 midnight on Sunday] 6:00 a.m. on Sundays and 1:30 a.m.  
45 on Mondays by the drink at retail not for consumption on the  
46 premises where sold but for consumption in a common eating

47 and drinking area, as described in the application for such  
48 license. In addition to all other fees required by law,  
49 each establishment in a common eating and drinking area  
50 licensed under this subsection shall pay an additional fee  
51 of two hundred dollars a year payable at the same time and  
52 in the same manner as its other license fees.

53 4. Any person possessing the qualifications and  
54 meeting the requirements of this chapter, who is licensed to  
55 sell intoxicating liquor by the drink at retail not for  
56 consumption on the premises where sold but for consumption  
57 in a common eating and drinking area, may apply to the  
58 supervisor of [~~liquor~~] alcohol and tobacco control for a  
59 special permit to remain open on all days of the week  
60 [except Sunday] between the hours of 1:30 a.m. to 3:00 a.m.  
61 [The provisions of subsection 3 of this section shall apply  
62 to the sale of intoxicating liquor by the drink at retail  
63 not for consumption on the premises where sold but for  
64 consumption in a common eating and drinking area on  
65 Sunday.] To qualify for such a permit, the premises of such  
66 an applicant must be located in an area which has been  
67 designated as a convention trade area by the governing body  
68 of the county or city. An applicant granted a special  
69 permit under this section shall pay, in addition to all  
70 other fees required by this chapter, an additional fee of  
71 three hundred dollars a year payable at the time and in the  
72 same manner as its other license fees.

311.174. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail for  
4 consumption on the premises in a city with a population of  
5 at least four thousand inhabitants which borders the  
6 Missouri River and also borders a city with a population of  
7 over three hundred thousand inhabitants located in at least

8 three counties, in a city with a population of over three  
9 hundred thousand which is located in whole or in part within  
10 a first class county having a charter form of government or  
11 in a first class county having a charter form of government  
12 which contains all or part of a city with a population of  
13 over three hundred thousand inhabitants, may apply to the  
14 supervisor of alcohol and tobacco control for a special  
15 permit to remain open on each day of the week until 3:00  
16 a.m. of the morning of the following day; except that, an  
17 entity exempt from federal income taxes under Section  
18 501(c)(7) of the Internal Revenue Code of 1986, as amended,  
19 and located in a building designated as a National Historic  
20 Landmark by the United States Department of the Interior may  
21 apply for a license to remain open until 6:00 a.m. of the  
22 following day. The time of opening on Sunday may be [9:00]  
23 6:00 a.m. The provisions of this section and not those of  
24 section [311.097] 311.293 regarding the time of closing  
25 shall apply to the sale of intoxicating liquor by the drink  
26 at retail for consumption on the premises on Sunday. When  
27 the premises of such an applicant is located in a city as  
28 defined in this section, then the premises must be located  
29 in an area which has been designated as a convention trade  
30 area by the governing body of the city. When the premises  
31 of such an applicant is located in a county as defined in  
32 this section, then the premises must be located in an area  
33 which has been designated as a convention trade area by the  
34 governing body of the county.

35 2. An applicant granted a special permit under this  
36 section shall in addition to all other fees required by this  
37 chapter pay an additional fee of three hundred dollars a  
38 year payable at the time and in the same manner as its other  
39 license fees.

40           3. The provisions of this section allowing for  
41 extended hours of business shall not apply in any  
42 incorporated area wholly located in any first class county  
43 having a charter form of government which contains all or  
44 part of a city with a population of over three hundred  
45 thousand inhabitants until the governing body of such  
46 incorporated area shall have by ordinance or order adopted  
47 the extended hours authorized by this section.

          311.176. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail for  
4 consumption on the premises in a city not located within a  
5 county, may apply to the supervisor of alcohol and tobacco  
6 control for a special permit to remain open on each day of  
7 the week until 3:00 a.m. of the morning of the following  
8 day. The time of opening on Sunday may be ~~[9:00]~~ 6:00 a.m.  
9 The provisions of this section and not those of section  
10 ~~[311.097]~~ 311.293 regarding the time of closing shall apply  
11 to the sale of intoxicating liquor by the drink at retail  
12 for consumption on the premises on Sunday. To qualify for  
13 such a permit, the premises of such an applicant must be  
14 located in an area which has been designated as a convention  
15 trade area by the governing body of the city and the  
16 applicant must meet at least one of the following conditions:

17           (1) The business establishment's annual gross sales  
18 for the year immediately preceding the application for  
19 extended hours equals one hundred fifty thousand dollars or  
20 more; or

21           (2) The business is a resort. For purposes of this  
22 section, a "resort" is defined as any establishment having  
23 at least sixty rooms for the overnight accommodation of  
24 transient guests and having a restaurant located on the  
25 premises.

