

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
**SENATE BILL NO. 283**  
**101ST GENERAL ASSEMBLY**

1140H.06C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 143.121, 311.020, 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.280, 311.293, 311.480, 311.482, 311.620, 311.710, 313.800, 313.805, 313.812, 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, 407.934, 484.040, and 571.030, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof thirty-six new sections relating to regulated industries, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 143.121, 311.020, 311.070, 311.089, 311.096, 311.101, 311.174, 2 311.176, 311.178, 311.179, 311.200, 311.280, 311.293, 311.480, 311.482, 311.620, 311.710, 3 313.800, 313.805, 313.812, 407.925, 407.926, 407.927, 407.929, 407.931, 407.933, 407.934, 4 484.040, and 571.030, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh 5 general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, 6 ninety-seventh general assembly, first regular session, are repealed and thirty-six new sections 7 enacted in lieu thereof, to be known as sections 49.266, 143.121, 143.1405, 196.1170, 311.020, 8 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.202, 9 311.280, 311.293, 311.480, 311.482, 311.620, 311.710, 313.800, 313.805, 313.812, 362.034, 10 407.925, 407.926, 407.927, 407.929, 407.930, 407.931, 407.933, 407.934, 484.040, 571.030, and 11 1, to read as follows:

2 ~~[49.266. 1. The county commission in all noncharter counties may by order or ordinance promulgate reasonable regulations concerning the use of~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 ~~county property, the hours, conditions, methods and manner of such use and the~~  
4 ~~regulation of pedestrian and vehicular traffic and parking thereon:~~  
5 ~~2. Violation of any regulation so adopted under subsection 1 of this~~  
6 ~~section is an infraction.~~  
7 ~~3. Upon a determination by the state fire marshal that a burn ban order~~  
8 ~~is appropriate for a county because:~~  
9 ~~(1) An actual or impending occurrence of a natural disaster of major~~  
10 ~~proportions within the county jeopardizes the safety and welfare of the~~  
11 ~~inhabitants of such county; and~~  
12 ~~(2) The U.S. Drought Monitor has designated the county as an area of~~  
13 ~~severe, extreme, or exceptional drought, the county commission may adopt an~~  
14 ~~order or ordinance issuing a burn ban, which may carry a penalty of up to a class~~  
15 ~~A misdemeanor. State agencies responsible for fire management or suppression~~  
16 ~~activities and persons conducting agricultural burning using best management~~  
17 ~~practices shall not be subject to the provisions of this subsection. The ability of~~  
18 ~~an individual, organization, or corporation to sell fireworks shall not be affected~~  
19 ~~by the issuance of a burn ban. The county burn ban may prohibit the explosion~~  
20 ~~or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are~~  
21 ~~defined by the 2012 edition of the American Fireworks Standards Laboratory, but~~  
22 ~~shall not ban the explosion or ignition of any other consumer fireworks as the~~  
23 ~~term "consumer fireworks" is defined under section 320.106.~~  
24 ~~4. The regulations so adopted shall be codified, printed and made~~  
25 ~~available for public use and adequate signs concerning smoking, traffic and~~  
26 ~~parking regulations shall be posted.]~~  
27

49.266. 1. The county commission in all **noncharter** counties [~~of the first, second or~~  
2 ~~fourth classification]~~ may by order or ordinance promulgate reasonable regulations concerning  
3 the use of county property, the hours, conditions, methods and manner of such use and the  
4 regulation of pedestrian and vehicular traffic and parking thereon.  
5 2. Violation of any regulation so adopted under subsection 1 of this section is an  
6 infraction.  
7 3. Upon a determination by the state fire marshal that a burn ban order is appropriate for  
8 a county because:  
9 (1) An actual or impending occurrence of a natural disaster of major proportions within  
10 the county jeopardizes the safety and welfare of the inhabitants of such county; and  
11 (2) The U.S. Drought Monitor has designated the county as an area of severe, extreme,  
12 or exceptional drought, the county commission may adopt an order or ordinance issuing a burn  
13 ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for  
14 fire management or suppression activities and persons conducting agricultural burning using best  
15 management practices shall not be subject to the provisions of this subsection. The ability of an

16 individual, organization, or corporation to sell fireworks shall not be affected by the issuance of  
17 a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or  
18 skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American  
19 Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other  
20 consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

21 4. The regulations so adopted shall be codified, printed and made available for public  
22 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the  
2 taxpayer's federal adjusted gross income subject to the modifications in this section.

3 2. There shall be added to the taxpayer's federal adjusted gross income:

4 (1) The amount of any federal income tax refund received for a prior year which resulted  
5 in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not  
6 include any amount of a federal income tax refund attributable to a tax credit reducing a  
7 taxpayer's federal tax liability pursuant to Public Law 116-136, enacted by the 116th United  
8 States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before  
9 December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section  
10 143.171;

11 (2) Interest on certain governmental obligations excluded from federal gross income by  
12 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall  
13 not apply to interest on obligations of the state of Missouri or any of its political subdivisions or  
14 authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this  
15 section. The amount added pursuant to this subdivision shall be reduced by the amounts  
16 applicable to such interest that would have been deductible in computing the taxable income of  
17 the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue  
18 Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

19 (3) The amount of any deduction that is included in the computation of federal taxable  
20 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job  
21 Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to  
22 property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount  
23 deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168  
24 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

25 (4) The amount of any deduction that is included in the computation of federal taxable  
26 income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code  
27 of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and  
28 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating  
29 loss the taxpayer claims in the tax year in which the net operating loss occurred or carries

30 forward for a period of more than twenty years and carries backward for more than two years.  
31 Any amount of net operating loss taken against federal taxable income but disallowed for  
32 Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried  
33 forward and taken against any income on the Missouri income tax return for a period of not more  
34 than twenty years from the year of the initial loss; and

35 (5) For nonresident individuals in all taxable years ending on or after December 31,  
36 2006, the amount of any property taxes paid to another state or a political subdivision of another  
37 state for which a deduction was allowed on such nonresident's federal return in the taxable year  
38 unless such state, political subdivision of a state, or the District of Columbia allows a subtraction  
39 from income for property taxes paid to this state for purposes of calculating income for the  
40 income tax for such state, political subdivision of a state, or the District of Columbia;

41 (6) For all tax years beginning on or after January 1, 2018, any interest expense paid or  
42 accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as  
43 amended, in the current taxable year by reason of the carryforward of disallowed business  
44 interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this  
45 subdivision, an interest expense is considered paid or accrued only in the first taxable year the  
46 deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation  
47 under 26 U.S.C. Section 163(j), as amended, did not exist.

48 3. There shall be subtracted from the taxpayer's federal adjusted gross income the  
49 following amounts to the extent included in federal adjusted gross income:

50 (1) Interest received on deposits held at a federal reserve bank or interest or dividends  
51 on obligations of the United States and its territories and possessions or of any authority,  
52 commission or instrumentality of the United States to the extent exempt from Missouri income  
53 taxes pursuant to the laws of the United States. The amount subtracted pursuant to this  
54 subdivision shall be reduced by any interest on indebtedness incurred to carry the described  
55 obligations or securities and by any expenses incurred in the production of interest or dividend  
56 income described in this subdivision. The reduction in the previous sentence shall only apply  
57 to the extent that such expenses including amortizable bond premiums are deducted in  
58 determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri  
59 itemized deduction. The reduction shall only be made if the expenses total at least five hundred  
60 dollars;

61 (2) The portion of any gain, from the sale or other disposition of property having a higher  
62 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax  
63 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is  
64 considered a long-term capital gain for federal income tax purposes, the modification shall be  
65 limited to one-half of such portion of the gain;

66 (3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity  
67 or other amount of income or gain which was properly included in income or gain and was taxed  
68 pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or  
69 to a decedent by reason of whose death the taxpayer acquired the right to receive the income or  
70 gain, or to a trust or estate from which the taxpayer received the income or gain;

71 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the  
72 extent that the same are included in federal adjusted gross income;

73 (5) The amount of any state income tax refund for a prior year which was included in the  
74 federal adjusted gross income;

75 (6) The portion of capital gain specified in section 135.357 that would otherwise be  
76 included in federal adjusted gross income;

77 (7) The amount that would have been deducted in the computation of federal taxable  
78 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January  
79 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but  
80 before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant  
81 to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and  
82 Worker Assistance Act of 2002;

83 (8) For all tax years beginning on or after January 1, 2005, the amount of any income  
84 received for military service while the taxpayer serves in a combat zone which is included in  
85 federal adjusted gross income and not otherwise excluded therefrom. As used in this section,  
86 "combat zone" means any area which the President of the United States by Executive Order  
87 designates as an area in which Armed Forces of the United States are or have engaged in combat.  
88 Service is performed in a combat zone only if performed on or after the date designated by the  
89 President by Executive Order as the date of the commencing of combat activities in such zone,  
90 and on or before the date designated by the President by Executive Order as the date of the  
91 termination of combatant activities in such zone;

92 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property  
93 that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an  
94 additional modification was made under subdivision (3) of subsection 2 of this section, the  
95 amount by which additional modification made under subdivision (3) of subsection 2 of this  
96 section on qualified property has not been recovered through the additional subtractions provided  
97 in subdivision (7) of this subsection;

98 (10) For all tax years beginning on or after January 1, 2014, the amount of any income  
99 received as payment from any program which provides compensation to agricultural producers  
100 who have suffered a loss as the result of a disaster or emergency, including the:

101 (a) Livestock Forage Disaster Program;

- 102 (b) Livestock Indemnity Program;
- 103 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- 104 (d) Emergency Conservation Program;
- 105 (e) Noninsured Crop Disaster Assistance Program;
- 106 (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- 107 (g) Annual Forage Pilot Program;
- 108 (h) Livestock Risk Protection Insurance Plan; and
- 109 (i) Livestock Gross Margin Insurance Plan; ~~and~~
- 110 (11) For all tax years beginning on or after January 1, 2018, any interest expense paid
- 111 or accrued in the current taxable year, but not deducted as a result of the limitation imposed
- 112 under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest
- 113 expense is considered paid or accrued only in the first taxable year the deduction would have
- 114 been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C.
- 115 Section 163(j), as amended, did not exist; **and**
- 116 **(12) For taxpayers authorized to conduct business under Article XIV of the**
- 117 **Constitution of Missouri, the amount that would have been deducted from the computation**
- 118 **of the taxpayer's federal taxable income if such a deduction were not disallowed under 26**
- 119 **U.S.C. Section 280E, as in effect on January 1, 2021, because of the status of marijuana as**
- 120 **a controlled substance under federal law.**
- 121 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross
- 122 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.
- 123 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross
- 124 income the modifications provided in section 143.411.
- 125 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
- 126 section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's
- 127 federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the
- 128 Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion
- 129 of property as a result of condemnation or the imminence thereof.
- 130 7. (1) As used in this subsection, "qualified health insurance premium" means the
- 131 amount paid during the tax year by such taxpayer for any insurance policy primarily providing
- 132 health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.
- 133 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent
- 134 of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's
- 135 federal adjusted gross income to the extent the amount paid for such premiums is included in
- 136 federal taxable income. The taxpayer shall provide the department of revenue with proof of the
- 137 amount of qualified health insurance premiums paid.

138           8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section,  
139 one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an  
140 entity certified by the department of natural resources under section 640.153 or the  
141 implementation of any energy efficiency recommendations made in such an audit shall be  
142 subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for  
143 any such activity is included in federal taxable income. The taxpayer shall provide the  
144 department of revenue with a summary of any recommendations made in a qualified home  
145 energy audit, the name and certification number of the qualified home energy auditor who  
146 conducted the audit, and proof of the amount paid for any activities under this subsection for  
147 which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any  
148 recommendations made in a qualified home energy audit to the department of natural resources.

149           (2) At no time shall a deduction claimed under this subsection by an individual taxpayer  
150 or taxpayers filing combined returns exceed one thousand dollars per year for individual  
151 taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined  
152 returns.

153           (3) Any deduction claimed under this subsection shall be claimed for the tax year in  
154 which the qualified home energy audit was conducted or in which the implementation of the  
155 energy efficiency recommendations occurred. If implementation of the energy efficiency  
156 recommendations occurred during more than one year, the deduction may be claimed in more  
157 than one year, subject to the limitations provided under subdivision (2) of this subsection.

158           (4) A deduction shall not be claimed for any otherwise eligible activity under this  
159 subsection if such activity qualified for and received any rebate or other incentive through a  
160 state-sponsored energy program or through an electric corporation, gas corporation, electric  
161 cooperative, or municipally owned utility.

