

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 283  
AN ACT

To repeal sections 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof fifteen new sections relating to alcoholic beverages, 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, 311.089, 311.096, 311.101, 2 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 3 311.482, and 311.710, RSMo, are repealed and fifteen new 4 sections enacted in lieu thereof, to be known as sections 5 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 6 311.179, 311.199, 311.200, 311.202, 311.293, 311.480, 311.482, 7 and 311.710, to 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. The authority for  
21 the collection of fees by cities and counties as provided in  
22 section 311.220, and all other laws and regulations relating  
23 to the sale of liquor by the drink for consumption on the  
24 premises where sold, shall apply to the holder of a license  
25 issued under the provisions of this section in the same  
26 manner as they apply to establishments licensed under the  
27 provisions of section 311.085, 311.090, or 311.095.

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

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

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

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

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

41 (1) "Consumer advertising specialties", advertising  
42 items that are designed to be carried away by the consumer,  
43 such items include, but are not limited to: trading stamps,  
44 nonalcoholic mixers, pouring racks, ash trays, bottle or can  
45 openers, cork screws, shopping bags, matches, printed  
46 recipes, pamphlets, cards, leaflets, blotters, postcards,  
47 pencils, shirts, caps and visors;

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

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

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

76           [(4)] (5) "Product display", wine racks, portable  
77 branded nonrefrigerated coolers, bins, barrels, casks,  
78 shelving or similar items the primary function of which is  
79 to hold and display consumer products;

80            [(5)] (6) "Promotion", an advertising and publicity  
81 campaign to further the acceptance and sale of the  
82 merchandise or products of a distiller, wholesaler,  
83 winemaker, or brewer;

84            [(6)] (7) "Temporary point-of-sale advertising  
85 materials", advertising items designed to be used for short  
86 periods of time. Such materials include, but are not  
87 limited to: banners, decorations reflecting a particular  
88 season or a limited-time promotion, or paper napkins,  
89 coasters, cups, tap handles, ice buckets, condiment caddies,  
90 napkin holders, bar rail mats, shakers, salt rimmers, or  
91 menus.

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

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

100            (a) The total value of all product displays given or  
101 sold to a retail business shall not exceed three hundred  
102 dollars per brand at any one time in any one retail outlet.  
103 There shall be no combining or pooling of the three hundred  
104 dollar limits to provide a retail business a product display  
105 in excess of three hundred dollars per brand. The value of  
106 a product display is the actual cost to the distiller,  
107 wholesaler, winemaker, or brewer who initially purchased  
108 such product display. Transportation and installation costs  
109 shall be excluded;

110            (b) All product displays shall bear in a conspicuous  
111 manner substantial advertising matter on the product or the  
112 name of the distiller, wholesaler, winemaker, or brewer.

113 The name and address of the retail business may appear on  
114 the product displays; and

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

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

129 (a) The total value of all permanent point-of-sale  
130 advertising materials provided to a retail business by a  
131 distiller, wholesaler, winemaker, or brewer shall not exceed  
132 five hundred dollars per calendar year, per brand, per  
133 retail outlet. The replacement of similar in appearance,  
134 type, and dollar value permanent point-of-sale advertising  
135 materials that are damaged and nonfunctioning shall not  
136 count towards the maximum of five hundred dollars per  
137 calendar year, per brand, per retail outlet. The value of  
138 permanent point-of-sale advertising materials is the actual  
139 cost to the distiller, wholesaler, winemaker, or brewer who  
140 initially purchased such item. Transportation and  
141 installation costs shall be excluded. All permanent point-  
142 of-sale advertising materials provided to a retailer shall  
143 be recorded, and records shall be maintained for a period of  
144 three years;

