

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 298**  
**92ND GENERAL ASSEMBLY**

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Reported from the Committee on Local Government, April 24, 2003, with recommendation that the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

1128L.10C

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**AN ACT**

To repeal sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof nineteen new sections relating to liquor control, with penalty provisions.

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

Section A. Sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 2 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.630, 312.407, and 312.410, 3 RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 4 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 5 311.325, 311.328, 311.360, 311.401, 311.615, 311.630, 312.407, 312.410, and 1, to read as 6 follows:

311.080. [1. No license shall be granted for the sale of intoxicating liquor, as defined 2 in this chapter, within one hundred feet of any school, church or other building regularly used 3 as a place of religious worship, unless the applicant for the license shall first obtain the consent 4 in writing of the board of directors of the school, or the consent in writing of the majority of the 5 managing board of the church or place of worship; except that when a school, church or place 6 of worship shall hereafter be established within one hundred feet of any place of business 7 licensed to sell intoxicating liquor, the license shall not be denied for lack of consent in writing

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

8 as herein provided.

9 2.] The board of aldermen, city council or other proper authorities, of any incorporated  
10 city, town or village, may by ordinance, prohibit the granting of a license for the sale of  
11 intoxicating liquor within a distance as great as three hundred feet **of any school, church, or**  
12 **other building regularly used as a place of religious worship.** In such cases, and where the  
13 ordinance has been lawfully enacted, no license of any character shall issue in conflict with the  
14 ordinance while it is in effect; except, that when a school, church or place of worship is  
15 established within the prohibited distance from any place of business licensed to sell intoxicating  
16 liquor, the license shall not be denied [for lack of consent in writing as herein provided] **for this**  
17 **reason.**

311.097. 1. Notwithstanding any other provisions of this chapter to the contrary, any  
2 person who possesses the qualifications required by this chapter, and who now or hereafter meets  
3 the requirements of and complies with the provisions of this chapter, may apply for, and the  
4 supervisor of control may issue, a license to sell intoxicating liquor, as in this chapter defined,  
5 between the hours of [11:00] **9:00** a.m. on Sunday and midnight on Sunday by the drink at retail  
6 for consumption on the premises of any restaurant bar as described in the application **or on the**  
7 **premises of any establishment having at least thirty rooms for the overnight**  
8 **accommodations of transient guests.** As used in this section, the term "restaurant bar" means  
9 any establishment having a restaurant or similar facility on the premises at least fifty percent of  
10 the gross income of which is derived from the sale of prepared meals or food consumed on such  
11 premises or which has an annual gross income of at least two hundred thousand dollars from the  
12 sale of prepared meals or food consumed on such premises.

13 2. The authority for the collection of fees by cities and counties as provided in section  
14 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink  
15 for consumption on the premises where sold, shall apply to a restaurant bar **or on the premises**  
16 **of any establishment having at least thirty rooms for the overnight accommodations of**  
17 **transient guests** in the same manner as they apply to establishments licensed under sections  
18 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a restaurant bar  
19 **or on the premises of any establishment having at least thirty rooms for the overnight**  
20 **accommodations of transient guests** shall pay an additional fee of two hundred dollars a year  
21 payable at the same time and in the same manner as its other license fees.

22 3. Any new restaurant bar having been in operation for less than ninety days may be  
23 issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on  
24 the premises between the hours of [11:00] **9:00** a.m. and midnight on Sunday for a period not  
25 to exceed ninety days if the restaurant bar can show a projection of annual business from  
26 prepared meals or food consumed on the premises of at least fifty percent of the total gross

27 income of the restaurant bar for the year or can show a projection of annual business from  
28 prepared meals or food consumed on the premises which would exceed not less than two  
29 hundred thousand dollars. The license fee shall be prorated for the period of the temporary  
30 license based on the cost of the annual license for the establishment.

31 4. In counties of the first class having a charter form of government and which contain  
32 all or a part of a city having a population of at least three hundred fifty thousand, any restaurant  
33 bar licensed under the provisions of this section which is located on the grounds of a sports  
34 stadium primarily used for professional sporting events may sell intoxicating liquor by the drink  
35 at retail for consumption within the premises of the restaurant bar on Sunday between the hours  
36 of [11:00] **8:00** a.m. and 12:00 midnight notwithstanding the hours of limitation set forth in  
37 subsection 1 of this section.