162           9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

**143.1405. 1. As used in this section, the terms "members of the patrol" and "peace  
2 officers" shall have the same meanings as provided under section 43.010.**

**3           2. For all tax years beginning on or after January 1, 2021, for purposes of  
4 calculating the Missouri taxable income as required under section 143.011, a percentage  
5 of the income received by any taxpayer as salary or compensation for his or her services  
6 as a member of the patrol or as a peace officer, to the extent that such income is included  
7 in the taxpayer's federal adjusted gross income, may be deducted from the taxpayer's  
8 Missouri adjusted gross income to determine such taxpayer's Missouri taxable income.  
9 Such income shall be deducted as follows:**

10           **(1) For the tax year beginning on or after January 1, 2021, twenty-five percent of**  
11 **such income;**

12           (2) For the tax year beginning on or after January 1, 2022, fifty percent of such  
13 income;

14           (3) For the tax year beginning on or after January 1, 2023, seventy-five percent of  
15 such income; and

16           (4) For all tax years beginning on or after January 1, 2024, one hundred percent  
17 of such income.

18           3. The department of revenue shall promulgate all rules and regulations necessary  
19 for the administration of the provisions of this section. Any rule or portion of a rule, as  
20 that term is defined in section 536.010, that is created under the authority delegated in this  
21 section shall become effective only if it complies with and is subject to all of the provisions  
22 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
23 nonseverable, and if any of the powers vested with the general assembly under chapter 536  
24 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
25 held unconstitutional, then the grant of rule making authority and any rule proposed or  
26 adopted after the effective date of this section shall be invalid and void.

27           4. Under section 23.253 of the Missouri sunset act:

28           (1) The provisions of this section shall automatically sunset six years after the  
29 effective date of this section unless reauthorized by an act of the general assembly;

30           (2) If the provisions of this section are reauthorized, such provisions shall  
31 automatically sunset twelve years after the effective date of their reauthorization; and

32           (3) This section shall terminate on September first of the calendar year immediately  
33 following the calendar year in which the provisions of this section are sunset.

196.1170. 1. This section shall be known and may be cited as the "Kratom  
2 Consumer Protection Act".

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

4           (1) "Dealer", a person who sells, prepares, or maintains kratom products or  
5 advertises, represents, or holds oneself out as selling, preparing, or maintaining kratom  
6 products. Such person may include, but not be limited to, a manufacturer, wholesaler,  
7 store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery  
8 store, convenience store, nursing home, or food or drink company;

9           (2) "Department", the department of health and senior services;

10           (3) "Director", the director of the department or the director's designee;

11           (4) "Food", a food, food product, food ingredient, dietary ingredient, dietary  
12 supplement, or beverage for human consumption;

13           (5) "Kratom product", a food product or dietary ingredient containing any part  
14 of the leaf of the plant *Mitragyna speciosa*.

15           **3. The general assembly hereby occupies and preempts the entire field of regulating**  
16 **kratom products to the complete exclusion of any order, ordinance, or regulation of any**  
17 **political subdivision of this state. Any political subdivision's existing or future orders,**  
18 **ordinances, or regulations relating to kratom products are hereby void.**

19           **4. (1) A dealer who prepares, distributes, sells, or exposes for sale a food that is**  
20 **represented to be a kratom product shall disclose on the product label the factual basis**  
21 **upon which that representation is made.**

22           **(2) A dealer shall not prepare, distribute, sell, or expose for sale a food represented**  
23 **to be a kratom product that does not conform to the disclosure requirement under**  
24 **subdivision (1) of this subsection.**

25           **5. A dealer shall not prepare, distribute, sell, or expose for sale any of the following:**

26           **(1) A kratom product that is adulterated with a dangerous non-kratom substance.**  
27 **A kratom product shall be considered to be adulterated with a dangerous non-kratom**  
28 **substance if the kratom product is mixed or packed with a non-kratom substance and that**  
29 **substance affects the quality or strength of the kratom product to such a degree as to**  
30 **render the kratom product injurious to a consumer;**

31           **(2) A kratom product that is contaminated with a dangerous non-kratom**  
32 **substance. A kratom product shall be considered to be contaminated with a dangerous**  
33 **non-kratom substance if the kratom product contains a poisonous or otherwise deleterious**  
34 **non-kratom ingredient including, but not limited to, any substance listed in section**  
35 **195.017;**

36           **(3) A kratom product containing a level of 7-hydroxymitragynine in the alkaloid**  
37 **fraction that is greater than two percent of the alkaloid composition of the product;**

38           **(4) A kratom product containing any synthetic alkaloids, including synthetic**  
39 **mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived**  
40 **compounds of the plant *Mitragyna speciosa*; or**

41           **(5) A kratom product that does not include on its package or label the amount of**  
42 **mitragynine and 7-hydroxymitragynine contained in the product.**

43           **6. A dealer shall not distribute, sell, or expose for sale a kratom product to an**  
44 **individual under eighteen years of age.**

45           **7. (1) If a dealer violates subdivision (1) of subsection 4 of this section, the director**  
46 **may, after notice and hearing, impose a fine on the dealer of no more than five hundred**  
47 **dollars for the first offense and no more than one thousand dollars for the second or**  
48 **subsequent offense.**

49           **(2) A dealer who violates subdivision (2) of subsection 4 of this section, subsection**  
50 **5 of this section, or subsection 6 of this section is guilty of a class D misdemeanor.**

51           (3) A person aggrieved by a violation of subdivision (2) of subsection 4 of this  
52 section or subsection 5 of this section may, in addition to and distinct from any other  
53 remedy at law or in equity, bring a private cause of action in a court of competent  
54 jurisdiction for damages resulting from that violation including, but not limited to,  
55 economic, noneconomic, and consequential damages.

56           (4) A dealer does not violate subdivision (2) of subsection 4 of this section or  
57 subsection 5 of this section if a preponderance of the evidence shows that the dealer relied  
58 in good faith upon the representations of a manufacturer, processor, packer, or distributor  
59 of food represented to be a kratom product.

60           8. The department shall promulgate rules to implement the provisions of this  
61 section including, but not limited to, the requirements for the format, size, and placement  
62 of the disclosure label required under subdivision (1) of subsection 4 of this section and for  
63 the information to be included in the disclosure label. Any rule or portion of a rule, as that  
64 term is defined in section 536.010, that is created under the authority delegated in this  
65 section shall become effective only if it complies with and is subject to all of the provisions  
66 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
67 nonseverable, and if any of the powers vested with the general assembly pursuant to  
68 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
69 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
70 proposed or adopted after August 28, 2021, shall be invalid and void.

311.020. The term "intoxicating liquor" as used in this chapter shall mean and include  
2 alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors,  
3 or combination of liquors, a part of which is spirituous, vinous, or fermented, and all  
4 preparations or mixtures for beverage purposes, containing in excess of one-half of one percent  
5 by volume. **The term "intoxicating liquor" shall also include "powdered alcohol", which**  
6 **means alcohol that is prepared in a powdered, crystalline, or capsule form for direct use**  
7 **or for reconstitution.** All beverages having an alcoholic content of less than one-half of one  
8 percent by volume shall be exempt from the provisions of this chapter~~[-but subject to inspection~~  
9 ~~as provided by sections 196.365 to 196.445].~~

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

8 state may apply for and the supervisor of ~~[liquor]~~ **alcohol and tobacco** control may issue a  
9 license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for  
10 consumption on the premises where sold; and provided further that the premises so licensed shall  
11 be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and  
12 1:30 a.m., Monday through Saturday and between the hours of 9:00 a.m. and midnight, Sunday.  
13 The authority for the collection of fees by cities and counties as provided in section 311.220, and  
14 all other laws and regulations relating to the sale of liquor by the drink for consumption on the  
15 premises where sold, shall apply to the holder of a license issued under the provisions of this  
16 section in the same manner as they apply to establishments licensed under the provisions of  
17 section 311.085, 311.090, or 311.095.

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

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

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

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

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

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

30 (2) "Equipment and supplies", glassware (or similar containers made of other ~~[material]~~  
31 **materials**), ~~[dispensing accessories,]~~ carbon dioxide (and other gasses used in dispensing  
32 equipment) ~~[or]~~ , ice. ~~"Dispensing accessories" include standards, faucets, cold plates, rods,~~  
33 ~~vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check~~  
34 ~~valves]~~ , **nonrefrigerated rolling coolers, portable bars, agitating tanks, tubs, tents not to**  
35 **exceed one hundred square feet in size, and any permanently inscribed or securely affixed**  
36 **brand identified nonrefrigerated item that promotes intoxicating liquor;**

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

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

48 [~~(4)~~] (5) "Product display", wine racks, **portable branded nonrefrigerated coolers**,  
49 bins, barrels, casks, shelving or similar items the primary function of which is to hold and display  
50 consumer products;

51 [~~(5)~~] (6) "Promotion", an advertising and publicity campaign to further the acceptance  
52 and sale of the merchandise or products of a distiller, wholesaler, winemaker, or brewer;

53 [~~(6)~~] (7) "Temporary point-of-sale advertising materials", advertising items designed to  
54 be used for short periods of time. Such materials include, but are not limited to: banners,  
55 decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters,  
56 cups, **tap handles, ice buckets, condiment caddies, napkin holders, bar rail mats, shakers,**  
57 **salt rimmers**, or menus.

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

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

63 (a) The total value of all product displays given or sold to a retail business shall not  
64 exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be  
65 no combining or pooling of the three hundred dollar limits to provide a retail business a product  
66 display in excess of three hundred dollars per brand. The value of a product display is the actual  
67 cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such product  
68 display. Transportation and installation costs shall be excluded;

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

72 (c) The giving or selling of product displays may be conditioned on the purchase of  
73 intoxicating beverages advertised on the displays by the retail business in a quantity necessary  
74 for the initial completion of the product display. No other condition shall be imposed by the  
75 distiller, wholesaler, winemaker, or brewer on the retail business in order for such retail business  
76 to obtain the product display;

77 (2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler,  
78 winemaker, or brewer may provide, give or sell any permanent point-of-sale advertising

79 materials, temporary point-of-sale advertising materials, and consumer advertising specialties  
80 to a retail business if all the following requirements are met:

81 (a) The total value of all permanent point-of-sale advertising materials provided to a  
82 retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred  
83 dollars per calendar year, per brand, per retail outlet. **The replacement of similar in**  
84 **appearance, type, and dollar value permanent point-of-sale advertising materials that are**  
85 **damaged and nonfunctioning shall not count towards the maximum of five hundred dollars**  
86 **per calendar year, per brand, per retail outlet.** The value of permanent point-of-sale  
87 advertising materials is the actual cost to the distiller, wholesaler, winemaker, or brewer who  
88 initially purchased such item. Transportation and installation costs shall be excluded. All  
89 permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records  
90 shall be maintained for a period of three years;

91 (b) The provider of permanent point-of-sale advertising materials shall own and  
92 otherwise control the use of permanent point-of-sale advertising materials that are provided by  
93 any distiller, wholesaler, winemaker, or brewer;

94 (c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising  
95 materials, and consumer advertising specialties shall bear in a conspicuous manner substantial  
96 advertising matter about the product or the name of the distiller, wholesaler, winemaker, or  
97 brewer. The name, address and logos of the retail business may appear on the permanent point-  
98 of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer  
99 advertising specialties; and

100 (d) The distiller, wholesaler, winemaker, or brewer shall not directly or indirectly pay  
101 or credit the retail business for using or distributing the permanent point-of-sale advertising  
102 materials, temporary point-of-sale advertising materials, or consumer advertising specialties or  
103 for any incidental expenses arising from their use or distribution;

104 (3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value  
105 of one thousand dollars per year to a holder of a temporary permit as ~~defined~~ **described** in  
106 section 311.482;

107 (4) The distiller, wholesaler, winemaker, or brewer may sell equipment ~~or~~ **and** supplies  
108 to a retail business if all the following requirements are met:

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

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

114 (5) The ~~[distiller,]~~ wholesaler~~], winemaker]~~ or brewer may install **nonrefrigeration**  
115 dispensing accessories at the retail business establishment, which shall include for the purposes  
116 of beer equipment to properly preserve and serve draught beer only and to facilitate the delivery  
117 to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or  
118 repair ~~[any of the following items or render to retail licensees any of the following services: beer~~  
119 ~~coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and~~  
120 ~~tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air~~  
121 ~~distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil~~  
122 ~~boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box~~  
123 ~~overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons,~~  
124 ~~ice box grates, floor runways;]~~ **nonrefrigeration dispensing accessories** and damage caused by  
125 any beer delivery excluding normal wear and tear ~~[and a]~~ . A complete record of equipment **and**  
126 **supplies, and nonrefrigeration dispensing accessories** furnished and installed and repairs and  
127 service made or rendered must be kept by the brewer or wholesalers furnishing, making or  
128 rendering same for a period of not less than one year;

129 (6) The distiller, wholesaler, winemaker, or brewer may furnish, give, or sell ~~[eöl]~~  
130 **cleaning and sanitation [service] services** to a retailer **to preserve product integrity** of distilled  
131 spirits, wine, or malt beverages;

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

135 (a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of  
136 any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of  
137 wine; if a particular product is not available in a size within the quantity limitations of this  
138 subsection, a wholesaler may furnish or give to a retailer the next larger size;