26           2. An applicant granted a special permit pursuant to  
27 this section shall, in addition to all other fees required  
28 by this chapter, pay an additional fee of three hundred  
29 dollars a year payable at the time and in the same manner as  
30 its other license fees.

          311.178. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail for  
4 consumption on the premises in a county of the first  
5 classification having a charter form of government and not  
6 containing all or part of a city with a population of over  
7 three hundred thousand may apply to the supervisor of  
8 alcohol and tobacco control for a special permit to remain  
9 open on each day of the week until 3:00 a.m. of the morning  
10 of the following day. The time of opening on Sunday may be  
11 ~~[9:00]~~ 6:00 a.m. The provisions of this section and not  
12 those of section ~~[311.097]~~ 311.293 regarding the time of  
13 closing shall apply to the sale of intoxicating liquor by  
14 the drink at retail for consumption on the premises on  
15 Sunday. The premises of such an applicant shall be located  
16 in an area which has been designated as a convention trade  
17 area by the governing body of the county and the applicant  
18 shall meet at least one of the following conditions:

19           (1) The business establishment's annual gross sales  
20 for the year immediately preceding the application for  
21 extended hours equals one hundred fifty thousand dollars or  
22 more; or

23           (2) The business is a resort. For purposes of this  
24 subsection, a "resort" is defined as any establishment  
25 having at least sixty rooms for the overnight accommodation  
26 of transient guests and having a restaurant located on the  
27 premises.

28           2. Any person possessing the qualifications and  
29 meeting the requirements of this chapter who is licensed to  
30 sell intoxicating liquor by the drink at retail for  
31 consumption on the premises in a county of the third  
32 classification without a township form of government having  
33 a population of more than twenty-three thousand five hundred  
34 but less than twenty-three thousand six hundred inhabitants,  
35 a county of the third classification without a township form  
36 of government having a population of more than nineteen  
37 thousand three hundred but less than nineteen thousand four  
38 hundred inhabitants or a county of the first classification  
39 without a charter form of government with a population of at  
40 least thirty-seven thousand inhabitants but not more than  
41 thirty-seven thousand one hundred inhabitants may apply to  
42 the supervisor of alcohol and tobacco control for a special  
43 permit to remain open on each day of the week until 3:00  
44 a.m. of the morning of the following day. The time of  
45 opening on Sunday may be ~~9:00~~ 6:00 a.m. The provisions of  
46 this section and not those of section ~~311.097~~ 311.293  
47 regarding the time of closing shall apply to the sale of  
48 intoxicating liquor by the drink at retail for consumption  
49 on the premises on Sunday. The applicant shall meet all of  
50 the following conditions:

51           (1) The business establishment's annual gross sales  
52 for the year immediately preceding the application for  
53 extended hours equals one hundred thousand dollars or more;

54           (2) The business is a resort. For purposes of this  
55 subsection, a "resort" is defined as any establishment  
56 having at least seventy-five rooms for the overnight  
57 accommodation of transient guests, having at least three  
58 thousand square feet of meeting space and having a  
59 restaurant located on the premises; and

60 (3) The applicant shall develop, and if granted a  
61 special permit shall implement, a plan ensuring that between  
62 the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating  
63 liquor shall be made except to guests with overnight  
64 accommodations at the licensee's resort. The plan shall be  
65 subject to approval by the supervisor of alcohol and tobacco  
66 control and shall provide a practical method for the  
67 division of alcohol and tobacco control and other law  
68 enforcement agencies to enforce the provisions of subsection  
69 3 of this section.

70 3. While open between the hours of 1:30 a.m. and 3:00  
71 a.m. under a special permit issued pursuant to subsection 2  
72 of this section, it shall be unlawful for a licensee or any  
73 employee of a licensee to sell intoxicating liquor to or  
74 permit the consumption of intoxicating liquor by any person  
75 except a guest with overnight accommodations at the  
76 licensee's resort.

77 4. An applicant granted a special permit pursuant to  
78 this section shall, in addition to all other fees required  
79 by this chapter, pay an additional fee of three hundred  
80 dollars a year payable at the time and in the same manner as  
81 its other license fees.