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

311.098. 1. Notwithstanding any other provisions of this chapter to the contrary, any  
2 person who possesses the qualifications required by this chapter, and who now or hereafter meets  
3 the requirements of and complies with the provisions of this chapter, may apply for, and the  
4 supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this  
5 chapter, between the hours of [11:00 a.m.] **9:00 a.m.** and midnight on Sunday by the drink at  
6 retail for consumption on the premises of any amusement place as described in the application.  
7 As used in this section the term "amusement place" means any establishment whose business  
8 building contains a square footage of at least six thousand square feet, and where games of skill  
9 commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played, or  
10 has a dance floor of at least two thousand five hundred square feet, or any outdoor golf course  
11 with a minimum of nine holes, and which has annual gross receipts of at least one hundred  
12 thousand dollars of which at least fifty thousand dollars of such gross receipts is in nonalcoholic  
13 sales.

14 2. The authority for the collection of fees by cities and counties as provided in section  
15 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink  
16 for consumption on the premises where sold, shall apply to an amusement place in the same  
17 manner as they apply to establishments licensed under sections 311.085, 311.090 and 311.095,  
18 and in addition to all other fees required by law, an amusement place shall pay an additional fee  
19 of two hundred dollars a year payable at the same time and in the same manner as its other fees.

20 3. Any new amusement place having been in operation for less than ninety days may be  
21 issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on  
22 the premises between the hours of [11:00 a.m.] **9:00 a.m.** and midnight on Sunday for a period  
23 not to exceed ninety days if the amusement place can show a projection of gross receipts of at

24 least one hundred thousand dollars of which at least fifty thousand dollars of such gross receipts  
25 are in nonalcoholic sales for the first year of operation. The license fee shall be prorated for the  
26 period of the temporary license based on the cost of the annual license for the establishment.

311.102. 1. Notwithstanding any other provisions of this chapter to the contrary, any  
2 person who possesses the qualifications required by this chapter, and who meets the requirements  
3 of and complies with the provisions of this chapter may apply for, and the supervisor of liquor  
4 control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on  
5 the premises of any place of entertainment, as defined in this section, between the hours of  
6 [11:00 a.m.] **9:00 a.m.** on Sunday and midnight on Sunday. As used in this section, the term  
7 "place of entertainment" means any establishment located in a city not within a county or in a  
8 county of the first classification having a charter form of government with a population of at least  
9 nine hundred thousand or more inhabitants or in a county of the first classification having a  
10 charter form of government containing any portion of a city with a population of three hundred  
11 eighty thousand or more or in any city with a population of three hundred eighty thousand or  
12 more which is located in more than one county which has occupancy capacity for patrons of at  
13 least three hundred and which has gross annual sales in excess of two hundred fifty thousand  
14 dollars and the establishment has been in operation for at least one year.

15 2. The authority for the collection of fees by cities and counties as provided in section  
16 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink  
17 for consumption on the premises where sold, shall apply to a place of entertainment in the same  
18 manner as they apply to establishments licensed pursuant to sections 311.085, 311.090, and  
19 311.095, and in addition to all other fees required by law, a place of entertainment shall pay an  
20 additional fee of two hundred dollars a year payable at the same time and in the same manner as  
21 its other license fees.

311.195. 1. As used in this section, the term "microbrewery" means a business whose  
2 primary activity is the brewing and selling of beer, with an annual production of ten thousand  
3 barrels or less.

4 2. A microbrewer's license shall authorize the licensee to manufacture beer and malt  
5 liquor in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided  
6 in section 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof,  
7 up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the  
8 director of revenue.

9 3. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the  
10 contrary, the holder of a microbrewer's license may apply for, and the supervisor of [liquor]  
11 **alcohol and tobacco** control may issue, a license to sell intoxicating liquor by the drink at retail  
12 for consumption on the [brewery] premises [and in the original package for off-premises

13 consumption]. **No holder of a microbrewer's license, or any employee, officer, agent,**  
14 **subsidiary, or affiliate thereof, shall have more than ten licenses to sell intoxicating liquor**  
15 **by the drink at retail for consumption on the premises.** The authority for the collection of  
16 fees by cities and counties as provided in section 311.220, and all other laws and regulations  
17 relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply  
18 to the holder of a license issued under the provisions of this section in the same manner as they  
19 apply to establishments licensed under the provisions of section 311.085, 311.090, 311.095, or  
20 311.097.

21 4. The holder of a microbrewer's license may also sell beer and malt liquor produced on  
22 the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license  
23 shall not, under any circumstances, directly or indirectly, have any financial interest in any  
24 wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of  
25 sections 311.181 and 311.182.

