

SENATE BILL NO. 1806

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

7473S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to the preemption of local regulation of intoxicating liquor in original packages.

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

Section A. Chapter 311, RSMo, is amended by adding thereto
2 one new section, to be known as section 311.035, to read as
3 follows:

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

3 (1) "Political subdivision", any county, city, town,
4 village, or other unit of local government in this state;

5 (2) "Small liquor bottle", any original package
6 lawfully manufactured and distributed under state and
7 federal law containing fifty milliliters or less of
8 intoxicating liquor.

9 2. The regulation of the manufacture, distribution,
10 sale, offering for sale, and possession for sale of
11 intoxicating liquor in original packages, including, but not
12 limited to, small liquor bottles, is a matter of statewide
13 concern and shall be governed exclusively by state law.

14 3. No political subdivision shall:

15 (1) Prohibit the sale, offering for sale,
16 distribution, or possession for sale of small liquor bottles
17 by a person or entity duly licensed under this chapter;

18 (2) Enact or enforce any ordinance, order, regulation,
19 or policy that has the effect of banning or functionally
20 prohibiting the sale of small liquor bottles that are
21 otherwise lawful under this chapter; or

22 (3) Impose any special tax, fee, surcharge, or
23 container-specific regulation on small liquor bottles that
24 is not uniformly applied to all other original packages of
25 intoxicating liquor.

26 4. Nothing in this section shall be construed to:

27 (1) Limit the authority of a political subdivision to
28 regulate the time, place, and manner of operation of
29 licensed establishments through generally applicable zoning,
30 business licensing, or health and safety ordinances;

31 (2) Limit enforcement of state laws relating to
32 underage drinking, public intoxication, littering, or other
33 criminal offenses; or

34 (3) Authorized the sale of intoxicating liquor by any
35 person not licensed under this chapter.

36 5. Any ordinance, regulation, or policy in effect on
37 or after August 28, 2026, that conflicts with the provisions
38 of this section is hereby declared void and unenforceable.

39 6. (1) A person licensed under this chapter who is
40 adversely affected by a violation of the provisions of this
41 section may bring a civil action for declaratory and
42 injunctive relief in a court of competent jurisdiction. The
43 court shall award reasonable attorney's fees and court costs
44 to a prevailing plaintiff.

45 (2) The attorney general may bring an action to
46 enforce the provisions of this section.

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