82 5. The provisions of this section allowing for  
83 extended hours of business shall not apply in any  
84 incorporated area wholly located in any county of the first  
85 classification having a charter form of government which  
86 does not contain all or part of a city with a population of  
87 over three hundred thousand inhabitants until the governing  
88 body of such incorporated area shall have by ordinance or  
89 order adopted the extended hours authorized by this section.

311.179. 1. Any person possessing the qualifications  
2 and meeting the requirements of this chapter who is licensed  
3 to sell intoxicating liquor by the drink at retail in an

4 international airport located in a county with a charter  
5 form of government and with more than nine hundred fifty  
6 thousand inhabitants or in a county of the first  
7 classification with more than eighty-three thousand but  
8 fewer than ninety-two thousand inhabitants and with a city  
9 of the fourth classification with more than four thousand  
10 five hundred but fewer than five thousand inhabitants as the  
11 county seat may apply to the supervisor of alcohol and  
12 tobacco control for a special permit which:

13 (1) Allows the premises located in the international  
14 airport in such county to open at 4 a.m. and sell  
15 intoxicating liquor by the drink at retail for consumption.  
16 The provisions of this section and not those of section  
17 ~~[311.097]~~ 311.293 regarding the time of opening shall apply  
18 to the sale of intoxicating liquor by the drink at retail  
19 for consumption on Sunday;

20 (2) Allows persons to leave licensed establishments  
21 with an alcoholic beverage and enter other airport  
22 designated areas located within such airport. No person  
23 shall take any alcoholic beverage or beverages outside such  
24 designated areas, including onto any airplane; and

25 (3) Requires every licensee within such international  
26 airport to serve alcoholic beverages in containers that  
27 display and contain the licensee's trade name or logo or  
28 some other mark that is unique to that license and licensee.

29 2. An applicant granted a special permit pursuant to  
30 this section shall, in addition to all other fees required  
31 by this chapter, pay an additional fee of three hundred  
32 dollars a year payable at the time and in the same manner as  
33 its other license fees.

311.190. 1. For the privilege of manufacturing wine  
2 or brandy, which manufacturing shall be in accordance with  
3 all provisions of federal law applicable thereto except as

4 may otherwise be specified in this section, in quantities  
5 not to exceed five hundred thousand gallons, not in excess  
6 of eighteen percent of alcohol by weight for wine, or not in  
7 excess of thirty-four percent of alcohol by weight for  
8 brandy, from grapes, berries, other fruits, fruit products,  
9 honey, and vegetables produced or grown in the state of  
10 Missouri, exclusive of sugar, water and spirits, there shall  
11 be paid to and collected by the director of revenue, in lieu  
12 of the charges provided in section 311.180, a license fee of  
13 five dollars for each five hundred gallons or fraction  
14 thereof of wine or brandy produced up to a maximum license  
15 fee of three hundred dollars.

16       2. Notwithstanding the provisions of subsection 1 of  
17 this section, a manufacturer licensed under this section may  
18 use in any calendar year such wine- and brandy-making  
19 material produced or grown outside the state of Missouri in  
20 a quantity not exceeding fifteen percent of the  
21 manufacturer's wine entered into fermentation in the prior  
22 calendar year.

23       3. In any year when a natural disaster causes  
24 substantial loss to the Missouri crop of grapes, berries,  
25 other fruits, fruit products, honey or vegetables from which  
26 wines are made, the director of the department of  
27 agriculture shall determine the percent of loss and allow a  
28 certain additional percent, based on the prior calendar  
29 year's production of such products, to be purchased outside  
30 the state of Missouri to be used and offered for sale by  
31 Missouri wineries.

32       4. A manufacturer licensed under this section may  
33 purchase and sell bulk or packaged wines or brandies  
34 received from other manufacturers licensed under this  
35 section and may also purchase in bulk, bottle and sell to  
36 duly licensed wineries, wholesalers and retail dealers on

37 any day except Sunday, and a manufacturer licensed under  
38 this section may offer samples of wine, may sell wine and  
39 brandy in its original package directly to consumers at the  
40 winery, and may open wine so purchased by customers so that  
41 it may be consumed on the winery premises on Monday through  
42 Saturday between 6:00 a.m. and midnight and on Sunday  
43 between ~~[9:00]~~ 6:00 a.m. and ~~[10:00 p.m]~~ 1:30 a.m. on  
44 Mondays.