26 **5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink**  
27 **at retail for consumption on the premises shall be exempt from the provisions of section**  
28 **311.280 for such intoxicating liquor that is produced on the premises in accordance with**  
29 **the provisions of this chapter. For all other intoxicating liquor sold by the drink at retail**  
30 **for consumption on the premises that the microbrewer possesses a license for, must be**  
31 **obtained in accordance with section 311.280.**

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 store a stock of  
6 goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures  
7 and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the  
8 premises where sold nor shall any original package be opened on the premises of the vendor  
9 except as otherwise provided in this law. For every license for sale at retail in the original  
10 package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year.

11 2. For a permit authorizing the sale of malt liquor containing alcohol in excess of three  
12 and two-tenths percent by weight and not in excess of five percent by weight by grocers and  
13 other merchants and dealers in the original package direct to consumers but not for resale, fifteen  
14 dollars per year. The phrase "original package" shall be construed and held to refer to any  
15 package containing three or more standard bottles of beer. This license shall also permit the  
16 holders thereof to sell nonintoxicating beer in the original package direct to consumers, but not  
17 for resale. **Notwithstanding the provisions of section 311.290, any person licensed pursuant**

18 **to this subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and**  
19 **midnight on Sunday.**

20 **3. For every license issued for the sale of malt liquor at retail by drink for**  
21 **consumption on the premises where sold, the licensee shall pay to the director of revenue**  
22 **the sum of twenty-five dollars per year, which license shall also permit the holder thereof**  
23 **to sell nonintoxicating beer as defined in chapter 312, RSMo. Notwithstanding the**  
24 **provisions of section 311.290, any person licensed pursuant to this subsection may also sell**  
25 **malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.**

26 **4.** For every license issued for the sale of malt liquor and light wines containing not in  
27 excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other  
28 fruits and vegetables, at retail by the drink for consumption on the premises where sold, the  
29 licensee shall pay to the director of revenue the sum of thirty-five dollars per year, which license  
30 shall also permit the holder thereof to sell nonintoxicating beer as defined in chapter 312, RSMo.

31 **[4.] 5.** For every license issued for the sale of all kinds of intoxicating liquor, at retail by  
32 the drink for consumption on premises of the licensee, the licensee shall pay to the director of  
33 revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating  
34 liquor in the original package.

35 **[5.] 6.** For every license issued to any railroad company, railway sleeping car company  
36 operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at  
37 retail for consumption on its dining cars, buffet cars and observation cars, the sum of one  
38 hundred dollars per year; except that such license shall not permit sales at retail to be made while  
39 such cars are stopped at any station. A duplicate of such license shall be posted in every car  
40 where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for  
41 each duplicate license.

42 **[6.] 7.** All applications for licenses shall be made upon such forms and in such manner  
43 as the supervisor of liquor control shall prescribe. No license shall be issued until the sum  
44 prescribed by this section for such license shall be paid to the director of revenue.

311.260. **1.** No person [or], corporation, [or any], employee, officer, agent, subsidiary,  
2 or affiliate thereof, shall:

3 **(1)** Have more than three licenses[, nor]; **or**

4 **(2)** Be directly or indirectly interested in any business of any other person [or],  
5 corporation, or [of any], employee, officer, agent, subsidiary, or affiliate thereof, [to sell] **who**  
6 **sells** intoxicating liquor, at retail by the drink for consumption on the premises described in any  
7 license[, nor shall any]; **or**

8 **(3)** **Sell** intoxicating liquor [be sold] at retail by the drink for consumption at the place  
9 of sale at more than three places in this state[, by any person or corporation, or by any employee,

10 officer, agent, subsidiary, or affiliate thereof, except that,].

11 **2.** Notwithstanding any other provision of this chapter or municipal ordinance to the  
12 contrary, [in] **for the purpose of** determining whether [any] a person, corporation, [or any]  
13 employee, officer, agent, subsidiary, or affiliate thereof, has a disqualifying interest in more than  
14 three licenses **pursuant to subsection 1 of this section**, there shall not be counted any license  
15 to sell intoxicating liquor at retail by the drink for consumption on **the following** premises  
16 [which include a restaurant]:

17 **(1) Restaurants where** at least fifty percent of the gross income of which is derived  
18 from the sale of prepared meals or food consumed on **the** premises where sold; or

19 **(2) Establishments** which [has] **have** an annual gross income of at least two hundred  
20 thousand dollars from the sale of prepared meals or food consumed on **the** premises where sold[,  
21 or which include a facility]; **or**