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

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

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

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

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

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

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

180 (5) The [distiller,] wholesaler[, winemaker] or brewer  
181 may install nonrefrigeration dispensing accessories at the  
182 retail business establishment, which shall include for the  
183 purposes of beer equipment to properly preserve and serve  
184 draught beer only and to facilitate the delivery to the  
185 retailer the brewers and wholesalers may lend, give, rent or  
186 sell and they may install or repair [any of the following  
187 items or render to retail licensees any of the following  
188 services: beer coils and coil cleaning, sleeves and  
189 wrappings, box couplings and draft arms, beer faucets and  
190 tap markers, beer and air hose, taps, vents and washers,  
191 gauges and regulators, beer and air distributors, beer line  
192 insulation, coil flush hose, couplings and bucket pumps;  
193 portable coil boxes, air pumps, blankets or other coverings  
194 for temporary wrappings of barrels, coil box overflow pipes,  
195 tilting platforms, bumper boards, skids, cellar ladders and  
196 ramps, angle irons, ice box grates, floor runways;]  
197 nonrefrigeration dispensing accessories and damage caused by  
198 any beer delivery excluding normal wear and tear [and a]. A  
199 complete record of equipment and supplies, and  
200 nonrefrigeration dispensing accessories furnished and  
201 installed and repairs and service made or rendered must be  
202 kept by the brewer or wholesalers furnishing, making or  
203 rendering same for a period of not less than one year;

204 (6) The distiller, wholesaler, winemaker, or brewer  
205 may furnish, give, or sell [coil] cleaning and sanitation  
206 [service] services to a retailer to preserve product  
207 integrity of distilled spirits, wine, or malt beverages;

208 (7) A wholesaler of intoxicating liquor may furnish or  
209 give and a retailer may accept a sample of distilled spirits

210 or wine as long as the retailer has not previously purchased  
211 the brand from that wholesaler, if all the following  
212 requirements are met:

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

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

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

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

238 (8) The distiller, wholesaler, winemaker, or brewer  
239 may package and distribute intoxicating beverages in  
240 combination with other nonalcoholic items as originally  
241 packaged by the supplier for sale ultimately to consumers;  
242 notwithstanding any provision of law to the contrary, for

243 the purpose of this subsection, intoxicating liquor and wine  
244 wholesalers are not required to charge for nonalcoholic  
245 items any more than the actual cost of purchasing such  
246 nonalcoholic items from the supplier;

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

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

255 (a) The advertisement shall not contain the retail  
256 price of the product;

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

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

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

266 (11) Distillers, winemakers, wholesalers, brewers or  
267 retailers may conduct a local or national  
268 sweepstakes/contest upon a licensed retail premise. The  
269 sweepstakes/contest prize dollar amount shall not be limited  
270 and can be displayed in a photo, banner, or other temporary  
271 point-of-sale advertising materials on a licensed premises,  
272 if the following requirements are met:

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

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

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

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

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

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

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

297 (c) Provide its own hospitality which is independent  
298 from the association activity;

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

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

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

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

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

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

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

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

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

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

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

340           (d) Temporary banners of a seasonal nature or  
341 promoting a specific event shall not be constructed to be

342 permanent outdoor signs and may be provided to retailers.  
343 The total cost of temporary outdoor banners provided to a  
344 retailer in use at any one time shall not exceed five  
345 hundred dollars per brand;

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

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

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

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

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

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

384 (19) Nothing in this section authorizes consignment  
385 sales.

386 5. (1) A distiller, wholesaler, winemaker, or brewer  
387 that is also in business as a bona fide producer or vendor  
388 of nonalcoholic beverages shall not condition the sale of  
389 its alcoholic beverages on the sale of its nonalcoholic  
390 beverages nor combine the sale of its alcoholic beverages  
391 with the sale of its nonalcoholic beverages, except as  
392 provided in subdivision (8) of subsection 4 of this  
393 section. The distiller, wholesaler, winemaker, or brewer  
394 that is also in business as a bona fide producer or vendor  
395 of nonalcoholic beverages may sell, credit, market, and  
396 promote nonalcoholic beverages in the same manner in which  
397 the nonalcoholic products are sold, credited, marketed, or  
398 promoted by a manufacturer or wholesaler not licensed by the  
399 supervisor of alcohol and tobacco control.