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

18 2. For a permit authorizing the sale of malt liquor,  
19 as defined in section 311.490, by grocers and other  
20 merchants and dealers in the original package direct to  
21 consumers but not for resale, a fee of fifty dollars per  
22 year payable to the director of the department of revenue  
23 shall be required. The phrase "original package" shall be  
24 construed and held to refer to any package containing one or  
25 more standard bottles, cans, or pouches of beer.

26 Notwithstanding the provisions of section 311.290, any  
27 person licensed pursuant to this subsection may also sell  
28 malt liquor at retail between the hours of [9:00 a.m. and  
29 midnight on Sunday] 6:00 a.m. on Sundays and 1:30 a.m. on  
30 Mondays.

31 3. For every license issued for the sale of malt  
32 liquor, as defined in section 311.490, at retail by drink  
33 for consumption on the premises where sold, the licensee  
34 shall pay to the director of revenue the sum of fifty  
35 dollars per year. Notwithstanding the provisions of section  
36 311.290, any person licensed pursuant to this subsection may  
37 also sell malt liquor at retail between the hours of [9:00  
38 a.m. and midnight on Sunday] 6:00 a.m. on Sundays and 1:30  
39 a.m. on Mondays.

40 4. For every license issued for the sale of malt  
41 liquor, as defined in section 311.490, and light wines  
42 containing not in excess of fourteen percent of alcohol by  
43 weight made exclusively from grapes, berries and other  
44 fruits and vegetables, at retail by the drink for  
45 consumption on the premises where sold, the licensee shall  
46 pay to the director of revenue the sum of fifty dollars per  
47 year.

48 5. For every license issued for the sale of all kinds  
49 of intoxicating liquor, at retail by the drink for  
50 consumption on premises of the licensee, the licensee shall  
51 pay to the director of revenue the sum of three hundred  
52 dollars per year, which shall include the sale of  
53 intoxicating liquor in the original package.

54 6. For every license issued to any railroad company,  
55 railway sleeping car company operated in this state, for  
56 sale of all kinds of intoxicating liquor, as defined in this  
57 chapter, at retail for consumption on its dining cars,  
58 buffet cars and observation cars, the sum of one hundred

59 dollars per year. A duplicate of such license shall be  
60 posted in every car where such beverage is sold or served,  
61 for which the licensee shall pay a fee of one dollar for  
62 each duplicate license.

63 7. All applications for licenses shall be made upon  
64 such forms and in such manner as the supervisor of alcohol  
65 and tobacco control shall prescribe. No license shall be  
66 issued until the sum prescribed by this section for such  
67 license shall be paid to the director of revenue.

311.202. 1. Notwithstanding any provision of law to  
2 the contrary, any person who is licensed to sell  
3 intoxicating liquor at retail by the drink for on-premises  
4 consumption may sell retailer-packaged alcoholic beverages  
5 to customers in containers, filled on such premises by any  
6 employee of the retailer who is twenty-one years of age or  
7 older, for off-premises consumption if all the following  
8 requirements are met:

9 (1) The container of the alcoholic beverage is rigid,  
10 durable, leak-proof, sealable, and designed to prevent  
11 consumption without removal of the tamperproof cap or seal.  
12 A "sealable" container does not include a container with a  
13 lid with sipping holes or openings for straws;

14 (2) The contents of each container do not exceed one  
15 hundred twenty eight ounces;

16 (3) The patron orders and purchases a meal from the  
17 licensee simultaneous with the alcoholic beverage purchase.  
18 For purposes of this subdivision, a "meal" is defined as  
19 food that has been prepared on-premises;

20 (4) The number of alcoholic beverages sold under this  
21 section by a licensee for off-premises consumption is  
22 limited to twice the number of meal servings sold by the  
23 licensee for off-premises consumption;

24           (5) The licensee provides the patron with a dated  
25 receipt or an electronic record for the meal and alcohol  
26 beverages; and

27           (6) The container is either:

28           (a) Placed in a one-time-use, tamperproof, transparent  
29 bag that is securely sealed; or

30           (b) The container opening is sealed with tamperproof  
31 tape.

32 For purposes of this subdivision, "tamperproof" means that a  
33 lid, cap, or seal visibly demonstrates when a bag or  
34 container has been opened.

35           2. Containers that are filled under subsection 1 of  
36 this section shall be affixed with a label or a tag that  
37 contains the name and address of the business that filled  
38 the container, in type not smaller than three millimeters in  
39 height and not more than twelve characters per inch, and  
40 states, "THIS BEVERAGE CONTAINS ALCOHOL."