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

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

144 (d) For the purpose of this subsection, the word "brand" refers to differences in brand  
145 name of product or differences in nature of product; examples of different brands would be  
146 products having a difference in: brand name; class, type or kind designation; appellation of  
147 origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof  
148 (distilled spirits); differences in packaging such a different style, type, size of container, or  
149 differences in color or design of a label are not considered different brands;

150 (8) The distiller, wholesaler, winemaker, or brewer may package and distribute  
151 intoxicating beverages in combination with other nonalcoholic items as originally packaged by  
152 the supplier for sale ultimately to consumers; notwithstanding any provision of law to the  
153 contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not  
154 required to charge for nonalcoholic items any more than the actual cost of purchasing such  
155 nonalcoholic items from the supplier;

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

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

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

162 (b) The listing of the retail businesses shall be the only reference to such retail businesses  
163 in the advertisement;

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

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

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

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

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

177 (12) The distiller, wholesaler, winemaker, or brewer may stock, rotate, rearrange or reset  
178 the products sold by such distiller, wholesaler, winemaker, or brewer at the establishment of the  
179 retail business so long as the products of any other distiller, wholesaler, winemaker, or brewer  
180 are not altered or disturbed;

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

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

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

- 186 (b) Rent display booth space if the rental fee is the same paid by all others renting similar  
187 space at the association activity;
- 188 (c) Provide its own hospitality which is independent from the association activity;
- 189 (d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase  
190 or payment is the same as that paid by all attendees, participants or exhibitors at the association  
191 activity;
- 192 (e) Make payments for advertisements in programs or brochures issued by retail business  
193 associations if the total payments made for all such advertisements are fair and reasonable;
- 194 (f) Pay dues to the retail business association if such dues or payments are fair and  
195 reasonable;
- 196 (g) Make payments or donations for retail employee training on preventive sales to  
197 minors and intoxicated persons, checking identifications, age verification devices, and the liquor  
198 control laws;
- 199 (h) Make contributions not to exceed one thousand dollars per calendar year for  
200 transportation services that shall be used to assist patrons from retail establishments to his or her  
201 residence or overnight accommodations;
- 202 (i) Donate or serve up to five hundred dollars per event of alcoholic products at retail  
203 business association activities; and
- 204 (j) Any retail business association that receives payments or donations shall, upon  
205 written request, provide the division of alcohol and tobacco control with copies of relevant  
206 financial records and documents to ensure compliance with this subsection;
- 207 (15) The distiller, wholesaler, winemaker, or brewer may sell or give a permanent  
208 outside sign to a retail business if the following requirements are met:
- 209 (a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable,  
210 rigid material, with or without illumination, or painted or otherwise printed onto a rigid material  
211 or structure, shall bear in a conspicuous manner substantial advertising matter about the product  
212 or the name of the distiller, wholesaler, winemaker, or brewer;
- 213 (b) The retail business shall not be compensated, directly or indirectly, for displaying the  
214 permanent sign or a temporary banner;
- 215 (c) The cost of the permanent sign shall not exceed five hundred dollars; and
- 216 (d) Temporary banners of a seasonal nature or promoting a specific event shall not be  
217 constructed to be permanent outdoor signs and may be provided to retailers. The total cost of  
218 temporary outdoor banners provided to a retailer in use at any one time shall not exceed five  
219 hundred dollars per brand;
- 220 (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of  
221 identical product or allow credit against outstanding indebtedness for intoxicating liquor with

222 alcohol content of less than five percent by weight **and malt liquor** that was delivered in a  
223 damaged condition or damaged while in the possession of the retailer;

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

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

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

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

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

244 **(19) Wholesalers shall distribute consumer advertising specialties, equipment and**  
245 **supplies, nonrefrigeration dispensing accessories, permanent point-of-sale advertising**  
246 **materials, product display, promotion, and temporary point-of-sale advertising materials**  
247 **to their retailers in a fair and reasonable manner; and**

248 ~~[(19)]~~ **(20)** Nothing in this section authorizes consignment sales.

249 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona  
250 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic  
251 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic  
252 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of  
253 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in  
254 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,  
255 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are  
256 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the  
257 supervisor of alcohol and tobacco control.

258 (2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler,  
259 winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by  
260 the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of  
261 alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures,  
262 equipment, or furnishings shall be identified by the retail licensee as being furnished by a  
263 licensed distiller, wholesaler, winemaker, or brewer.

264 6. Distillers, wholesalers, brewers, and winemakers, or their officers or directors shall  
265 not require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from  
266 such distillers, wholesalers, brewers, or winemakers to the exclusion in whole or in part of  
267 intoxicating liquor sold or offered for sale by other distillers, wholesalers, brewers, or  
268 winemakers.

269 7. Notwithstanding any other provisions of this chapter to the contrary, a distiller,  
270 **winemaker**, or wholesaler may install **nonrefrigeration** dispensing accessories at the retail  
271 business establishment, which shall include for the purposes of distilled spirits **and wine**  
272 equipment to properly preserve and serve premixed distilled spirit **and wine** beverages only. To  
273 facilitate delivery to the retailer, the distiller, **winemaker**, or wholesaler may lend, give, rent or  
274 sell and the distiller, **winemaker**, or wholesaler may install or repair ~~[any of the following items~~  
275 ~~or render to retail licensees any of the following services: coils and coil cleaning, draft arms,~~  
276 ~~faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping~~  
277 ~~equipment components,] **nonrefrigeration dispensing accessories** and damage caused by any~~  
278 delivery excluding normal wear and tear. A complete record of ~~[equipment]~~ **nonrefrigeration**  
279 **dispensing accessories** furnished and installed and repairs or service made or rendered shall be  
280 kept by the distiller, **winemaker**, or wholesaler furnishing, making or rendering the same for a  
281 period of not less than one year.

282 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be  
283 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that  
284 is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section  
285 313.005, or an educational institution if such contributions are unrelated to such organization's  
286 retail operations.

287 9. Distillers, brewers, wholesalers, and winemakers may make payments for  
288 advertisements in programs or brochures of tax-exempt organizations licensed under section  
289 311.090 if the total payments made for all such advertisements are the same as those paid by  
290 other vendors.

291 10. A brewer or manufacturer, its employees, officers or agents may have a financial  
292 interest in the retail business for sale of intoxicating liquors at entertainment facilities owned,  
293 in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not

294 limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all  
295 kinds.

296 11. For the purpose of the promotion of tourism, a wine manufacturer, its employees,  
297 officers or agents located within this state may apply for and the supervisor of ~~liquor~~ **alcohol**  
298 **and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by  
299 the drink at retail for consumption on the premises where sold, if the premises so licensed is in  
300 close proximity to the winery. Such premises shall be closed during the hours specified under  
301 section 311.290 and may remain open between the hours of 9:00 a.m. and midnight on Sunday.

302 12. For the purpose of the promotion of tourism, a person may apply for and the  
303 supervisor of ~~liquor~~ **alcohol and tobacco** control may issue a license to sell intoxicating liquor  
304 by the drink at retail for consumption on the premises where sold, but seventy-five percent or  
305 more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines  
306 received from manufacturers licensed under section 311.190. Such premises may remain open  
307 between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours  
308 of 11:00 a.m. and 9:00 p.m. on Sundays.

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

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

9 2. Notwithstanding any other provisions of this chapter to the contrary, any person who  
10 possesses the qualifications required by this chapter, or who now or hereafter meets the  
11 requirements of and complies with the provisions of this chapter, may apply for, and the  
12 supervisor of ~~liquor~~ **alcohol and tobacco** control may issue, a license to sell intoxicating  
13 liquor, as defined in this chapter, by the drink at retail not for consumption on the premises

14 where sold but for consumption in a common eating and drinking area, as described in the  
15 application for such license. In addition to all other fees required by law, each establishment in  
16 a common eating and drinking area licensed under this subsection shall pay to the director of  
17 revenue the sum of three hundred dollars per year. The times for selling intoxicating liquor as  
18 fixed in section 311.290, the authority for the collection of fees by counties and cities as provided  
19 in section 311.220, and all other laws and regulations of this state relating to the sale of  
20 intoxicating liquor by the drink shall apply to each establishment licensed under this subsection  
21 in the same manner as they apply to establishments licensed under sections 311.085 and 311.090.

22 3. Notwithstanding any other provisions of this chapter to the contrary, any person who  
23 possesses the qualifications required by this chapter, and who now or hereafter meets the  
24 requirements of and complies with the provisions of this chapter, may apply for, and the  
25 supervisor of ~~[liquor]~~ **alcohol and tobacco** control may issue, a license to sell intoxicating  
26 liquor, as defined in this chapter, between the hours of ~~[11:00]~~ **6:00** a.m. on ~~[Sunday]~~ **Sundays**  
27 and ~~[12:00 midnight]~~ **1:30 a.m.** on ~~[Sunday]~~ **Mondays** by the drink at retail not for consumption  
28 on the premises where sold but for consumption in a common eating and drinking area, as  
29 described in the application for such license. In addition to all other fees required by law, each  
30 establishment in a common eating and drinking area licensed under this subsection shall pay an  
31 additional fee of two hundred dollars a year payable at the same time and in the same manner as  
32 its other license fees.

33 4. Any person possessing the qualifications and meeting the requirements of this chapter,  
34 who is licensed to sell intoxicating liquor by the drink at retail not for consumption on the  
35 premises where sold but for consumption in a common eating and drinking area, may apply to  
36 the supervisor of ~~[liquor]~~ **alcohol and tobacco** control for a special permit to remain open on  
37 all days of the week ~~[except Sunday]~~ between the hours of 1:30 a.m. to 3:00 a.m. ~~[The~~  
38 ~~provisions of subsection 3 of this section shall apply to the sale of intoxicating liquor by the~~  
39 ~~drink at retail not for consumption on the premises where sold but for consumption in a common~~  
40 ~~eating and drinking area on Sunday.]~~ To qualify for such a permit, the premises of such an  
41 applicant must be located in an area which has been designated as a convention trade area by the  
42 governing body of the county or city. An applicant granted a special permit under this section  
43 shall pay, in addition to all other fees required by this chapter, an additional fee of three hundred  
44 dollars a year payable at the time and in the same manner as its other license fees.

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

5 restaurant bar to carry out one or more bottles of ~~[unfinished]~~ wine **or one or more containers**  
6 **of other alcoholic beverages** under the following conditions:

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

8 (2) ~~[The bottle or bottles of wine must have been at least partially consumed during the~~  
9 ~~meal;~~

10 ~~\_\_\_\_\_~~(3) The **restaurant or** restaurant bar must provide a dated receipt **or an electronic**  
11 **record** for the ~~[unfinished]~~ bottle or bottles of wine **or the container or containers of other**  
12 **alcoholic beverages**; and

13 ~~[(4)]~~ (3) The restaurant bar must securely ~~[reseat]~~ **seal** the bottle or bottles of wine **or**  
14 **the container or containers of other alcoholic beverages** and place them in one or more one-  
15 time-use, tamperproof, transparent bags and securely seal the bags.

16 2. Notwithstanding any other provision of law, no person who transports one or more  
17 bottles of ~~[unfinished]~~ wine **or one or more containers of other alcoholic beverages** which  
18 came from a **restaurant or** restaurant bar under the circumstances described in subsection 1 of  
19 this section, in a vehicle, shall be considered to have violated any state law or local ordinance  
20 regarding open containers in vehicles so long as such person has in his or her possession the  
21 dated receipt **or an electronic record** from the **restaurant or** restaurant bar and the bottle or  
22 bottles of wine **or the container or containers of other alcoholic beverages** remain in the  
23 ~~[restaurant bar furnished,]~~ one-time-use, tamperproof, transparent bags with the seals intact **that**  
24 **were furnished by the restaurant or restaurant bar.**

25 3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator,  
26 or employees of a winery to allow patrons to carry out one or more bottles of ~~[unfinished]~~ wine  
27 and it shall be lawful for patrons of such winery to carry out one or more bottles of ~~[unfinished]~~  
28 wine under the following conditions:

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

31 (2) The winery must provide a dated receipt **or an electronic record** for the ~~[unfinished]~~  
32 bottle or bottles of wine; and

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

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

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

311.174. 1. Any person possessing the qualifications and meeting the requirements of  
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on  
3 the premises in a city with a population of at least four thousand inhabitants which borders the  
4 Missouri River and also borders a city with a population of over three hundred thousand  
5 inhabitants located in at least three counties, in a city with a population of over three hundred  
6 thousand which is located in whole or in part within a first class county having a charter form  
7 of government or in a first class county having a charter form of government which contains all  
8 or part of a city with a population of over three hundred thousand inhabitants, may apply to the  
9 supervisor of alcohol and tobacco control for a special permit to remain open on each day of the  
10 week until 3:00 a.m. of the morning of the following day; except that, an entity exempt from  
11 federal income taxes under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended,  
12 and located in a building designated as a National Historic Landmark by the United States  
13 Department of the Interior may apply for a license to remain open until 6:00 a.m. of the  
14 following day. The time of opening on Sunday may be ~~9:00~~ 6:00 a.m. The provisions of this  
15 section and not those of section ~~311.097~~ 311.293 regarding the time of closing shall apply to  
16 the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday.  
17 When the premises of such an applicant is located in a city as defined in this section, then the  
18 premises must be located in an area which has been designated as a convention trade area by the  
19 governing body of the city. When the premises of such an applicant is located in a county as  
20 defined in this section, then the premises must be located in an area which has been designated  
21 as a convention trade area by the governing body of the county.