400 (2) Any fixtures, equipment, or furnishings provided  
401 by any distiller, wholesaler, winemaker, or brewer in  
402 furtherance of the sale of nonalcoholic products shall not  
403 be used by the retail licensee to store, service, display,  
404 advertise, furnish, or sell, or aid in the sale of alcoholic  
405 products regulated by the supervisor of alcohol and tobacco  
406 control. All such fixtures, equipment, or furnishings shall

407 be identified by the retail licensee as being furnished by a  
408 licensed distiller, wholesaler, winemaker, or brewer.

409 6. Distillers, wholesalers, brewers, and winemakers,  
410 or their officers or directors shall not require, by  
411 agreement or otherwise, that any retailer purchase any  
412 intoxicating liquor from such distillers, wholesalers,  
413 brewers, or winemakers to the exclusion in whole or in part  
414 of intoxicating liquor sold or offered for sale by other  
415 distillers, wholesalers, brewers, or winemakers.

416 7. Notwithstanding any other provisions of this  
417 chapter to the contrary, a distiller, winemaker, or  
418 wholesaler may install nonrefrigeration dispensing  
419 accessories at the retail business establishment, which  
420 shall include for the purposes of distilled spirits and wine  
421 equipment to properly preserve and serve premixed distilled  
422 spirit and wine beverages only. To facilitate delivery to  
423 the retailer, the distiller, winemaker, or wholesaler may  
424 lend, give, rent or sell and the distiller, winemaker, or  
425 wholesaler may install or repair [any of the following items  
426 or render to retail licensees any of the following  
427 services: coils and coil cleaning, draft arms, faucets and  
428 tap markers, taps, tap standards, tapping heads, hoses,  
429 valves and other minor tapping equipment components,]  
430 nonrefrigeration dispensing accessories and damage caused by  
431 any delivery excluding normal wear and tear. A complete  
432 record of [equipment] nonrefrigeration dispensing  
433 accessories furnished and installed and repairs or service  
434 made or rendered shall be kept by the distiller, winemaker,  
435 or wholesaler furnishing, making or rendering the same for a  
436 period of not less than one year.

437 8. Distillers, wholesalers, winemakers, brewers or  
438 their employees or officers shall be permitted to make  
439 contributions of money or merchandise to a licensed retail

440 liquor dealer that is a charitable, fraternal, civic,  
441 service, veterans', or religious organization as defined in  
442 section 313.005, or an educational institution if such  
443 contributions are unrelated to such organization's retail  
444 operations.

445 9. Distillers, brewers, wholesalers, and winemakers  
446 may make payments for advertisements in programs or  
447 brochures of tax-exempt organizations licensed under section  
448 311.090 if the total payments made for all such  
449 advertisements are the same as those paid by other vendors.

450 10. A brewer or manufacturer, its employees, officers  
451 or agents may have a financial interest in the retail  
452 business for sale of intoxicating liquors at entertainment  
453 facilities owned, in whole or in part, by the brewer or  
454 manufacturer, its subsidiaries or affiliates including, but  
455 not limited to, arenas and stadiums used primarily for  
456 concerts, shows and sporting events of all kinds.

457 11. For the purpose of the promotion of tourism, a  
458 wine manufacturer, its employees, officers or agents located  
459 within this state may apply for and the supervisor of  
460 [liquor] alcohol and tobacco control may issue a license to  
461 sell intoxicating liquor, as defined in this chapter, by the  
462 drink at retail for consumption on the premises where sold,  
463 if the premises so licensed is in close proximity to the  
464 winery. Such premises shall be closed during the hours  
465 specified under section 311.290 and may remain open between  
466 the hours of 9:00 a.m. and midnight on Sunday.