41           3. The filling of a container under this section shall  
42 be in compliance with Section 3-304.17(c) of the 2009 Food  
43 and Drug Administration Food Code.

44           4. No provision of law, or rule or regulation of the  
45 division of alcohol and tobacco control, shall be  
46 interpreted to allow any wholesaler, distributor, or  
47 manufacturer of intoxicating liquor to furnish containers  
48 that are filled under subsection 1 of this section to any  
49 person who is licensed to sell intoxicating liquor at retail.

311.218. 1. Other provisions of this chapter to the  
2 contrary notwithstanding, a permit for the sale of wine and  
3 malt liquor for consumption on the premises where sold may  
4 be issued to any church, school, civic, service, fraternal,  
5 veteran, political, or charitable club or organization for  
6 sale of such wine and malt liquor at any picnic, bazaar,  
7 fair, festival or similar gathering or event held to

8 commemorate the annual anniversary of the signing of the  
9 Declaration of Independence of the United States. Such  
10 permit shall be issued only during the period from June  
11 fifteenth to July fifteenth annually and only for the day or  
12 days named therein and it shall not authorize the sale of  
13 wine and malt liquor except between the hours of ~~[10:00]~~  
14 6:00 a.m. and ~~[midnight]~~ 1:30 a.m. and for not more than  
15 seven days by any such organization. The permit may be  
16 issued to cover more than one place of sale within the  
17 general confines of the place where the gathering or event  
18 is held; provided, however, no permit shall be issued to any  
19 organization which selects or restricts the membership  
20 thereof on the basis of race, religion, color, creed, or  
21 place of national origin. For the permit, the holder  
22 thereof shall pay to the director of revenue the sum of one  
23 hundred dollars. No provision of law or rule or regulation  
24 of the supervisor shall prevent any wholesaler or  
25 distributor from providing customary storage, cooling or  
26 dispensing equipment for use by the holder of the permit at  
27 such gathering or event.

28 2. As used in this section the term "wine" means a  
29 beverage containing not in excess of fourteen percent of  
30 alcohol by weight.

311.293. 1. Except for any establishment that may  
2 apply for a license under section 311.089, any person  
3 possessing the qualifications and meeting the requirements  
4 of this chapter, who is licensed to sell intoxicating liquor  
5 at retail, may apply to the supervisor of alcohol and  
6 tobacco control for a special license to sell intoxicating  
7 liquor at retail between the hours of ~~[9:00]~~ 6:00 a.m. ~~[and~~  
8 ~~midnight]~~ on Sundays and 1:30 a.m. on Mondays. A licensee  
9 under this section shall pay to the director of revenue an

10 additional fee of two hundred dollars a year payable at the  
11 same time and in the same manner as its other license fees.

12 2. In addition to any fee collected pursuant to  
13 section 311.220, a city or county may charge and collect an  
14 additional fee not to exceed three hundred dollars from any  
15 licensee under this section for the privilege of selling  
16 intoxicating liquor at retail between the hours of [9:00]  
17 6:00 a.m. [and midnight] on Sundays and 1:30 a.m. on Mondays  
18 in such city or county; however the additional fee shall not  
19 exceed the fee charged by that city or county for a special  
20 license issued pursuant to any provision of this chapter  
21 which allows a licensee to sell intoxicating liquor by the  
22 drink for consumption on the premises of the licensee on  
23 Sundays.

24 3. The provisions of this section regarding the time  
25 of closing shall not apply to any person who possesses a  
26 special permit issued under section 311.174, 311.176, or  
27 311.178.

311.480. 1. It shall be unlawful for any person  
2 operating any premises where food, beverages or  
3 entertainment are sold or provided for compensation, who  
4 does not possess a license for the sale of intoxicating  
5 liquor, to permit the drinking or consumption of  
6 intoxicating liquor in the premises, without having a  
7 license as in this section provided.

8 2. Application for such license shall be made to the  
9 supervisor of alcohol and tobacco control on forms to be  
10 prescribed by him or her, describing the premises to be  
11 licensed and giving all other reasonable information  
12 required by the form. The license shall be issued upon the  
13 payment of the fee required in this section. A license  
14 shall be required for each separate premises and shall  
15 expire on the thirtieth day of June next succeeding the date

16 of such license. The license fee shall be sixty dollars per  
17 year and the applicant shall pay five dollars for each month  
18 or part thereof remaining from the date of the license to  
19 the next succeeding first of July. Applications for  
20 renewals of licenses shall be filed on or before the first  
21 of May of each year.

