

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 132
95TH GENERAL ASSEMBLY

0531S.03T

2009

AN ACT

To repeal sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.090, 311.181, 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.260, 311.265, 311.280, 311.290, 311.300, 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, 311.360, 311.480, 311.482, 311.485, 311.486, 311.487, 311.490, 311.520, 311.610, 311.630, 311.665, 311.680, 311.685, 311.722, 312.010, 312.020, 312.030, 312.040, 312.050, 312.060, 312.070, 312.080, 312.090, 312.100, 312.110, 312.120, 312.130, 312.140, 312.150, 312.160, 312.170, 312.180, 312.190, 312.200, 312.210, 312.220, 312.230, 312.233, 312.235, 312.237, 312.270, 312.280, 312.290, 312.300, 312.310, 312.320, 312.330, 312.340, 312.350, 312.360, 312.370, 312.380, 312.390, 312.400, 312.405, 312.407, 312.410, 312.420, 312.430, 312.440, 312.450, 312.460, 312.470, 312.480, 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665, 313.840, 571.107, and 650.005, RSMo, and to enact in lieu thereof forty-five new sections relating to liquor control, with penalty provisions.

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

Section A. Sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.090, 311.181,
2 311.182, 311.195, 311.200, 311.211, 311.212, 311.218, 311.260, 311.265, 311.280, 311.290,
3 311.300, 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, 311.360, 311.480, 311.482,
4 311.485, 311.486, 311.487, 311.490, 311.520, 311.610, 311.630, 311.665, 311.680, 311.685,
5 311.722, 312.010, 312.020, 312.030, 312.040, 312.050, 312.060, 312.070, 312.080, 312.090,
6 312.100, 312.110, 312.120, 312.130, 312.140, 312.150, 312.160, 312.170, 312.180, 312.190,
7 312.200, 312.210, 312.220, 312.230, 312.233, 312.235, 312.237, 312.270, 312.280, 312.290,

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.

8 312.300, 312.310, 312.320, 312.330, 312.340, 312.350, 312.360, 312.370, 312.380, 312.390,
9 312.400, 312.405, 312.407, 312.410, 312.420, 312.430, 312.440, 312.450, 312.460, 312.470,
10 312.480, 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665, 313.840, 571.107, and
11 650.005, RSMo, are repealed and forty-five new sections enacted in lieu thereof, to be known
12 as sections 92.047, 311.020, 311.055, 311.060, 311.070, 311.090, 311.181, 311.182, 311.192,
13 311.195, 311.196, 311.200, 311.211, 311.212, 311.218, 311.260, 311.265, 311.280, 311.290,
14 311.300, 311.332, 311.333, 311.335, 311.338, 311.360, 311.480, 311.482, 311.485, 311.486,
15 311.487, 311.489, 311.490, 311.520, 311.610, 311.630, 311.665, 311.680, 311.685, 311.722,
16 313.075, 313.340, 313.665, 313.840, 571.107, and 650.005, to read as follows:

92.047. 1. All laws inconsistent with or repugnant to the foregoing shall be deemed to
2 have been repealed to the extent of such inconsistency or repugnancy. The provisions of this
3 statute shall in no way be construed to prohibit any city which has a population in excess of
4 seven hundred thousand inhabitants from assessing, levying and collecting a tax pursuant to the
5 provisions of sections 92.110 through 92.200.

6 2. For the purposes of sections 92.041 to 92.047, [chapters 311 and 312, RSMo 1959]
7 **and chapter 311, RSMo**, as amended, or any section thereof, as amended, shall not be construed
8 to be inconsistent with or repugnant to the provisions of sections 92.041 to 92.047, and shall not
9 be deemed to have been repealed by sections 92.041 to 92.047, but shall continue in full force
10 and effect. For the purpose of sections 92.041 to 92.047, no such city included within the scope
11 of sections 92.041 to 92.047 shall charge or exact an occupational license tax on manufacturers,
12 wholesalers, or retailers of alcoholic beverages [or nonintoxicating beer] in excess of that
13 permitted by [chapters 311 and 312] **chapter 311**, RSMo for cities.

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 [except for nonintoxicating beer as defined in section 312.010, RSMo]. All beverages
6 having an alcoholic content of less than one-half of one percent by volume shall be exempt from
7 the provisions of this chapter, but subject to inspection as provided by sections 196.365 to
8 196.445, RSMo.

311.055. No person at least twenty-one years of age shall be required to obtain a license
2 to manufacture [nonintoxicating beer, as defined in section 312.010, RSMo, or] intoxicating
3 liquor, as defined in section 311.020, for personal or family use. The aggregate amount of
4 [nonintoxicating beer or] intoxicating liquor manufactured per household shall not exceed two
5 hundred gallons per calendar year if there are two or more persons over the age of twenty-one

6 years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household.

311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his **or her** business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character.

(2) No license issued under this chapter [or chapter 312, RSMo,] shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor [so long as any such employee does not directly participate in retail sales of intoxicating liquor]. Each employer shall report the identity of any employee convicted of a felony to the division of liquor control. The division of liquor control shall promulgate rules to enforce the provisions of this subdivision.

(3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section.