467 12. For the purpose of the promotion of tourism, a  
468 person may apply for and the supervisor of [liquor] alcohol  
469 and tobacco control may issue a license to sell intoxicating  
470 liquor by the drink at retail for consumption on the  
471 premises where sold, but seventy-five percent or more of the  
472 intoxicating liquor sold by such licensed person shall be

473 Missouri-produced wines received from manufacturers licensed  
474 under section 311.190. Such premises may remain open  
475 between the hours of 6:00 a.m. and midnight, Monday through  
476 Saturday, and between the hours of 11:00 a.m. and 9:00 p.m.  
477 on Sundays.

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~~ 6:00  
9 a.m. ~~and midnight~~ on ~~Sunday~~ Sundays and 1:30 a.m. on  
10 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]~~ 6:00 a.m. on  
44 ~~[Sunday]~~ Sundays and ~~[12:00 midnight]~~ 1:30 a.m. on ~~[Sunday]~~  
45 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.

311.101. 1. Notwithstanding any other provision of  
2 law, it shall not be unlawful for the owner, operator, or  
3 employees of a restaurant or restaurant bar[, as defined in  
4 section 311.097,] to allow patrons to carry out one or more  
5 bottles of ~~[unfinished]~~ wine or one or more containers of  
6 other alcoholic beverages, nor shall it be unlawful for  
7 patrons of such restaurant or restaurant bar to carry out  
8 one or more bottles of ~~[unfinished]~~ wine or one or more

9 containers of other alcoholic beverages under the following  
10 conditions:

11 (1) The patron must have ordered a meal;

12 (2) ~~【The bottle or bottles of wine must have been at~~  
13 ~~least partially consumed during the meal ;~~

14 (3) ~~】~~ The restaurant or restaurant bar must provide a  
15 dated receipt or an electronic record for the ~~【unfinished】~~  
16 bottle or bottles of wine or the container or containers of  
17 other alcoholic beverages; and

18 ~~【(4)】~~ (3) The restaurant bar must securely ~~【reseal】~~  
19 seal the bottle or bottles of wine or the container or  
20 containers of other alcoholic beverages and place them in  
21 one or more one-time-use, tamperproof, transparent bags and  
22 securely seal the bags.

23 2. Notwithstanding any other provision of law, no  
24 person who transports one or more bottles of ~~【unfinished】~~  
25 wine or one or more containers of other alcoholic beverages  
26 which came from a restaurant or restaurant bar under the  
27 circumstances described in subsection 1 of this section, in  
28 a vehicle, shall be considered to have violated any state  
29 law or local ordinance regarding open containers in vehicles  
30 so long as such person has in his or her possession the  
31 dated receipt or an electronic record from the restaurant or  
32 restaurant bar and the bottle or bottles of wine or the  
33 container or containers of other alcoholic beverages remain  
34 in the ~~【restaurant bar-furnished,】~~ one-time-use,  
35 tamperproof, transparent bags with the seals intact that  
36 were furnished by the restaurant or restaurant bar.

37 3. Notwithstanding any other provision of law, it  
38 shall be lawful for the owner, operator, or employees of a  
39 winery to allow patrons to carry out one or more bottles of  
40 ~~【unfinished】~~ wine and it shall be lawful for patrons of such

41 winery to carry out one or more bottles of [unfinished] wine  
42 under the following conditions:

43 (1) The bottle or bottles of wine must have been at  
44 least partially consumed at the winery;

45 (2) The winery must provide a dated receipt or an  
46 electronic record for the [unfinished] bottle or bottles of  
47 wine; and

48 (3) The winery must securely reseal the bottle or  
49 bottles of wine and place them in one or more one-time-use,  
50 tamperproof, transparent bags and securely seal the bags.