22 3. The drinking or consumption of intoxicating liquor  
23 shall not be permitted in or upon the licensed premises by  
24 any person under twenty-one years of age, or by any other  
25 person between the hours of 1:30 a.m. and 6:00 a.m. on any  
26 [weekday, and between the hours of 1:30 a.m. Sunday and 6:00  
27 a.m. Monday] day of the week. Licenses issued hereunder  
28 shall be conditioned upon the observance of the provisions  
29 of this section and the regulations promulgated thereunder  
30 governing the conduct of premises licensed for the sale of  
31 intoxicating liquor by the drink. The provision of this  
32 section regulating the drinking or consumption of  
33 intoxicating liquor between certain hours and on Sunday  
34 shall apply also to premises licensed under this chapter to  
35 sell intoxicating liquor by the drink. In any incorporated  
36 city having a population of more than twenty thousand  
37 inhabitants, the board of aldermen, city council, or other  
38 proper authorities of incorporated cities may, in addition  
39 to the license fee required in this section, require a  
40 license fee not exceeding three hundred dollars per annum,  
41 payable to the incorporated cities, and provide for the  
42 collection thereof; make and enforce ordinances regulating  
43 the hours of consumption of intoxicating liquors on premises  
44 licensed hereunder, not inconsistent with the other  
45 provisions of this law, and provide penalties for the  
46 violation thereof. No person shall be granted a license  
47 hereunder unless such person is of good moral character and  
48 a qualified legal voter and a taxpaying citizen of the

49 county, town, city or village, nor shall any corporation be  
50 granted a license hereunder unless the managing officer of  
51 such corporation is of good moral character and a qualified  
52 legal voter and taxpaying citizen of the county, town, city  
53 or village.

54 4. Any premises operated in violation of the  
55 provisions of this section, or where intoxicating liquor is  
56 consumed in violation of this section, is hereby declared to  
57 be a public and common nuisance, and it shall be the duty of  
58 the supervisor of alcohol and tobacco control and of the  
59 prosecuting or circuit attorney of the city of St. Louis,  
60 and the prosecuting attorney of the county in which the  
61 premises are located, to enjoin such nuisance.

62 5. Any person operating any premises, or any employee,  
63 agent, representative, partner, or associate of such person,  
64 who shall knowingly violate any of the provisions of this  
65 section, or any of the laws or regulations herein made  
66 applicable to the conduct of such premises, is guilty of a  
67 class A misdemeanor.

68 6. The supervisor of alcohol and tobacco control is  
69 hereby empowered to promulgate regulations necessary or  
70 reasonably designed to enforce or construe the provisions of  
71 this section, and is empowered to revoke or suspend any  
72 license issued hereunder, as provided in this chapter, for  
73 violation of this section or any of the laws or regulations  
74 herein made applicable to the conduct of premises licensed  
75 hereunder.

76 7. Nothing in this section shall be construed to  
77 prohibit the sale or delivery of any intoxicating liquor  
78 during any of the hours or on any of the days specified in  
79 this section by a wholesaler licensed under the provisions  
80 of section 311.180 to a person licensed to sell the  
81 intoxicating liquor at retail.

82           8. No intoxicating liquor may be served or sold on any  
83 premises used as a polling place on election day.

          311.482. 1. Notwithstanding any other provision of  
2 this chapter, a permit for the sale of all kinds of  
3 intoxicating liquor, including intoxicating liquor in the  
4 original package, at retail by the drink for consumption on  
5 the premises of the licensee may be issued to any church,  
6 school, civic, service, fraternal, veteran, political, or  
7 charitable club or organization for the sale of such  
8 intoxicating liquor at a picnic, bazaar, fair, or similar  
9 gathering. The permit shall be issued only for the day or  
10 days named therein and it shall not authorize the sale of  
11 intoxicating liquor for more than seven days by any such  
12 club or organization.

          2. To secure the permit, the applicant shall complete  
13 a form provided by the supervisor, but no applicant shall be  
14 required to furnish a personal photograph as part of the  
15 application. The applicant shall pay a fee of twenty-five  
16 dollars for such permit.  
17

          3. If the event will be held on a Sunday, the permit  
18 shall authorize the sale of intoxicating liquor on that day  
19 beginning at ~~11:00~~ 6:00 a.m.  
20

          4. At the same time that an applicant applies for a  
21 permit under the provisions of this section, the applicant  
22 shall notify the director of revenue of the holding of the  
23 event and by such notification, by certified mail, shall  
24 accept responsibility for the collection and payment of any  
25 applicable sales tax. Any sales tax due shall be paid to  
26 the director of revenue within fifteen days after the close  
27 of the event, and failure to do so shall result in a  
28 liability of triple the amount of the tax due plus payment  
29 of the tax, and denial of any other permit for a period of  
30

31 three years. Under no circumstances shall a bond be required  
32 from the applicant.