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

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

311.176. 1. Any person possessing the qualifications and meeting the requirements of  
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on  
3 the premises in a city not located within a county, may apply to the supervisor of alcohol and  
4 tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of  
5 the morning of the following day. The time of opening on Sunday may be ~~9:00~~ 6:00 a.m. The  
6 provisions of this section and not those of section ~~311.097~~ 311.293 regarding the time of

7 closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the  
8 premises on Sunday. To qualify for such a permit, the premises of such an applicant must be  
9 located in an area which has been designated as a convention trade area by the governing body  
10 of the city and the applicant must meet at least one of the following conditions:

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

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

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

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

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

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

17 2. Any person possessing the qualifications and meeting the requirements of this chapter  
18 who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises  
19 in a county of the third classification without a township form of government having a  
20 population of more than twenty-three thousand five hundred but less than twenty-three thousand  
21 six hundred inhabitants, a county of the third classification without a township form of  
22 government having a population of more than nineteen thousand three hundred but less than  
23 nineteen thousand four hundred inhabitants or a county of the first classification without a charter  
24 form of government with a population of at least thirty-seven thousand inhabitants but not more

25 than thirty-seven thousand one hundred inhabitants may apply to the supervisor of alcohol and  
26 tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of  
27 the morning of the following day. The time of opening on Sunday may be [~~9:00~~] **6:00** a.m. The  
28 provisions of this section and not those of section [~~311.097~~] **311.293** regarding the time of  
29 closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the  
30 premises on Sunday. The applicant shall meet all of the following conditions:

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

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

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

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

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

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

311.179. 1. Any person possessing the qualifications and meeting the requirements of  
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international  
3 airport located in a county with a charter form of government and with more than nine hundred  
4 fifty thousand inhabitants or in a county of the first classification with more than eighty-three  
5 thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth  
6 classification with more than four thousand five hundred but fewer than five thousand

7 inhabitants as the county seat may apply to the supervisor of alcohol and tobacco control for a  
8 special permit which:

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

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

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

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

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

12 2. For a permit authorizing the sale of malt liquor, as defined in section 311.490, by  
13 grocers and other merchants and dealers in the original package direct to consumers but not for  
14 resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be  
15 required. The phrase "original package" shall be construed and held to refer to any package  
16 containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the  
17 provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt  
18 liquor at retail between the hours of ~~[9:00]~~ **6:00** a.m. ~~[and midnight]~~ on ~~[Sunday]~~ **Sundays to**  
19 **1:30 a.m. on Mondays.**

20 3. For every license issued for the sale of malt liquor, as defined in section 311.490, at  
21 retail by drink for consumption on the premises where sold, the licensee shall pay to the director

22 of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290,  
23 any person licensed pursuant to this subsection may also sell malt liquor at retail between the  
24 hours of 9:00 a.m. and midnight on Sunday.

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

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

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

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

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

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

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

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

14           **(4) The number of alcoholic beverages sold under this section by a licensee for off-**  
15 **premises consumption is limited to twice the number of meal servings sold by the licensee**  
16 **for off-premises consumption;**

17           **(5) The licensee provides the patron with a dated receipt or an electronic record for**  
18 **the meal and alcohol beverages; and**

19           **(6) The container is either:**

20           **(a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed;**  
21 **or**

22           **(b) The container opening is sealed with tamperproof tape;**

23

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

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

30           **3. The filling of a container under this section shall be in compliance with Section**  
31 **3-304.17(c) of the 2009 Food and Drug Administration Food Code.**

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

311.280. 1. It shall be unlawful for any person in this state holding a retail liquor license  
2 to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor  
3 dealer in this state. It shall be unlawful for such retail liquor dealer to sell or offer for sale any  
4 intoxicating liquor purchased in violation of the provisions of this section. Any person violating  
5 any provision of this section shall be deemed guilty of a misdemeanor.

6           2. Any retailer licensed pursuant to this chapter shall not:

7           (1) Sell intoxicating liquor with an alcohol content of less than five percent by weight  
8 to the consumer in an original carton received from the wholesaler that has been mutilated, torn  
9 apart, or cut apart; [øø]

10           (2) Repackage intoxicating liquor with an alcohol content of less than five percent by  
11 weight in a manner misleading to the consumer or that results in required labeling being omitted  
12 or obscured; or

13           **(3) Require any seal that has been affixed to a bottle or package of intoxicating**  
14 **liquor to be broken or torn before a consumer who purchases the intoxicating liquor is**  
15 **permitted to carry out the intoxicating liquor from the premises of the retailer.**

311.293. 1. Except for any establishment that may apply for a license under section  
2 311.089, any person possessing the qualifications and meeting the requirements of this chapter,  
3 who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and  
4 tobacco control for a special license to sell intoxicating liquor at retail between the hours of  
5 ~~[9:00]~~ **6:00** a.m. ~~[and midnight]~~ on Sundays **and 1:30 a.m. on Mondays**. A licensee under this  
6 section shall pay to the director of revenue an additional fee of two hundred dollars a year  
7 payable at the same time and in the same manner as its other license fees.

8           2. In addition to any fee collected pursuant to section 311.220, a city or county may  
9 charge and collect an additional fee not to exceed three hundred dollars from any licensee under  
10 this section for the privilege of selling intoxicating liquor at retail between the hours of ~~[9:00]~~  
11 **6:00** a.m. ~~[and midnight]~~ on Sundays **and 1:30 a.m. on Mondays** in such city or county;  
12 however the additional fee shall not exceed the fee charged by that city or county for a special  
13 license issued pursuant to any provision of this chapter which allows a licensee to sell  
14 intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays.

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

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

5           2. Application for such license shall be made to the supervisor of alcohol and tobacco  
6 control on forms to be prescribed by him **or her**, describing the premises to be licensed and  
7 giving all other reasonable information required by the form. The license shall be issued upon  
8 the payment of the fee required in this section. A license shall be required for each separate  
9 premises and shall expire on the thirtieth day of June next succeeding the date of such license.  
10 The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each  
11 month or part thereof remaining from the date of the license to the next succeeding first of July.  
12 Applications for renewals of licenses shall be filed on or before the first of May of each year.

13           3. The drinking or consumption of intoxicating liquor shall not be permitted in or upon  
14 the licensed premises by any person under twenty-one years of age, or by any other person  
15 between the hours of 1:30 a.m. and 6:00 a.m. on any ~~[weekday, and between the hours of 1:30~~  
16 ~~a.m. Sunday and 6:00 a.m. Monday]~~ **day of the week**. Licenses issued hereunder shall be  
17 conditioned upon the observance of the provisions of this section and the regulations

18 promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating  
19 liquor by the drink. The provision of this section regulating the drinking or consumption of  
20 intoxicating liquor between certain hours and on Sunday shall apply also to premises licensed  
21 under this chapter to sell intoxicating liquor by the drink. In any incorporated city having a  
22 population of more than twenty thousand inhabitants, the board of aldermen, city council, or  
23 other proper authorities of incorporated cities may, in addition to the license fee required in this  
24 section, require a license fee not exceeding three hundred dollars per annum, payable to the  
25 incorporated cities, and provide for the collection thereof; make and enforce ordinances  
26 regulating the hours of consumption of intoxicating liquors on premises licensed hereunder, not  
27 inconsistent with the other provisions of this law, and provide penalties for the violation thereof.  
28 No person shall be granted a license hereunder unless such person is of good moral character and  
29 a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any  
30 corporation be granted a license hereunder unless the managing officer of such corporation is of  
31 good moral character and a qualified legal voter and taxpaying citizen of the county, town, city  
32 or village.

33 4. Any premises operated in violation of the provisions of this section, or where  
34 intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and  
35 common nuisance, and it shall be the duty of the supervisor of alcohol and tobacco control and  
36 of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the  
37 county in which the premises are located, to enjoin such nuisance.

38 5. Any person operating any premises, or any employee, agent, representative, partner,  
39 or associate of such person, who shall knowingly violate any of the provisions of this section,  
40 or any of the laws or regulations herein made applicable to the conduct of such premises, is  
41 guilty of a class A misdemeanor.

42 6. The supervisor of alcohol and tobacco control is hereby empowered to promulgate  
43 regulations necessary or reasonably designed to enforce or construe the provisions of this section,  
44 and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter,  
45 for violation of this section or any of the laws or regulations herein made applicable to the  
46 conduct of premises licensed hereunder.

47 7. Nothing in this section shall be construed to prohibit the sale or delivery of any  
48 intoxicating liquor during any of the hours or on any of the days specified in this section by a  
49 wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the  
50 intoxicating liquor at retail.

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

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

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

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

4. At the same time that an applicant applies for a permit under the provisions of this section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstances shall a bond be required from the applicant.

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

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

2. No agent, assistant, deputy or inspector so appointed shall hold any other commission or office, elective or appointive or accept any other employment compensation while he **or she** is an employee of the ~~[department of liquor]~~ **division of alcohol and tobacco** control, except with the written permission of the supervisor of ~~[liquor]~~ **alcohol and tobacco** control. No agent,

15 assistant, deputy or inspector of the ~~[department of liquor]~~ **division of alcohol and tobacco**  
16 control shall accept any reward or gift other than his **or her** regular salary and expenses as  
17 provided in this chapter. No agent, assistant, deputy or inspector of the ~~[department of liquor]~~  
18 **division of alcohol and tobacco** control shall perform any police duty connected with the  
19 conduct of any election, nor at any time or in any manner electioneer for or against any party  
20 ticket, or any candidate for nomination or office on any party ticket, nor for or against any  
21 proposition of any kind or nature to be voted upon at any election.

22 3. The agents, assistants, deputies and inspectors appointed under the provisions of  
23 section 311.610 shall before entering upon the discharge of their duties, each take and subscribe  
24 an oath to support the Constitution and laws of the United States and the State of Missouri and  
25 to faithfully demean themselves in office in the form prescribed by Section 11, Article VII of the  
26 Constitution of this State, and they shall each give bond to be approved by the supervisor of  
27 ~~[liquor]~~ **alcohol and tobacco** control for faithful performance of the duties of their respective  
28 offices and to safely keep and account for all moneys and property received by them. This bond  
29 shall be in the sum of five thousand dollars, and the cost of furnishing all such bonds shall be  
30 paid by the state.

31 4. Any agent, assistant, deputy or inspector of the ~~[department of liquor]~~ **division of**  
32 **alcohol and tobacco** control who shall violate the provisions of this chapter shall be  
33 immediately discharged.

311.710. 1. In addition to the penalties and proceedings for suspension or revocation of  
2 licenses provided for in this chapter, and without limiting them, proceedings for the suspension  
3 or revocation of any license authorizing the sale of intoxicating liquor at retail may be brought  
4 in the circuit court of any county in this state, or in the city of St. Louis, in which the licensed  
5 premises are located and such proceedings may be brought by the sheriff or any peace officer of  
6 that county or by any eight or more persons who are taxpaying citizens of the county or city for  
7 any of the following offenses:

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

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

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

14 (4) Selling, offering for sale, possessing or knowingly permitting the consumption on  
15 the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of  
16 which is not authorized under his **or her** license;

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

19 (6) Selling, giving or otherwise supplying intoxicating liquors between the hours of  
20 ~~[12:00 midnight Saturday night and 12:00 midnight Sunday night]~~ **1:30 a.m. and 6:00 a.m. any**  
21 **day of the week.**

22 2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered  
23 United States mail to the supervisor of ~~[liquor]~~ **alcohol and tobacco** control a joint complaint,  
24 stating the name of the licensee, the name under which the licensee's business is conducted and  
25 the address of the licensed premises, setting out in general the character and nature of the offense  
26 or offenses charged, together with the names and addresses of the witnesses by whom proof  
27 thereof is expected to be made; and provided, that after a period of thirty days after the mailing  
28 of such complaint to the supervisor of ~~[liquor]~~ **alcohol and tobacco** control the person therein  
29 complained of shall not have been cited by the supervisor to appear and show cause why his **or**  
30 **her** license should not be suspended or revoked then they shall file with the circuit clerk of the  
31 county or city in which the premises are located a copy of the complaint on file with the  
32 supervisor of ~~[liquor]~~ **alcohol and tobacco** control.

33 3. If, pursuant to the receipt of such complaint by the supervisor of ~~[liquor]~~ **alcohol and**  
34 **tobacco** control, the licensee appears and shows cause why his **or her** license should not be  
35 suspended or revoked at a hearing held for that purpose by the supervisor and either the  
36 complainants or the licensee consider themselves aggrieved with the order of the supervisor then,  
37 after a request in writing by either the complainants or the licensee, the supervisor shall certify  
38 to the circuit clerk of the county or city in which the licensed premises are located a copy of the  
39 original complaint filed with him **or her**, together with a copy of the transcript of the evidence  
40 adduced at the hearing held by him **or her**. Such certification by the supervisor shall not act as  
41 a supersedeas of any order made by him **or her**.