22 **(3) Facilities designed** for the performance of live entertainment and where the receipts  
23 for admission to such performances exceed one hundred thousand dollars per calendar year; **or**

24 **(4) Any establishment having at least thirty rooms for the overnight**  
25 **accommodation of transient guests.**

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 or nonintoxicating beer with an alcohol content of less**  
8 **than five percent by weight to the consumer in an original carton received from the**  
9 **wholesaler that has been mutilated, torn apart, or cut apart; or**

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

311.290. [1.] No person having a license [under this law] **issued pursuant to this**  
2 **chapter or chapter 312, RSMo**, nor any employee of such person, [except as provided in  
3 subsection 2 of this section,] shall sell, give away, or [otherwise dispose of, or suffer the same  
4 to be done upon or about his premises] **permit the consumption of**, any intoxicating liquor in  
5 any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours  
6 of 1:30 a.m. Sunday and 6:00 a.m. Monday, **upon or about his or her premises**. If the person  
7 has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed  
8 place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and

9 between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing  
10 the sale of intoxicating liquor by the drink are held by clubs or hotels, this section shall apply  
11 only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are  
12 held by restaurants whose business is conducted in one room only and substantial quantities of  
13 food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep  
14 securely locked during the hours and on the days specified in this section all refrigerators,  
15 cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place"  
16 is defined to mean a place where all doors are locked and where no patrons are in the place or  
17 about the premises. Any person violating any provision of this section shall be deemed guilty  
18 of a class A misdemeanor. Nothing in this section shall be construed to prohibit the sale or  
19 delivery of any intoxicating liquor during any of the hours or on any of the days specified in this  
20 section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to  
21 sell the intoxicating liquor at retail.

22 [2. Any person licensed pursuant to section 311.200 shall not be permitted to sell, give  
23 away, or otherwise dispose of, or suffer the same to be done upon or about his premises, any  
24 intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays  
25 and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.]

311.293. 1. Notwithstanding the provisions of [section 311.290 or] any [other] law to  
2 the contrary, any person possessing the qualifications and meeting the requirements of this  
3 chapter, who is licensed to sell intoxicating liquor in the original package at retail [under]  
4 **pursuant to** section 311.200, may apply to the supervisor of [liquor] **alcohol and tobacco**  
5 control for a special license to sell intoxicating liquor in the original package at retail between  
6 the hours of [11:00 a.m.] **9:00 a.m.** and midnight on Sundays. A licensee under this section shall  
7 pay to the director of revenue an additional fee of two hundred dollars a year payable at the same  
8 time and in the same manner as its other license fees.

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

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts  
2 to purchase, or has in his possession, any intoxicating liquor as defined in section 311.020 is  
3 guilty of a misdemeanor. For purposes of prosecution under this section or any other provision  
4 of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under

5 twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating  
6 liquor therein need not be opened or the contents therein tested to verify that there is intoxicating  
7 liquor in such container. The alleged violator may allege that there was not intoxicating liquor  
8 in such container, but the burden of proof of such allegation is on such person, as it shall be  
9 presumed that such a sealed container describing that there is intoxicating liquor therein contains  
10 intoxicating liquor.

11 **2. For purposes of determining violations of any provision of this chapter, or of any**  
12 **rule or regulation of the supervisor of liquor control, a manufacturer-sealed container**  
13 **describing that there is intoxicating liquor therein need not be opened or the contents**  
14 **therein tested to verify that there is intoxicating liquor in such container. The alleged**  
15 **violator may allege that there was not intoxicating liquor in such container, but the burden**  
16 **of proof of such allegation is on such person, as it shall be presumed that such a sealed**  
17 **container describing that there is intoxicating liquor therein contains intoxicating liquor.**

311.328. 1. [The] **A valid and unexpired** operator's or chauffeur's license issued under  
2 the provisions of section 302.177, RSMo, or [the] **a valid and unexpired** operator's or  
3 chauffeur's license issued under the laws of [the states of Arkansas, Illinois, Oklahoma, Kansas,  
4 or Iowa] **any state or territory of the United States** to residents of those states **or territories**,  
5 or [an] **a valid and unexpired** identification card as provided for under section 302.181, RSMo,  
6 or [the] **a valid and unexpired** identification card issued by any uniformed service of the United  
7 States, or a **valid and unexpired** passport shall be presented by the holder thereof upon request  
8 of any agent of the division of liquor control or any licensee or the servant, agent or employee  
9 thereof for the purpose of aiding the licensee or the servant, agent or employee to determine  
10 whether or not the person is at least twenty-one years of age when such person desires to  
11 purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the  
12 licensee or the servant, agent or employee thereof shall compare the photograph and physical  
13 characteristics noted on the license, identification card or passport with the physical  
14 characteristics of the person presenting the license, identification card or passport.