33 5. No provision of law or rule or regulation of the  
34 supervisor shall be interpreted as preventing any wholesaler  
35 or distributor from providing customary storage, cooling or  
36 dispensing equipment for use by the permit holder at such  
37 picnic, bazaar, fair or similar gathering.

311.620. 1. No person shall be appointed as agent,  
2 assistant, deputy or inspector under the provisions of the  
3 liquor control law who shall have been convicted of or  
4 against whom any indictment may be pending for any offense;  
5 nor shall any person be appointed as such agent, assistant,  
6 deputy or inspector who is not of good character or who is  
7 not a citizen of the United States, and who is not [or has  
8 not been] a resident taxpaying citizen of the state [for a  
9 period of three years previous to his] at the time of his or  
10 her appointment; or who is not able to read and write the  
11 English language or who does not possess ordinary physical  
12 strength and who is not able to pass such physical and  
13 mental examination as the [majority of a board, consisting  
14 of the governor, lieutenant governor, attorney general, and  
15 the] supervisor of [liquor] alcohol and tobacco control may  
16 prescribe.

17 2. No agent, assistant, deputy or inspector so  
18 appointed shall hold any other commission or office,  
19 elective or appointive or accept any other employment  
20 compensation while he or she is an employee of the  
21 [department of liquor] division of alcohol and tobacco  
22 control, except with the written permission of the  
23 supervisor of [liquor] alcohol and tobacco control. No  
24 agent, assistant, deputy or inspector of the [department of  
25 liquor] division of alcohol and tobacco control shall accept  
26 any reward or gift other than his or her regular salary and

27 expenses as provided in this chapter. No agent, assistant,  
28 deputy or inspector of the [department of liquor] division  
29 of alcohol and tobacco control shall perform any police duty  
30 connected with the conduct of any election, nor at any time  
31 or in any manner electioneer for or against any party  
32 ticket, or any candidate for nomination or office on any  
33 party ticket, nor for or against any proposition of any kind  
34 or nature to be voted upon at any election.

35 3. The agents, assistants, deputies and inspectors  
36 appointed under the provisions of section 311.610 shall  
37 before entering upon the discharge of their duties, each  
38 take and subscribe an oath to support the Constitution and  
39 laws of the United States and the State of Missouri and to  
40 faithfully demean themselves in office in the form  
41 prescribed by Section 11, Article VII of the Constitution of  
42 this State, and they shall each give bond to be approved by  
43 the supervisor of [liquor] alcohol and tobacco control for  
44 faithful performance of the duties of their respective  
45 offices and to safely keep and account for all moneys and  
46 property received by them. This bond shall be in the sum of  
47 five thousand dollars, and the cost of furnishing all such  
48 bonds shall be paid by the state.

49 4. Any agent, assistant, deputy or inspector of the  
50 [department of liquor] division of alcohol and tobacco  
51 control who shall violate the provisions of this chapter  
52 shall be immediately discharged.

311.710. 1. In addition to the penalties and  
2 proceedings for suspension or revocation of licenses  
3 provided for in this chapter, and without limiting them,  
4 proceedings for the suspension or revocation of any license  
5 authorizing the sale of intoxicating liquor at retail may be  
6 brought in the circuit court of any county in this state, or  
7 in the city of St. Louis, in which the licensed premises are

8 located and such proceedings may be brought by the sheriff  
9 or any peace officer of that county or by any eight or more  
10 persons who are taxpaying citizens of the county or city for  
11 any of the following offenses:

12 (1) Selling, giving or otherwise supplying  
13 intoxicating liquor to a habitual drunkard or to any person  
14 who is under or apparently under the influence of  
15 intoxicating liquor;

16 (2) Knowingly permitting any prostitute, degenerate,  
17 or dissolute person to frequent the licensed premises;

18 (3) Permitting on the licensed premises any disorderly  
19 conduct, breach of the peace, or any lewd, immoral or  
20 improper entertainment, conduct or practices;

21 (4) Selling, offering for sale, possessing or  
22 knowingly permitting the consumption on the licensed  
23 premises of any kind of intoxicating liquors, the sale,  
24 possession or consumption of which is not authorized under  
25 his or her license;

26 (5) Selling, giving, or otherwise supplying  
27 intoxicating liquor to any person under the age of twenty-  
28 one years;

29 (6) Selling, giving or otherwise supplying  
30 intoxicating liquors between the hours of [12:00 midnight  
31 Saturday night and 12:00 midnight Sunday night] 1:30 a.m.  
32 and 6:00 a.m. any day of the week.