42 4. Upon receipt of such complaint, whether from the complainant directly or from the  
43 supervisor of ~~[liquor]~~ **alcohol and tobacco** control, the court shall set a date for an early hearing  
44 thereon and it shall be the duty of the circuit clerk to cause to be delivered by registered United  
45 States mail to the prosecuting attorney of the county or to the circuit attorney of the city of St.  
46 Louis and to the licensee copies of the complaint and he **or she** shall, at the same time, give  
47 notice of the time and place of the hearing. Such notice shall be delivered to the prosecuting  
48 attorney or to the circuit attorney and to the licensee at least fifteen days prior to the date of the  
49 hearing.

50 5. The complaint shall be heard by the court without a jury and if there has been a prior  
51 hearing thereon by the supervisor of ~~[liquor]~~ **alcohol and tobacco** control then the case shall be

52 heard de novo and both the complainants and the licensee may produce new and additional  
53 evidence material to the issues.

54 6. If the court shall find upon the hearing that the offense or offenses charged in the  
55 complaint have been established by the evidence, the court shall order the suspension or  
56 revocation of the license but, in so doing, shall take into consideration whatever order, if any,  
57 may have been made in the premises by the supervisor of ~~[liquor]~~ **alcohol and tobacco** control.  
58 If the court finds that to revoke the license would be unduly severe, then the court may suspend  
59 the license for such period of time as the court deems proper.

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

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

64 9. The jurisdiction herein conferred upon the circuit courts to hear and determine  
65 complaints for the suspension or revocation of licenses in the manner provided in this section  
66 shall not be exclusive and any authority conferred upon the supervisor of ~~[liquor]~~ **alcohol and**  
67 **tobacco** control to revoke or suspend licenses shall remain in full force and effect, and the  
68 suspension or revocation of a license as provided in this section shall be in addition to and not  
69 in lieu of any other revocation or suspension provided by this chapter.

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

313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires  
2 otherwise, the following terms mean:

3 (1) "Adjusted gross receipts", the gross receipts from licensed gambling games and  
4 devices less winnings paid to wagerers;

5 (2) "Applicant", any person applying for a license authorized under the provisions of  
6 sections 313.800 to 313.850;

7 (3) "Bank", the elevations of ground which confine the waters of the Mississippi or  
8 Missouri Rivers at the ordinary high water mark as defined by common law;

9 (4) "Capital, cultural, and special law enforcement purpose expenditures" shall include  
10 any disbursement, including disbursements for principal, interest, and costs of issuance and  
11 trustee administration related to any indebtedness, for the acquisition of land, land  
12 improvements, buildings and building improvements, vehicles, machinery, equipment, works  
13 of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger,  
14 shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian  
15 shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads,  
16 traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities,

17 streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water  
18 and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life  
19 greater than one year, cultural events, and any expenditure related to a law enforcement officer  
20 deployed as horse-mounted patrol, school resource or drug awareness resistance education  
21 (D.A.R.E) officer;

22 (5) "Cheat", to alter the selection of criteria which determine the result of a gambling  
23 game or the amount or frequency of payment in a gambling game;

24 (6) "Commission", the Missouri gaming commission;

25 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or  
26 other authorization from a qualified person to an excursion gambling boat licensee or any of its  
27 affiliated companies licensed by the commission authorizing the licensee to withdraw the amount  
28 of credit extended by the licensee to such person from the qualified person's banking account in  
29 an amount determined under section 313.817 on or after a date certain of not more than thirty  
30 days from the date the credit was extended, and includes any such writing taken in consolidation,  
31 redemption or payment of a previous credit instrument, but does not include any interest-bearing  
32 installment loan or other extension of credit secured by collateral;

33 (8) "Dock", the location in a city or county authorized under subsection 10 of section  
34 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to  
35 a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the  
36 embarking of passengers on and disembarking of passengers from a gambling excursion but shall  
37 not include any artificial space created after May 20, 1994, and is located more than one  
38 thousand feet from the closest edge of the main channel of the river as established by the United  
39 States Army Corps of Engineers;

40 (9) "Excursion gambling boat", a boat, ferry [œ] , other floating facility, **or any**  
41 **nonfloating facility** licensed by the commission on which gambling games are allowed;

42 (10) "Fiscal year" [~~shall for the purposes of subsections 3 and 4 of section 313.820 mean~~]  
43 , the fiscal year of a home dock city or county;

44 (11) "Floating facility", any facility built or originally built as a boat, ferry or barge  
45 licensed by the commission on which gambling games are allowed;

46 (12) "Gambling excursion", the time during which gambling games may be operated on  
47 an excursion gambling boat whether docked or during a cruise;

48 (13) "Gambling game" includes, but is not limited to, games of skill or games of chance  
49 on an excursion gambling boat but does not include gambling on sporting events; provided such  
50 games of chance are approved by amendment to the Missouri Constitution;

51 (14) "Games of chance", any gambling game in which the player's expected return is not  
52 favorably increased by ~~his or her~~ **the player's** reason, foresight, dexterity, sagacity, design,  
53 information or strategy;

54 (15) "Games of skill", any gambling game in which there is an opportunity for the player  
55 to use ~~his or her~~ **the player's** reason, foresight, dexterity, sagacity, design, information or  
56 strategy to favorably increase the player's expected return; including, but not limited to, the  
57 gambling games known as "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai  
58 gow poker", "Texas hold'em", "double down stud", and any video representation of such games;

59 (16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

60 (17) "Holder of occupational license", a person licensed by the commission to perform  
61 an occupation within excursion gambling boat operations which the commission has identified  
62 as requiring a license;

63 (18) "Licensee", any person licensed under sections 313.800 to 313.850;

64 (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers,  
65 including any space filled **wholly or partially** by the water of those rivers ~~[for docking purposes]~~  
66 in a manner approved by the commission but shall not include any artificial space created after  
67 May 20, 1994, and is located more than one thousand feet from the closest edge of the main  
68 channel of the river as established by the United States Army Corps of Engineers;

69 (20) **"Nonfloating facility", any structure within one thousand feet of the Missouri  
70 or Mississippi River that contains at least two thousand gallons of water beneath or inside  
71 the facility either by an enclosed space containing such water or in rigid or semirigid  
72 storage containers or structures;**

73 (21) "Supplier", a person who sells or leases gambling equipment and gambling supplies  
74 to any licensee.

75 2. (1) In addition to the games of skill defined in this section, the commission may  
76 approve other games of skill upon receiving a petition requesting approval of a gambling game  
77 from any applicant or licensee. The commission may set the matter for hearing by serving the  
78 applicant or licensee with written notice of the time and place of the hearing not less than five  
79 days prior to the date of the hearing and posting a public notice at each commission office. The  
80 commission shall require the applicant or licensee to pay the cost of placing a notice in a  
81 newspaper of general circulation in the applicant's or licensee's home dock city or county. The  
82 burden of proof that the gambling game is a game of skill is at all times on the petitioner. The  
83 petitioner shall have the affirmative responsibility of establishing ~~his or her~~ **the petitioner's**  
84 case by a preponderance of evidence including:

85 ~~(1)~~ (a) Is it in the best interest of gaming to allow the game; and

86 ~~(2)~~ (b) Is the gambling game a game of chance or a game of skill?

87           (2) All testimony shall be given under oath or affirmation. Any citizen of this state shall  
88 have the opportunity to testify on the merits of the petition. The commission may subpoena  
89 witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall  
90 evaluate the record of the hearing and issue written findings of fact that shall be based  
91 exclusively on the evidence and on matters officially noticed. The commission shall then render  
92 a written decision on the merits which shall contain findings of fact, conclusions of law and a  
93 final commission order. The final commission order shall be within thirty days of the hearing.  
94 Copies of the final commission order shall be served on the petitioner by certified or overnight  
95 express mail, postage prepaid, or by personal delivery.

          313.805. The commission shall have full jurisdiction over and shall supervise all  
2 gambling operations governed by sections 313.800 to 313.850. The commission shall have the  
3 following powers and shall promulgate rules and regulations to implement sections 313.800 to  
4 313.850:

5           (1) To investigate applicants and determine the priority and eligibility of applicants for  
6 a license and to select among competing applicants for a license the applicant which best serves  
7 the interests of the citizens of Missouri;

8           (2) To license the operators of excursion gambling boats and operators of gambling  
9 games within such boats, to identify occupations within the excursion gambling boat operations  
10 which require licensing, and adopt standards for licensing the occupations including establishing  
11 fees for the occupational licenses and to license suppliers;

12           (3) To adopt standards under which all excursion gambling boat operations shall be held  
13 and standards for the facilities within which the gambling operations are to be held.  
14 Notwithstanding the provisions of chapter 311 to the contrary, the commission may authorize  
15 the operation of gambling games on an excursion gambling boat which is also licensed to sell  
16 or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering  
17 structure for gambling excursions, provided that the commission shall not establish any  
18 regulations or policies that limit the amount of wagers, losses, or buy-in amounts;

19           (4) To enter the premises of excursion gambling boats, facilities, or other places of  
20 business of a licensee within this state to determine compliance with sections 313.800 to  
21 313.850;

22           (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission  
23 rules, orders, or final decisions;

24           (6) To assess any appropriate administrative penalty against a licensee, including, but  
25 not limited to, suspension, revocation, and penalties of an amount as determined by the  
26 commission up to three times the highest daily amount of gross receipts derived from wagering  
27 on the gambling games, whether unauthorized or authorized, conducted during the previous

28 twelve months as well as confiscation and forfeiture of all gambling game equipment used in the  
29 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced  
30 as provided in sections 513.600 to 513.645;

31 (7) To require a licensee, an employee of a licensee or holder of an occupational license  
32 to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,  
33 orders, or final orders, or other person deemed to be undesirable from the excursion gambling  
34 boat or adjacent facilities;

35 (8) To require the removal from the premises of a licensee, an employee of a licensee,  
36 or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a  
37 commission rule or engaging in a fraudulent practice;

38 (9) To require all licensees to file all financial reports required by rules and regulations  
39 of the commission;

40 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for  
41 the production of books, records, and other pertinent documents, and to administer oaths and  
42 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce  
43 sections 313.800 to 313.850 or the commission rules;

44 (11) To keep accurate and complete records of its proceedings and to certify the records  
45 as may be appropriate;

46 (12) To ensure that the gambling games are conducted fairly. No gambling device shall  
47 be set to pay out less than eighty percent of all wagers;

48 (13) To require all licensees of gambling game operations to use a cashless wagering  
49 system whereby all players' money is converted to physical or electronic tokens, electronic cards,  
50 or chips which only can be used on the excursion gambling boat;

51 (14) To require excursion gambling boat licensees to develop a system, approved by the  
52 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from  
53 using identifying information for marketing purposes. The provisions of this subdivision shall  
54 apply only to patrons giving identifying information for the first time. Such system shall be  
55 submitted to the commission by October 1, 2000, and approved by the commission by January  
56 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from  
57 patrons who have elected to have marketing blocked under the provisions of this section only for  
58 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This  
59 section shall not prohibit the commission from accessing identifying information for the  
60 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

61 (15) To determine which of the authorized gambling games will be permitted on any  
62 licensed excursion gambling boat;

63 (16) ~~[Excursion gambling boats shall cruise, unless the commission finds that the best~~  
64 ~~interest of Missouri and the safety of the public indicate the need for continuous docking of the~~  
65 ~~excursion gambling boat in any city or county authorized pursuant to subsection 10 of section~~  
66 ~~313.812.]~~ The commission shall base its decision to ~~[allow continuously docked]~~ **license**  
67 excursion gambling boats on any of the following criteria: the docking location or the excursion  
68 cruise could cause danger to the boat's passengers, violate federal law or the law of another state,  
69 or cause disruption of interstate commerce or possible interference with railway or barge  
70 transportation. ~~[In addition,]~~ The commission shall consider economic feasibility or impact that  
71 would benefit land-based development and permanent job creation. The commission shall not  
72 discriminate among applicants for ~~[continuous docking]~~ excursion gambling **boats** that are  
73 similarly situated with respect to the criteria set forth in this section;

74 (17) The commission shall render a finding concerning ~~[the possibility of continuous~~  
75 ~~docking, as described in subdivision (15) of this section,]~~ **the transition from a boat, barge,**  
76 **or floating facility to a nonfloating facility** within thirty days after a hearing on any request  
77 from an applicant or licensee. Such hearing may be held prior to any final action on licensing  
78 to assist an applicant and any city or county in the finalizing of their economic development plan;

79 (18) To require any applicant for a license or renewal of a license to operate an excursion  
80 gambling boat to provide an affirmative action plan which has as its goal the use of best efforts  
81 to achieve maximum employment of African-Americans and other minorities and maximum  
82 participation in the procurement of contractual purchases of goods and services. This provision  
83 shall be administered in accordance with all federal and state employment laws, including Title  
84 VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license  
85 renewal, the licensee will report on the effectiveness of the plan. The commission shall include  
86 the licensee's reported information in its annual report to the joint committee on gaming and  
87 wagering;

88 (19) To take any other action as may be reasonable or appropriate to enforce sections  
89 313.800 to 313.850 and the commission rules.