15 2. Upon proof by the licensee of full compliance with the provisions of this section, no  
16 penalty shall be imposed if the supervisor of the division of liquor control or the courts are  
17 satisfied that the licensee acted in good faith.

18 3. Any person who shall, without authorization from the department of revenue,  
19 reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license  
20 or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be  
21 subject to a fine of not more than one thousand dollars, and confinement for not more than one  
22 year, or by both such fine and imprisonment.

311.360. [1.] No person holding a license or permit shall sell malt liquor, or any other

2 intoxicating liquor in this state, or shall offer for sale any such malt liquor, or other intoxicating  
3 liquor, whatsoever, brewed, manufactured or distilled by one manufacturer, in substitution for,  
4 or with the representation that any such malt liquor or other intoxicating liquor, is the product  
5 of any other brewer, manufacturer or distiller. Whosoever shall violate the provisions of this  
6 section shall be deemed guilty of a misdemeanor.

7 [2. Any malt liquor which is offered for sale in this state and manufactured at other than  
8 a facility owned by the person whose name appears on the label of the container shall include on  
9 the label the name and location of the owner of the facility which produced and packaged the  
10 malt liquor. This subsection shall become effective January 1, 1997.]

311.401. Any lending institution doing business with any distiller, wholesaler,  
2 winemaker, brewer, or retailer in Missouri duly licensed under this chapter shall have the right  
3 to sell intoxicating liquor which such lending institution has repossessed to a retailer duly  
4 licensed under this chapter, with the approval of the supervisor of liquor control, provided such  
5 liquor was originally taken as collateral for a business loan. No license or permit shall be  
6 required for such sale, and such sale shall be limited to cases, kegs, or barrels of such liquor, and  
7 any leftover unopened containers. Such transaction shall be subject to the provisions of chapter  
8 400, RSMo. As used in this section, the term "lending institution" means any bank or trust  
9 company incorporated under the laws of this state or of the United States[, any savings and loan  
10 association incorporated under the laws of this state or under federal charter, any credit union  
11 operating under the laws of this state or the United States, and any other person, firm, or  
12 corporation authorized to make business loans in this state and to take collateral therefor].

**311.615. There shall be a division within the department of public safety known as  
2 the "Division of Alcohol and Tobacco Control", which shall have as its chief executive  
3 officer the supervisor of alcohol and tobacco control appointed pursuant to section 311.610.  
4 All references to the division of liquor control and the supervisor of liquor control in the  
5 statutes shall mean the division of alcohol and tobacco control and supervisor of alcohol  
6 and tobacco control.**

311.630. 1. The supervisor of [liquor] **alcohol and tobacco** control and employees to  
2 be selected and designated as peace officers by the supervisor of [liquor] **alcohol and tobacco**  
3 control are hereby declared to be peace officers of the state of Missouri, with full power and  
4 authority to make arrests **and searches and seizures** only for violations of the provisions of  
5 chapters 311 and 312, RSMo, relating to intoxicating liquors and nonintoxicating beer, [and to  
6 make searches and seizures thereunder,] **and sections 407.924 to 407.934, RSMo, relating to**  
7 **tobacco products**, and to serve any process connected with the enforcement of such laws. The  
8 peace officers so designated shall have been previously appointed and qualified under the  
9 provisions of section 311.620 and shall [have completed the mandatory standards for the basic

10 training and certification of peace officers established by the peace officers standards and  
11 training commission] **be required to hold a valid peace officer license pursuant to chapter**  
12 **590, RSMo.**

13 2. The supervisor of [liquor] **alcohol and tobacco** control shall furnish such peace  
14 officers with credentials showing their authority and a special badge, which they shall carry on  
15 their person at all times while on duty. The names of the peace officers so designated shall be  
16 made a matter of public record in the office of the supervisor of [liquor] **alcohol and tobacco**  
17 control.

18 3. All fees for the arrest and transportation of persons arrested and for the service of writs  
19 and process shall be the same as provided by law in criminal proceedings and shall be taxed as  
20 costs.