33 2. Provided, that said taxpaying citizen shall submit  
34 in writing, under oath, by registered United States mail to  
35 the supervisor of [liquor] alcohol and tobacco control a  
36 joint complaint, stating the name of the licensee, the name  
37 under which the licensee's business is conducted and the  
38 address of the licensed premises, setting out in general the  
39 character and nature of the offense or offenses charged,  
40 together with the names and addresses of the witnesses by

41 whom proof thereof is expected to be made; and provided,  
42 that after a period of thirty days after the mailing of such  
43 complaint to the supervisor of [liquor] alcohol and tobacco  
44 control the person therein complained of shall not have been  
45 cited by the supervisor to appear and show cause why his or  
46 her license should not be suspended or revoked then they  
47 shall file with the circuit clerk of the county or city in  
48 which the premises are located a copy of the complaint on  
49 file with the supervisor of [liquor] alcohol and tobacco  
50 control.

51 3. If, pursuant to the receipt of such complaint by  
52 the supervisor of [liquor] alcohol and tobacco control, the  
53 licensee appears and shows cause why his or her license  
54 should not be suspended or revoked at a hearing held for  
55 that purpose by the supervisor and either the complainants  
56 or the licensee consider themselves aggrieved with the order  
57 of the supervisor then, after a request in writing by either  
58 the complainants or the licensee, the supervisor shall  
59 certify to the circuit clerk of the county or city in which  
60 the licensed premises are located a copy of the original  
61 complaint filed with him or her, together with a copy of the  
62 transcript of the evidence adduced at the hearing held by  
63 him or her. Such certification by the supervisor shall not  
64 act as a supersedeas of any order made by him or her.

65 4. Upon receipt of such complaint, whether from the  
66 complainant directly or from the supervisor of [liquor]  
67 alcohol and tobacco control, the court shall set a date for  
68 an early hearing thereon and it shall be the duty of the  
69 circuit clerk to cause to be delivered by registered United  
70 States mail to the prosecuting attorney of the county or to  
71 the circuit attorney of the city of St. Louis and to the  
72 licensee copies of the complaint and he or she shall, at the  
73 same time, give notice of the time and place of the

74 hearing. Such notice shall be delivered to the prosecuting  
75 attorney or to the circuit attorney and to the licensee at  
76 least fifteen days prior to the date of the hearing.

77 5. The complaint shall be heard by the court without a  
78 jury and if there has been a prior hearing thereon by the  
79 supervisor of [liquor] alcohol and tobacco control then the  
80 case shall be heard de novo and both the complainants and  
81 the licensee may produce new and additional evidence  
82 material to the issues.

83 6. If the court shall find upon the hearing that the  
84 offense or offenses charged in the complaint have been  
85 established by the evidence, the court shall order the  
86 suspension or revocation of the license but, in so doing,  
87 shall take into consideration whatever order, if any, may  
88 have been made in the premises by the supervisor of [liquor]  
89 alcohol and tobacco control. If the court finds that to  
90 revoke the license would be unduly severe, then the court  
91 may suspend the license for such period of time as the court  
92 deems proper.

93 7. The judgment of the court in no event shall be  
94 superseded or stayed during pendency of any appeal therefrom.

95 8. It shall be the duty of the prosecuting attorney or  
96 circuit attorney to prosecute diligently and without delay  
97 any such complaints coming to him or her by virtue of this  
98 section.

99 9. The jurisdiction herein conferred upon the circuit  
100 courts to hear and determine complaints for the suspension  
101 or revocation of licenses in the manner provided in this  
102 section shall not be exclusive and any authority conferred  
103 upon the supervisor of [liquor] alcohol and tobacco control  
104 to revoke or suspend licenses shall remain in full force and  
105 effect, and the suspension or revocation of a license as  
106 provided in this section shall be in addition to and not in

107 lieu of any other revocation or suspension provided by this  
108 chapter.

109       10. Costs accruing because of such hearings in the  
110 circuit court shall be taxed in the same manner as criminal  
111 costs.