51 4. Notwithstanding any other provision of law, no  
52 person who transports one or more bottles of [unfinished]  
53 wine which came from a winery under the circumstances  
54 described under subsection 3 of this section shall be  
55 considered to have violated any state law or local ordinance  
56 regarding open containers in vehicles so long as such person  
57 has in his or her possession the dated receipt or an  
58 electronic record from the winery and the bottle or bottles  
59 of wine remain in the winery-furnished, one-time-use,  
60 tamperproof, transparent bags with the seals intact.

61 5. As used in this section "winery" means any  
62 establishment at which wine is made.

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.

311.199. Notwithstanding any provision of law to the  
2 contrary, a holder of a valid license to sell intoxicating  
3 liquor in the manufacturer's original package to consumers  
4 may sell such intoxicating liquor to a consumer or another  
5 retailer as follows:

6 (1) To a consumer in a container other than the  
7 manufacturer's original package, provided that:

8 (a) The intoxicating liquor sold to a consumer is in a  
9 durable, leakproof, and sealable container that contains one  
10 or more standard bottles, pouches, or cans of malt liquor;

11 fifty milliliters or more of spirituous liquors; or one  
12 hundred milliliters or more of wine. For purposes of this  
13 section, a "standard bottle" is any bottle, pouch, or can  
14 containing twelve ounces or less of malt liquor;

15 (b) The consumer orders and purchases a meal at the  
16 same time that the consumer purchases the intoxicating  
17 liquor. For purposes of this section, "a meal" does not  
18 include snack food items that are not prepared for  
19 consumption on the premises or for carry-out;

20 (c) The holder of the license provides the consumer  
21 with a dated receipt for the purchase of the intoxicating  
22 liquor; and

23 (d) The sealed alcohol container is placed in a  
24 separate one-time-use, tamperproof, transparent bag that is  
25 securely sealed; or

26 (2) The opening to the sealed alcohol container has  
27 been separately sealed with tamperproof tape:

28 (a) To a licensed retailer by another licensed  
29 retailer if such liquor was:

30 (b) Originally purchased from a wholesaler or  
31 distributor licensed by this state;

32 (c) Sold in the manufacturer's original package; and

33 (d) To a retailer who retains a receipt of such  
34 purchase as proof that such liquor was purchased from a  
35 retailer licensed to make liquor sales in this state.

36 (3) Holders of a valid license to sell intoxicating  
37 liquor in the manufacturer's original package to consumers  
38 or retailers pursuant to the provisions of this section  
39 shall not be subject to any penalties pursuant to chapter  
40 311 for making such sales.

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]~~ 6:00 a.m.  
29 ~~[and midnight]~~ on ~~[Sunday]~~ Sundays to 1:30 a.m. on Mondays.

30 3. For every license issued for the sale of malt  
31 liquor, as defined in section 311.490, at retail by drink  
32 for consumption on the premises where sold, the licensee  
33 shall pay to the director of revenue the sum of fifty  
34 dollars per year. Notwithstanding the provisions of section  
35 311.290, any person licensed pursuant to this subsection may

36 also sell malt liquor at retail between the hours of 9:00  
37 a.m. and midnight on Sunday.

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

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

52 6. For every license issued to any railroad company,  
53 railway sleeping car company operated in this state, for  
54 sale of all kinds of intoxicating liquor, as defined in this  
55 chapter, at retail for consumption on its dining cars,  
56 buffet cars and observation cars, the sum of one hundred  
57 dollars per year. A duplicate of such license shall be  
58 posted in every car where such beverage is sold or served,  
59 for which the licensee shall pay a fee of one dollar for  
60 each duplicate license.

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

2 311.202. 1. Notwithstanding any provision of law to  
3 the contrary, any person who is licensed to sell  
4 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 licensee provides the patron with a dated  
21 receipt or an electronic record for the meal and alcohol  
22 beverages; and

23 (5) The container is either:

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

26 (b) The container opening is sealed with tamperproof  
27 tape;

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

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

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

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

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.

          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.

          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.

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

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

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

311.710. 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.