312.407. **1.** Any person under the age of twenty-one years, who purchases or attempts  
2 to purchase, or has in his possession, any nonintoxicating beer as defined in section 312.010, is  
3 guilty of a misdemeanor. For purposes of prosecution under this section or any other provision  
4 of this chapter involving an alleged illegal sale or transfer of nonintoxicating beer to a person  
5 under twenty-one years of age, a manufacturer-sealed container describing that there is  
6 nonintoxicating beer therein need not be opened or the contents therein tested to verify that there  
7 is nonintoxicating beer in such container. The alleged violator may allege that there was not  
8 nonintoxicating beer in such container, but the burden of proof of such allegation is on such  
9 person, as it shall be presumed that such a sealed container describing that there is  
10 nonintoxicating beer therein contains nonintoxicating beer.

11 **2. For purposes of determining violations of any provisions of this chapter or of any**  
12 **rule or regulation of the supervisor of liquor control, a manufacturer-sealed container**  
13 **describing that there is nonintoxicating beer therein need not be opened or the contents**  
14 **therein tested to verify that there is nonintoxicating beer in such container. The alleged**  
15 **violator may allege that there was not nonintoxicating beer in such container, but the**  
16 **burden of proof of such allegation is on such person, as it shall be presumed that such a**  
17 **sealed container describing that there is nonintoxicating beer therein contains**  
18 **nonintoxicating beer.**

312.410. No person having a license under the provisions of this chapter, shall sell, give  
2 away or [otherwise dispose of, or suffer the same to be done, upon or about his premises] **permit**  
3 **the consumption of**, any nonintoxicating beer in any quantity between the hours of one-thirty  
4 a.m., and six a.m., **upon or about his or her premises**, and any person violating any provision  
5 of this section shall be deemed guilty of a misdemeanor and shall be punished by imprisonment  
6 in the county jail for a term of not more than one year, or by a fine of not less than fifty dollars  
7 nor more than one thousand dollars or by both such fine and jail sentence.

**Section 1. 1. As used in this section, the following terms shall mean:**

2           **(1) "Keg", any container capable of holding four gallons or more of beer, wine, or**  
3 **intoxicating liquor and which is designed to dispense beer, wine, or intoxicating liquor**  
4 **directly from the container for purposes of consumption;**

5           **(2) "Supervisor of alcohol and tobacco control", the person appointed pursuant to**  
6 **section 311.610, RSMo.**

7           **2. Each keg sold at retail for off-premise consumption shall be labeled with the**  
8 **name and address of the retail licensee and an identification number. The division of**  
9 **alcohol and tobacco control may prescribe the form of the labels to be used for this**  
10 **purpose. The label shall be affixed to a recyclable tag that is attached to the handle on the**  
11 **top chime of the keg. The label and recyclable tag shall be supplied by the division of**  
12 **alcohol and tobacco control without fee and securely affixed to the keg by the licensee**  
13 **making the sale.**

14           **3. Each retail licensee shall require each keg purchaser to present positive**  
15 **identification at the time of purchase. The licensee shall record for each keg sale the date**  
16 **of sale, the size of keg, any applicable keg identification number if available, the amount**  
17 **of container deposit, the name, address, and date of birth of the purchaser, and the form**  
18 **of identification presented by such purchaser. The purchaser shall sign a statement at the**  
19 **time of purchase attesting to the accuracy of the purchaser's name and address and**  
20 **acknowledging that misuse of the keg or its contents may result in civil liability, criminal**  
21 **prosecution, or both. The licensee shall retain the identification form for a minimum of**  
22 **three months following the sale of the keg.**

23           **4. The licensee shall not refund a deposit for a keg that is returned without the**  
24 **required label and identification number intact and legible. The licensee shall record the**  
25 **date of return of the keg and the condition of the label and identification number on the**  
26 **identification form required pursuant to subsection 2 of this section. The licensee may**  
27 **retain any deposit not refunded for this reason. Upon the return of a properly labeled keg**  
28 **from a consumer, the licensee shall remove the tag from the keg and retain such tag with**  
29 **the identification form as required pursuant to subsection 2 of this section. This**  
30 **requirement shall not apply to permanent identification numbers or other forms of**  
31 **identification placed on the keg by a manufacturer.**

32           **5. The supervisor shall promulgate rules and regulations for the administration of**  
33 **this section and shall design all necessary forms. No rule, regulation, or portion of a rule**  
34 **or regulation promulgated pursuant to the authority of this section shall become effective**  
35 **unless it has been promulgated pursuant to chapter 536, RSMo.**

36           **6. The provisions of this section shall become effective on July 1, 2004.**