313.812. 1. **(1)** The commission may issue licenses pursuant to subsection 1 of section  
2 313.807 when it is satisfied that the applicant has complied with all rules and regulations,  
3 including an update of all information provided to the commission in the licensee's initial  
4 application. The commission shall decide the number, location and type of excursion gambling  
5 boat in a city or county under subsection 10 of this section. The license shall set forth the name  
6 of the licensee, the type of license granted, the place where the excursion gambling boat will  
7 operate ~~[and]~~ **or** dock, including the docking of an excursion gambling boat which is  
8 continuously docked, and other information the commission deems appropriate. The  
9 commission shall have the ultimate responsibility of deciding the number, location, and type of

10 excursion gambling boats licensed in a city or county; however, any city or county which has  
11 complied with the provisions of subsection 10 of this section shall submit to the commission a  
12 plan outlining the following:

13 ~~[(1)]~~ (a) The recommended number of licensed excursion gambling boats operating in  
14 such city or county;

15 ~~[(2)]~~ (b) The recommended licensee or licensees operating in such city or county;

16 ~~[(3)]~~ (c) The community's economic development or impact and affirmative action plan  
17 concerning minorities' and women's ownership, contracting and employment for the waterfront  
18 development;

19 ~~[(4)]~~ (d) The city or county proposed sharing of revenue with any other municipality;

20 ~~[(5)]~~ (e) Any other information such city or county deems necessary; and

21 ~~[(6)]~~ (f) Any other information the commission may determine is necessary.

22 (2) The commission shall provide for due dates for receiving such plan from the city or  
23 county.

24 2. A license to operate an excursion gambling boat shall only be granted to an applicant  
25 upon the express conditions that:

26 (1) The applicant shall not, by a lease, contract, understanding, or arrangement of any  
27 kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed  
28 under this section or of the system of wagering described in section 313.817. This section does  
29 not prohibit a management contract with a person licensed by the commission; and

30 (2) The applicant shall not in any manner permit a person other than the licensee and the  
31 management licensee to have a share, percentage, or proportion of the money received for  
32 admissions to the excursion gambling boat.

33 3. The commission shall require, as a condition of granting a license, that an applicant  
34 operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of  
35 Missouri's or the home dock city's or county's riverboat history.

36 4. The commission shall encourage through its rules and regulations the use of Missouri  
37 resources, goods and services in the operation of any excursion gambling boat.

38 5. The excursion gambling boat shall provide for nongaming areas, food service and a  
39 Missouri theme gift shop. The amount of space used for gaming shall be determined in  
40 accordance with all rules and regulations of the commission and, **if applicable**, the United States  
41 Coast Guard safety regulations.

42 6. A license to operate gambling games or to operate an excursion gambling boat shall  
43 not be granted unless the applicant has, through clear and convincing evidence, demonstrated  
44 financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

45           7. Each applicant shall establish by clear and convincing evidence its fitness to be  
46 licensed. Without limitation, the commission may deny a license based solely on the fact that  
47 there is evidence that any of the following apply:

48           (1) The applicant has been suspended from operating an excursion gambling boat or a  
49 game of chance or gambling operation in another jurisdiction by a board or commission of that  
50 jurisdiction;

51           (2) The applicant is not the true owner of the enterprise proposed;

52           (3) The applicant is not the sole owner, and other persons have ownership in the  
53 enterprise, which fact has not been disclosed;

54           (4) The applicant is a corporation that is not publicly traded and ten percent or more of  
55 the stock of the corporation is subject to a contract or option to purchase at any time during the  
56 period for which the license is to be issued unless the contract or option was disclosed to the  
57 commission and the commission approved the sale or transfer during the period of the license;

58           (5) The applicant has knowingly made a false statement of a material fact to the  
59 commission; or

60           (6) The applicant has failed to meet a valid, bona fide monetary obligation in connection  
61 with an excursion gambling boat.

62           8. A license shall not be granted if the applicant has not established the applicant's good  
63 repute and moral character or if the applicant has pled guilty to, or has been convicted of, a  
64 felony. No licensee shall employ or contract with any person who has pled guilty to, or has been  
65 convicted of, a felony to perform any duties directly connected with the licensee's privileges  
66 under a license granted pursuant to this section, except that employees performing nongaming  
67 related occupations as determined by the commission shall be exempt from the requirements of  
68 this subsection.

69           9. Except as provided in section 313.817, a licensee shall not lend to any person money  
70 or any other thing of value for the purpose of permitting that person to wager on any gambling  
71 game authorized by law. This does not prohibit credit card or debit card transactions or cashing  
72 of checks. Any check cashed, other than a credit instrument, ~~must~~ **shall** be deposited within  
73 twenty-four hours. Except for any credit instrument, the commission may require licensees to  
74 verify a sufficient account balance exists before cashing any check. Any licensee who violates  
75 the provisions of this subsection shall be subject to an administrative penalty of five thousand  
76 dollars for each violation. Such administrative penalties shall be assessed and collected by the  
77 commission.

78           10. **(1)** Gambling excursions including the operation of gambling games on an excursion  
79 gambling boat which is not continuously docked shall be allowed only on the Mississippi River  
80 and the Missouri River. No license to conduct gambling games on an excursion gambling boat

81 in a city or county shall be issued unless and until the qualified voters of the city or county  
82 approve such activities pursuant to this subsection. The question shall be submitted to the  
83 qualified voters of the city or county at a general, primary or special election upon the motion  
84 of the governing body of the city or county or upon the petition of fifteen percent of the qualified  
85 voters of the city or county determined on the basis of the number of votes cast for governor in  
86 the city or county at the last election held prior to the filing of the petition.

87 (2) The question shall be submitted in substantially the following form:

88

89 Shall the City (County) of \_\_\_\_\_ allow the licensing of excursion gambling  
90 boats or floating facilities as now or hereafter provided by Missouri gaming law  
91 in the city (county)?

92

93  YES  NO

94 (3) If a majority of the votes cast on the question by the qualified voters voting thereon  
95 are in favor of the question, then the commission may license excursion gambling boats in that  
96 city or county and such boats may operate on the Mississippi River and the Missouri River. If  
97 a majority of the votes cast on the question by the qualified voters voting thereon are opposed  
98 to the question, then the commission shall not license such excursion gambling boats in such city  
99 or county unless and until the question is again submitted to and approved by a majority of the  
100 qualified voters of the city or county at a later election. Excursion gambling boats may only dock  
101 in a city or unincorporated area of a county which approves licensing of such excursion gambling  
102 boats pursuant to this subsection, but gambling operations may be conducted at any point on the  
103 Mississippi River or the Missouri River during an excursion. Those cities and counties which  
104 have approved by election pursuant to this subsection, except those cities or counties which have  
105 subsequently rejected by election, the licensing of any type of excursion gambling boats in the  
106 city or county prior to April 6, 1994, are exempt from any local election requirement of this  
107 section as such previous election shall have the same effect as if held after May 20, 1994.

108 11. If a docking fee is charged by a city or a county, a licensee operating an excursion  
109 gambling boat shall pay the docking fee prior to the start of the excursion season.

110 12. Any licensee shall not be delinquent in the payment of property taxes or other taxes  
111 or fees or in the payment of any other contractual obligation or debt due or owed to the state or  
112 a political subdivision of the state.

113 13. An excursion gambling boat licensed by the state shall meet all of the requirements  
114 of chapter 306 and is subject to an inspection of its sanitary facilities to protect the environment  
115 and water quality by the commission or its designee before a license to operate an excursion  
116 gambling boat is issued by the commission. Licensed excursion gambling boats shall also be

117 subject to such inspections during the period of the license as may be deemed necessary by the  
118 commission. The cost of such inspections shall be paid by the licensee.

119 14. A holder of any license shall be subject to imposition of penalties, suspension or  
120 revocation of such license, or if the person is an applicant for licensure, the denial of the  
121 application, for any act or failure to act by ~~himself~~ **such person** or ~~his~~ **such person's** agents  
122 or employees, that is injurious to the public health, safety, morals, good order and general  
123 welfare of the people of the state of Missouri, or that would discredit or tend to discredit the  
124 Missouri gaming industry or the state of Missouri unless the licensee proves by clear and  
125 convincing evidence that it is not guilty of such action. The commission shall take appropriate  
126 action against any licensee who violates the law or the rules and regulations of the commission.  
127 Without limiting other provisions of this subsection, the following acts or omissions may be  
128 grounds for such discipline:

129 (1) Failing to comply with or make provision for compliance with sections 313.800 to  
130 313.850, the rules and regulations of the commission or any federal, state or local law or  
131 regulation;

132 (2) Failing to comply with any rule, order or ruling of the commission or its agents  
133 pertaining to gaming;

134 (3) Receiving goods or services from a person or business entity who does not hold a  
135 supplier's license but who is required to hold such license by the provisions of sections 313.800  
136 to 313.850 or the rules and regulations of the commission;

137 (4) Being suspended or ruled ineligible or having a license revoked or suspended in any  
138 state of gaming jurisdiction;

139 (5) Associating with, either socially or in business affairs, or employing persons of  
140 notorious or unsavory reputation or who have extensive police records, or who have failed to  
141 cooperate with any officially constituted investigatory or administrative body and would  
142 adversely affect public confidence and trust in gaming;

143 (6) Employing in any gambling games' operation or any excursion gambling boat  
144 operation, any person known to have been found guilty of cheating or using any improper device  
145 in connection with any gambling game;

146 (7) Use of fraud, deception, misrepresentation or bribery in securing any permit or  
147 license issued pursuant to sections 313.800 to 313.850;

148 (8) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud,  
149 deception, or misrepresentation;

150 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
151 in the performance of the functions or duties regulated by sections 313.800 to 313.850.

**362.034. 1. Any entity that operates as a facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri may request in writing that a state or local licensing authority or agency including, but not limited to, the department of health and senior services or department of revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution's state and federal supervisory agencies.**

**2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.**

**3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request under this section.**

**4. The recipient of any information under this section shall treat such information as confidential and use it only for the purposes described in this section.**

**5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity's rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.**

**6. An entity that has provided a waiver under this section may withdraw the waiver with thirty days' notice in writing.**

**7. Nothing in this section shall be construed to modify the requirements of chapter 610.**

**8. For purposes of this section, the following terms mean:**

**(1) "Banking institution", the same meaning as provided in Article IV, Section 15 of the Constitution of Missouri;**

**(2) "Entity", the same meaning as provided in Article XIV, Section 1 of the Constitution of Missouri.**

407.925. As used in sections ~~[407.925]~~ **407.924** to 407.934, the following terms mean:

**(1) "Alternative nicotine product", any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act;**

- 7           (2) [~~"Center of youth activities", any playground, school or other facility, when such~~  
8 ~~facility is being used primarily by persons under the age of eighteen for recreational, educational~~  
9 ~~or other purposes;~~
- 10        ~~———(3)~~ "Distribute", a conveyance to the public by sale, barter, gift or sample;
- 11        ~~[(4)]~~ (3) "Minor", a person under ~~[the]~~ **twenty-one years of age** ~~[of eighteen];~~
- 12        ~~[(5)]~~ (4) "Municipality", the city, village or town within which tobacco products,  
13 alternative nicotine products, or vapor products are sold or distributed or, in the case of tobacco  
14 products, alternative nicotine products or vapor products that are not sold or distributed within  
15 a city, village or town, the county in which they are sold or distributed;
- 16        ~~[(6)]~~ (5) "Person", an individual, partnership, copartnership, firm, company, public or  
17 private corporation, association, joint stock company, trust, estate, political subdivision or any  
18 agency, board, department or bureau of the state or federal government, or any other legal entity  
19 which is recognized by law as the subject of rights and duties;
- 20        ~~[(7)]~~ (6) "Proof of age", a driver's license or other generally accepted means of  
21 identification that contains a picture of the individual and appears on its face to be valid;
- 22        ~~[(8)]~~ (7) "Rolling papers", paper designed, manufactured, marketed, or sold for use  
23 primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco  
24 into a smokable cigarette;
- 25        ~~[(9)]~~ (8) "Sample", a tobacco product, alternative nicotine product, or vapor product  
26 distributed to members of the general public at no cost or at nominal cost for product  
27 promotional purposes;
- 28        ~~[(10)]~~ (9) "Sampling", the distribution to members of the general public of tobacco  
29 product, alternative nicotine product, or vapor product samples;
- 30        ~~[(11)]~~ (10) "Tobacco products", any substance containing tobacco leaf, including, but  
31 not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco but  
32 does not include alternative nicotine products, or vapor products;
- 33        ~~[(12)]~~ (11) "Vapor product", any noncombustible product containing nicotine that  
34 employs a heating element, power source, electronic circuit, or other electronic, chemical or  
35 mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine  
36 in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar,  
37 electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other  
38 container of nicotine in a solution or other form that is intended to be used with or in an  
39 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or  
40 device. Vapor product does not include any alternative nicotine product or tobacco product;

41           ~~[(13)]~~ **(12)** "Vending machine", any mechanical, electric, or electronic~~;~~ self-service  
42 device ~~[which]~~ **that**, upon insertion of money, tokens, or any other form of payment, dispenses  
43 tobacco products, alternative nicotine products, or vapor products.

          407.926. 1. Any person or entity who sells tobacco products, alternative nicotine  
2 products, or vapor products shall deny the sale of such tobacco products to ~~[any person who is~~  
3 ~~less than eighteen years of age]~~ **minors**.

4           2. Any person or entity who sells or distributes tobacco products, alternative nicotine  
5 products, or vapor products by mail or through the internet in this state in violation of subsection  
6 1 of this section shall be assessed a fine of two hundred fifty dollars for the first violation and  
7 five hundred dollars for each subsequent violation.

8           3. Alternative nicotine products and vapor products shall ~~[only]~~ **not** be sold to ~~[persons~~  
9 ~~eighteen years of age or older,]~~ **minors**, shall be subject to local and state sales tax, ~~[but]~~ **and**  
10 shall not be otherwise taxed or regulated as tobacco products.

11           4. (1) Any nicotine liquid container that is sold at retail in this state shall satisfy the  
12 child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on August 28,  
13 2015, when tested in accordance with the method described in 16 CFR 1700.20 as in effect on  
14 August 28, 2015.

15           (2) For the purposes of this subsection, "nicotine liquid container" shall mean a bottle  
16 or other container of liquid or other substance containing nicotine if the liquid or substance is  
17 sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not  
18 include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or  
19 intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the  
20 manufacturer and not intended to be opened by the consumer.

21           (3) Any person who engages in retail sales of liquid nicotine containers in this state in  
22 violation of this subsection shall be assessed a fine of two hundred fifty dollars for the first  
23 violation and five hundred dollars for each subsequent violation.

24           (4) The department of health and senior services may adopt rules necessary to carry out  
25 the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section  
26 536.010, that is created under the authority delegated in this section shall become effective only  
27 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
28 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
29 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and  
30 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
31 any rule proposed or adopted after August 28, 2015, shall be invalid and void.

32           (5) The provisions of this subsection and any rules adopted hereunder shall be null, void,  
33 and of no force and effect upon the effective date of the final regulations issued by the federal

34 Food and Drug Administration or from any other federal agency if such regulations mandate  
35 child-resistant effectiveness standards for nicotine liquid containers.

407.927. The owner of an establishment at which tobacco products, alternative nicotine  
2 products, vapor products, or rolling papers are sold at retail or through vending machines shall  
3 cause to be prominently displayed in a conspicuous place at every display from which tobacco  
4 products, alternative nicotine products, or vapor products are sold and on every vending machine  
5 where tobacco products are purchased a sign that shall:

6 (1) Contain in red lettering at least one-half inch high on a white background the  
7 following: "It is a violation of state law for cigarettes, other tobacco products, alternative  
8 nicotine products, or vapor products to be sold or otherwise provided to any person under the age  
9 of ~~[eighteen]~~ **twenty-one** or for such person to purchase, attempt to purchase or possess  
10 cigarettes, other tobacco products, alternative nicotine products or vapor products."; and

11 (2) Include a depiction of a pack of cigarettes at least two inches high defaced by a red  
12 diagonal diameter of a surrounding red circle, and the words "Under ~~[18]~~ **21**".

407.929. 1. A person or entity selling tobacco products, alternative nicotine products,  
2 or vapor products or rolling papers or distributing tobacco product, alternative nicotine product,  
3 or vapor product samples shall require proof of age from a prospective purchaser or recipient if  
4 an ordinary person would conclude on the basis of appearance that such prospective purchaser  
5 or recipient may be ~~[under the age of eighteen]~~ **a minor**.

6 2. The operator's or chauffeur's license issued pursuant to the provisions of section  
7 302.177, or the operator's or chauffeur's license issued pursuant to the laws of any state or  
8 possession of the United States to residents of those states or possessions, or an identification  
9 card as provided for in section 302.181, or the identification card issued by any uniformed  
10 service of the United States, or a valid passport shall be presented by the holder thereof upon  
11 request of any agent of the division of ~~[liquor]~~ **alcohol and tobacco** control or any owner or  
12 employee of an establishment that sells tobacco, alternative nicotine products, or vapor products,  
13 for the purpose of aiding the registrant, agent or employee to determine whether or not the person  
14 is ~~[at least eighteen years of age]~~ **a minor** when such person desires to purchase or possess  
15 tobacco products, alternative nicotine products, or vapor products procured from a registrant.  
16 Upon such presentation, the owner or employee of the establishment shall compare the  
17 photograph and physical characteristics noted on the license, identification card or passport with  
18 the physical characteristics of the person presenting the license, identification card or passport.

19 3. Any person who shall, without authorization from the department of revenue,  
20 reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license  
21 or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be

22 subject to a fine of not more than one thousand dollars, and confinement for not more than one  
23 year, or by both such fine and imprisonment.

24 4. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient  
25 shall be a defense to any action for a violation of subsections 1, 2 and 3 of section 407.931. No  
26 person shall be liable for more than one violation of subsections 2 and 3 of section 407.931 on  
27 any single day.

**407.930. The state preempts the field of regulating the sale of tobacco products, alternative nicotine products, and vapor products, and the provisions of sections 407.924 to 407.934 shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the sale of tobacco products, alternative nicotine products, or vapor products.**

407.931. 1. It shall be unlawful for any person to sell, provide, or distribute tobacco products, alternative nicotine products, or vapor products to ~~[persons under eighteen years of age]~~ **a minor**.

2. All vending machines that dispense tobacco products, alternative nicotine products, or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing ~~[persons less than eighteen years of age]~~ **minors** from purchasing any tobacco product, alternative nicotine product, or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where ~~[persons less than eighteen years of age]~~ **minors** are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this subsection shall be subject to the penalties contained in subsection 5 of this section. A determination of noncompliance may be made by a local law enforcement agency or the division of ~~[liquor]~~ **alcohol and tobacco** control. Nothing in this section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

3. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product, or vapor product or rolling papers to any minor, or sell any individual cigarettes to any person in this state. This subsection shall not apply to the distribution by family members on property that is not open to the public.

4. Any person including, but not limited to, a sales clerk, owner or operator who violates subsection 1, 2 or 3 of this section or section 407.927 shall be penalized as follows:

(1) For the first offense, twenty-five dollars;

26 (2) For the second offense, one hundred dollars;

27 (3) For a third and subsequent offense, two hundred fifty dollars.

28 5. Any owner of the establishment where tobacco products, alternative nicotine products,  
29 or vapor products are available for sale who violates subsection 3 of this section, in addition to  
30 the penalties established in subsection 4 of this section, shall be penalized in the following  
31 manner:

32 (1) For the first violation per location within two years, a reprimand shall be issued by  
33 the division of ~~[liquor]~~ **alcohol and tobacco** control;

34 (2) For the second violation per location within two years, the division of ~~[liquor]~~  
35 **alcohol and tobacco** control shall issue a citation prohibiting the outlet from selling tobacco  
36 products, alternative nicotine products, or vapor products for a twenty-four-hour period;

37 (3) For the third violation per location within two years, the division of ~~[liquor]~~ **alcohol**  
38 **and tobacco** control shall issue a citation prohibiting the outlet from selling tobacco products,  
39 alternative nicotine products, or vapor products for a forty-eight-hour period;

40 (4) For the fourth and any subsequent violations per location within two years, the  
41 division of ~~[liquor]~~ **alcohol and tobacco** control shall issue a citation prohibiting the outlet from  
42 selling tobacco products for a five-day period.

43 6. Any owner of the establishment where tobacco products are available for sale who  
44 violates subsection 3 of this section shall not be penalized pursuant to this section if such person  
45 documents the following:

46 (1) An in-house or other tobacco compliance employee training program was in place  
47 to provide the employee with information on the state and federal regulations regarding sales of  
48 tobacco products, alternative nicotine products, or vapor products to minors. Such training  
49 program must be attended by all employees who sell tobacco products, alternative nicotine  
50 products, or vapor products to the general public;

51 (2) A signed statement by the employee stating that the employee has been trained and  
52 understands the state laws and federal regulations regarding the sale of tobacco products,  
53 alternative nicotine products, or vapor products to minors; and

54 (3) Such in-house or other tobacco compliance training meets the minimum training  
55 criteria, which shall not exceed a total of ninety minutes in length, established by the division  
56 of ~~[liquor]~~ **alcohol and tobacco** control.

57 7. The exemption in subsection 6 of this section shall not apply to any person who is  
58 considered the general owner or operator of the outlet where tobacco products, alternative  
59 nicotine products, or vapor products are available for sale if:

60 (1) Four or more violations per location of subsection 3 of this section occur within a  
61 one-year period; or

62 (2) Such person knowingly violates or knowingly allows his or her employees to violate  
63 subsection 3 of this section.

64 8. If a sale is made by an employee of the owner of an establishment in violation of  
65 sections 407.925 to 407.934, the employee shall be guilty of an offense established in  
66 subsections 1, 2 and 3 of this section. If a vending machine is in violation of section 407.927,  
67 the owner of the establishment shall be guilty of an offense established in subsections 3 and 4  
68 of this section. If a sample is distributed by an employee of a company conducting the sampling,  
69 such employee shall be guilty of an offense established in subsections 3 and 4 of this section.

70 9. A person cited for selling, providing, or distributing any tobacco product, alternative  
71 nicotine product, or vapor product to ~~[any individual less than eighteen years of age]~~ **a minor**  
72 in violation of subsection 1, 2, or 3 of this section shall conclusively be presumed to have  
73 reasonably relied on proof of age of the purchaser or recipient, and such person shall not be  
74 found guilty of such violation if such person raises and proves as an affirmative defense that such  
75 individual presented a driver's license or other government-issued photo identification purporting  
76 to establish that such individual was ~~[eighteen years of age or older]~~ **not a minor**.

77 10. Any person adversely affected by this section may file an appeal with the  
78 administrative hearing commission which shall be adjudicated pursuant to the procedures  
79 established in chapter 621.

407.933. 1. No ~~[person less than eighteen years of age]~~ **minor** shall purchase, attempt  
2 to purchase, or possess cigarettes, other tobacco products, alternative nicotine products, or vapor  
3 products unless such person is an employee of a seller of cigarettes, tobacco products, alternative  
4 nicotine products, or vapor products and is in such possession to effect a sale in the course of  
5 employment, or an employee of the division of ~~[liquor]~~ **alcohol and tobacco** control for  
6 enforcement purposes pursuant to subsection 5 of section 407.934.

7 2. ~~[Any person less than eighteen years of age]~~ **No minor** shall ~~[not]~~ misrepresent his  
8 or her age to purchase cigarettes, tobacco products, alternative nicotine products, or vapor  
9 products.

10 3. Any person who violates the provisions of this section shall be penalized as follows:

11 (1) For the first violation, the person is guilty of an infraction and shall have any  
12 cigarettes, tobacco products, alternative nicotine products, or vapor products confiscated;

13 (2) For a second violation and any subsequent violations, the person is guilty of an  
14 infraction~~;~~ ; shall have any cigarettes, tobacco products, alternative nicotine products, or vapor  
15 products confiscated; and shall complete a tobacco education or smoking cessation program, if  
16 available.

407.934. 1. No person shall sell cigarettes, tobacco products, alternative nicotine  
2 products, or vapor products unless the person has a retail sales tax license.

3           2. The department of revenue shall permit persons to designate through the internet or  
4 by including a place on all sales tax license applications for the applicant to designate himself  
5 or herself as a seller of tobacco products, alternative nicotine products, or vapor products and to  
6 provide a list of all locations where the applicant sells such products.

7           3. On or before July first of each year, the department of revenue shall make available  
8 to the division of [~~liquor~~] **alcohol and tobacco** control and the department of mental health a  
9 complete list of every establishment which sells cigarettes, other tobacco products, alternative  
10 nicotine products, or vapor products in this state.

11           4. The division of [~~liquor~~] **alcohol and tobacco** control shall have the authority to  
12 inspect stores and tobacco outlets for compliance with all laws related to access of tobacco  
13 products, alternative nicotine products, or vapor products to minors. The division may employ  
14 a [~~person seventeen years of age~~] **minor**, with parental consent **if the minor is under eighteen**  
15 **years of age**, to attempt to purchase tobacco for the purpose of inspection or enforcement of  
16 tobacco laws.

17           5. The supervisor of the division of [~~liquor~~] **alcohol and tobacco** control shall not use  
18 minors to enforce the provisions of this chapter unless the supervisor promulgates rules that  
19 establish standards for the use of minors. The supervisor shall establish mandatory guidelines  
20 for the use of minors in investigations by a state, county, municipal or other local law  
21 enforcement authority which shall be followed by such authority and which shall, at a minimum,  
22 provide for the following:

23           (1) The minor shall be **at least** seventeen years of age;

24           (2) The minor shall have a youthful appearance, and the minor, if a male, shall not have  
25 facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive  
26 jewelry;

27           (3) The state, county, municipal or other local law enforcement agency shall obtain the  
28 consent of the minor's parent or legal guardian, **if necessary**, before the use of such minor on a  
29 form approved by the supervisor;

30           (4) The state, county, municipal or other local law enforcement agency shall make a  
31 photocopy of the minor's valid identification showing the minor's correct date of birth;

32           (5) Any attempt by such minor to purchase tobacco products, alternative nicotine  
33 products, or vapor products shall be videotaped or audiotaped with equipment sufficient to  
34 record all statements made by the minor and the seller of the tobacco product;

35           (6) The minor shall carry his or her own identification showing the minor's correct date  
36 of birth and shall, upon request, produce such identification to the seller of the tobacco product,  
37 alternative nicotine product, or vapor product;

38 (7) The minor shall answer truthfully any questions about his or her age and shall not  
39 remain silent when asked questions regarding his or her age;

40 (8) The minor shall not lie to the seller of the tobacco product, alternative nicotine  
41 product, or vapor product to induce a sale of tobacco products;

42 (9) The minor shall not be employed by the state, county, municipal or other local law  
43 enforcement agency on an incentive or quota basis;

44 (10) The state, county, municipal or other local law enforcement agency shall, within  
45 forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the  
46 establishment if a violation occurs;

47 (11) The state, county, municipal or other local law enforcement agency shall maintain  
48 records of each visit to an establishment where a minor is used by the state, county, municipal  
49 or other local law enforcement agency for a period of at least one year following the incident,  
50 regardless of whether a violation occurs at each visit, and such records shall, at a minimum,  
51 include the following information:

52 (a) The signed consent form of the minor's parent or legal guardian, **if necessary**;

53 (b) A ~~Polaroid~~ photograph of the minor;

54 (c) A photocopy of the minor's valid identification, showing the minor's correct date of  
55 birth;

56 (d) An information sheet completed by the minor on a form approved by the supervisor;  
57 and

58 (e) The name of each establishment visited by the minor, and the date and time of each  
59 visit.

60 6. If the state, county, municipal or other local law enforcement authority uses minors  
61 in investigations or in enforcing or determining violations of this chapter or any local ordinance  
62 and does not comply with the mandatory guidelines established by the supervisor of ~~liquor~~  
63 **alcohol and tobacco** control in subsection 5 of this section, the supervisor of ~~liquor~~ **alcohol**  
64 **and tobacco** control shall not take any disciplinary action against the establishment or seller  
65 pursuant to this chapter based on an alleged violation discovered when using a minor and shall  
66 not cooperate in any way with the state, county, municipal or other local law enforcement  
67 authority in prosecuting any alleged violation discovered when using a minor.

484.040. 1. The power to admit and license persons to practice as attorneys and  
2 counselors in the courts of record of this state, or in any of them, is hereby vested exclusively in  
3 the supreme court and shall be regulated by rules of that court. **Admission and licensure to**  
4 **practice as an attorney or counselor shall not be contingent upon membership in or**  
5 **payment of dues to any private organization.**

6           **2. No rule or administrative guidance issued by the Missouri Bar Association shall**  
7 **infringe on an attorney or counselor's ability to advise or produce documents on behalf of**  
8 **their clients to practice in accordance with the laws of Missouri, regardless of discordance**  
9 **with federal law.**

          571.030. 1. A person commits the offense of unlawful use of weapons, except as  
2 otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

3           (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or  
4 any other weapon readily capable of lethal use into any area where firearms are restricted under  
5 section 571.107; or

6           (2) Sets a spring gun; or

7           (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,  
8 or motor vehicle as defined in section 302.010, or any building or structure used for the  
9 assembling of people; or

10          (4) Exhibits, in the presence of one or more persons, any weapon readily capable of  
11 lethal use in an angry or threatening manner; or

12          (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,  
13 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon  
14 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless  
15 acting in self-defense; or

16          (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
17 courthouse, or church building; or

18          (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or  
19 across a public highway or discharges or shoots a firearm into any outbuilding; or

20          (8) Carries a firearm or any other weapon readily capable of lethal use into any church  
21 or place where people have assembled for worship, or into any election precinct on any election  
22 day, or into any building owned or occupied by any agency of the federal government, state  
23 government, or political subdivision thereof; or

24          (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any  
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

27          (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable  
28 of lethal use into any school, onto any school bus, or onto the premises of any function or activity  
29 sponsored or sanctioned by school officials or the district school board; or

30          (11) Possesses a firearm while also knowingly in possession of a controlled substance  
31 that is sufficient for a felony violation of section 579.015. **A medical marijuana patient**  
32 **cardholder who is not under-the-influence or in possession of marijuana in excess of the**

33 **possession limits set by the department of health and senior services shall not be prohibited**  
34 **from possessing a weapon and medical marijuana. This subdivision shall not apply to any**  
35 **state-licensed contractor or employee hired to conduct security services for a state-licensed**  
36 **medical marijuana facility.**

37 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the  
38 persons described in this subsection, regardless of whether such uses are reasonably associated  
39 with or are necessary to the fulfillment of such person's official duties except as otherwise  
40 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section  
41 shall not apply to or affect any of the following persons, when such uses are reasonably  
42 associated with or are necessary to the fulfillment of such person's official duties, except as  
43 otherwise provided in this subsection:

44 (1) All state, county and municipal peace officers who have completed the training  
45 required by the police officer standards and training commission pursuant to sections 590.030  
46 to 590.050 and who possess the duty and power of arrest for violation of the general criminal  
47 laws of the state or for violation of ordinances of counties or municipalities of the state, whether  
48 such officers are on or off duty, and whether such officers are within or outside of the law  
49 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection  
50 12 of this section, and who carry the identification defined in subsection 13 of this section, or  
51 any person summoned by such officers to assist in making arrests or preserving the peace while  
52 actually engaged in assisting such officer;

53 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
54 institutions for the detention of persons accused or convicted of crime;

55 (3) Members of the Armed Forces or National Guard while performing their official  
56 duty;

57 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with  
58 the judicial power of the state and those persons vested by Article III of the Constitution of the  
59 United States with the judicial power of the United States, the members of the federal judiciary;

60 (5) Any person whose bona fide duty is to execute process, civil or criminal;

61 (6) Any federal probation officer or federal flight deck officer as defined under the  
62 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers  
63 are on duty, or within the law enforcement agency's jurisdiction;

64 (7) Any state probation or parole officer, including supervisors and members of the  
65 board of probation and parole;

66 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
67 of the regulations established by the department of public safety under section 590.750;

68 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

69 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;  
70 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person  
71 appointed by a court to be a special prosecutor who has completed the firearms safety training  
72 course required under subsection 2 of section 571.111;

73 (11) Any member of a fire department or fire protection district who is employed on a  
74 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued  
75 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such  
76 uses are reasonably associated with or are necessary to the fulfillment of such person's official  
77 duties; and

78 (12) Upon the written approval of the governing body of a fire department or fire  
79 protection district, any paid fire department or fire protection district member who is employed  
80 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,  
81 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are  
82 necessary to the fulfillment of such person's official duties.

83 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
84 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
85 ammunition is not readily accessible or when such weapons are not readily accessible.  
86 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age  
87 or older or eighteen years of age or older and a member of the United States Armed Forces, or  
88 honorably discharged from the United States Armed Forces, transporting a concealable firearm  
89 in the passenger compartment of a motor vehicle, so long as such concealable firearm is  
90 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or  
91 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon  
92 premises over which the actor has possession, authority or control, or is traveling in a continuous  
93 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not  
94 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises  
95 for the purposes of transporting a student to or from school, or possessed by an adult for the  
96 purposes of facilitation of a school-sanctioned firearm-related event or club event.

97 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
98 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,  
99 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or  
100 endorsement to carry concealed firearms issued by another state or political subdivision of  
101 another state.

102 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall  
103 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

104           6. Notwithstanding any provision of this section to the contrary, the state shall not  
105 prohibit any state employee from having a firearm in the employee's vehicle on the state's  
106 property provided that the vehicle is locked and the firearm is not visible. This subsection shall  
107 only apply to the state as an employer when the state employee's vehicle is on property owned  
108 or leased by the state and the state employee is conducting activities within the scope of his or  
109 her employment. For the purposes of this subsection, "state employee" means an employee of  
110 the executive, legislative, or judicial branch of the government of the state of Missouri.

111           7. Nothing in this section shall make it unlawful for a student to actually participate in  
112 school-sanctioned gun safety courses, student military or ROTC courses, or other  
113 school-sponsored or club-sponsored firearm-related events, provided the student does not carry  
114 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or  
115 onto the premises of any other function or activity sponsored or sanctioned by school officials  
116 or the district school board.

117           8. A person who commits the crime of unlawful use of weapons under:

118           (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a  
119 class E felony;

120           (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class  
121 B misdemeanor, except when a concealed weapon is carried onto any private property whose  
122 owner has posted the premises as being off-limits to concealed firearms by means of one or more  
123 signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches  
124 with the writing thereon in letters of not less than one inch, in which case the penalties of  
125 subsection 2 of section 571.107 shall apply;

126           (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A  
127 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

128           (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,  
129 except that if the violation of subdivision (9) of subsection 1 of this section results in injury or  
130 death to another person, it is a class A felony.

131           9. Violations of subdivision (9) of subsection 1 of this section shall be punished as  
132 follows:

133           (1) For the first violation a person shall be sentenced to the maximum authorized term  
134 of imprisonment for a class B felony;

135           (2) For any violation by a prior offender as defined in section 558.016, a person shall be  
136 sentenced to the maximum authorized term of imprisonment for a class B felony without the  
137 possibility of parole, probation or conditional release for a term of ten years;

138 (3) For any violation by a persistent offender as defined in section 558.016, a person  
139 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without  
140 the possibility of parole, probation, or conditional release;

141 (4) For any violation which results in injury or death to another person, a person shall  
142 be sentenced to an authorized disposition for a class A felony.

143 10. Any person knowingly aiding or abetting any other person in the violation of  
144 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that  
145 prescribed by this section for violations by other persons.

146 11. Notwithstanding any other provision of law, no person who pleads guilty to or is  
147 found guilty of a felony violation of subsection 1 of this section shall receive a suspended  
148 imposition of sentence if such person has previously received a suspended imposition of sentence  
149 for any other firearms- or weapons-related felony offense.

150 12. As used in this section "qualified retired peace officer" means an individual who:

151 (1) Retired in good standing from service with a public agency as a peace officer, other  
152 than for reasons of mental instability;

153 (2) Before such retirement, was authorized by law to engage in or supervise the  
154 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any  
155 violation of law, and had statutory powers of arrest;

156 (3) Before such retirement, was regularly employed as a peace officer for an aggregate  
157 of fifteen years or more, or retired from service with such agency, after completing any  
158 applicable probationary period of such service, due to a service-connected disability, as  
159 determined by such agency;

160 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such  
161 a plan is available;

162 (5) During the most recent twelve-month period, has met, at the expense of the  
163 individual, the standards for training and qualification for active peace officers to carry firearms;

164 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or  
165 substance; and

166 (7) Is not prohibited by federal law from receiving a firearm.

167 13. The identification required by subdivision (1) of subsection 2 of this section is:

168 (1) A photographic identification issued by the agency from which the individual retired  
169 from service as a peace officer that indicates that the individual has, not less recently than one  
170 year before the date the individual is carrying the concealed firearm, been tested or otherwise  
171 found by the agency to meet the standards established by the agency for training and qualification  
172 for active peace officers to carry a firearm of the same type as the concealed firearm; or

173 (2) A photographic identification issued by the agency from which the individual retired  
174 from service as a peace officer; and

175 (3) A certification issued by the state in which the individual resides that indicates that  
176 the individual has, not less recently than one year before the date the individual is carrying the  
177 concealed firearm, been tested or otherwise found by the state to meet the standards established  
178 by the state for training and qualification for active peace officers to carry a firearm of the same  
179 type as the concealed firearm.

**Section 1. If any provision of sections 49.266 to 571.030 or the application thereof  
2 to any person or circumstance is held invalid, such determination shall not affect the  
3 provisions or applications of sections 49.266 to 571.030 which may be given effect without  
4 the invalid provision or application, and to that end the provisions of sections 49.266 to  
5 571.030 are severable.**

Section B. Because immediate action is necessary to ensure that law enforcement  
2 officers are able to adequately protect the public during the current unprecedented wave of  
3 violent crime in the nation and in the state, section 143.1405 of section A of this act is deemed  
4 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is  
5 hereby declared to be an emergency act within the meaning of the constitution, and section  
6 143.1405 of section A of this act shall be in full force and effect upon its passage and approval.

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