3. A "resident corporation" is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and

35 beneficially own or control sixty percent or more of the stock in amount and in voting rights,
36 shall be qualified legal voters and taxpaying citizens of the county and municipality in which
37 they reside and who shall have been bona fide residents of the state for a period of three years
38 continuously immediately prior to the date of filing of application for a license, provided that a
39 stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall
40 own, legally and beneficially, at least sixty percent of all the financial interest in the business to
41 be licensed under this law; provided, that no corporation, licensed under the provisions of this
42 law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed
43 on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of
44 Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new
45 requirements herein, except corporations engaged in the manufacture of alcoholic beverages
46 containing alcohol in excess of five percent by weight, or owned or controlled, directly or
47 indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of
48 alcoholic beverages containing alcohol in excess of five percent by weight.

49 4. The term "financial interest" as used in this chapter is defined to mean all interest,
50 legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such
51 interest in the net profits of the enterprise, after the payment of reasonable and necessary
52 operating business expenses and taxes, including interest in dividends, preferred dividends,
53 interest and profits, directly or indirectly paid as compensation for, or in consideration of interest
54 in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned
55 or otherwise made available to the enterprise, except by way of ordinary commercial credit or
56 bona fide bank credit not in excess of credit customarily granted by banking institutions, whether
57 paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any
58 other form whatsoever.

59 5. The supervisor shall by regulation require all applicants for licenses to file written
60 statements, under oath, containing the information reasonably required to administer this section.
61 Statements by applicants for licenses as wholesalers and retailers shall set out, with other
62 information required, full information concerning the residence of all persons financially
63 interested in the business to be licensed as required by regulation. All material changes in the
64 information filed shall be promptly reported to the supervisor.

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 control may issue a license to sell intoxicating
9 liquor, as in this chapter defined, by the drink at retail for consumption on the premises where
10 sold; and provided further that the premises so licensed shall be in close proximity to the
11 distillery and may remain open between the hours of 6:00 a.m. and midnight, Monday through
12 Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the
13 collection of fees by cities and counties as provided in section 311.220, and all other laws and
14 regulations relating to the sale of liquor by the drink for consumption on the premises where
15 sold, shall apply to the holder of a license issued under the provisions of this section in the same
16 manner as they apply to establishments licensed under the provisions of section 311.085,
17 311.090, 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 employees, officers or agents to do so, shall be guilty
20 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 dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice.
32 "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards,
33 hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

34 (3) "Permanent point-of-sale advertising materials", advertising items designed to be
35 used within a retail business establishment for an extended period of time to attract consumer
36 attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall
37 only include inside signs (electric, mechanical or otherwise), mirrors, and sweepstakes/contest
38 prizes displayed on the licensed premises;

39 (4) "Product display", wine racks, bins, barrels, casks, shelving or similar items the
40 primary function of which is to hold and display consumer products;

41 (5) "Promotion", an advertising and publicity campaign to further the acceptance and sale
42 of the merchandise or products of a distiller, wholesaler, winemaker or brewer;

43 (6) "Temporary point-of-sale advertising materials", advertising items designed to be
44 used for short periods of time. Such materials include, but are not limited to: banners,
45 decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters,
46 cups, or menus.

47 4. Notwithstanding other provisions contained herein, the distiller, wholesaler,
48 winemaker or brewer, or their employees, officers or agents may engage in the following
49 activities with a retail licensee licensed pursuant to this chapter [or chapter 312, RSMo]:

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

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

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

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

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

70 (a) The total value of all permanent point-of-sale advertising materials provided to a
71 retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred
72 dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale
73 advertising materials is the actual cost to the distiller, wholesaler, winemaker or brewer who
74 initially purchased such item. Transportation and installation costs shall be excluded. All
75 permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records
76 shall be maintained for a period of three years;

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

80 (c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising
81 materials, and consumer advertising specialties shall bear in a conspicuous manner substantial
82 advertising matter about the product or the name of the distiller, wholesaler, winemaker or
83 brewer. The name, address and logos of the retail business may appear on the permanent
84 point-of-sale advertising materials, temporary point-of-sale advertising materials, or the
85 consumer advertising specialties; and

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

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

92 (4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a
93 retail business if all the following requirements are met:

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

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

99 (5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at
100 the retail business establishment, which shall include for the purposes of [intoxicating and
101 nonintoxicating] beer equipment to properly preserve and serve draught beer only and to
102 facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and
103 they may install or repair any of the following items or render to retail licensees any of the
104 following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft
105 arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and
106 regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket
107 pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of
108 barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and
109 ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery
110 excluding normal wear and tear and a complete record of equipment furnished and installed and
111 repairs and service made or rendered must be kept by the brewer or wholesalers furnishing,
112 making or rendering same for a period of not less than one year;

(6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt beverages;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

203 (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of
204 identical product or allow credit against outstanding indebtedness for intoxicating liquor with
205 alcohol content of less than five percent by weight [or nonintoxicating beer] that was delivered
206 in a damaged condition or damaged while in the possession of the retailer;

207 (17) To assure and control product quality, wholesalers at the time of a regular delivery
208 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
209 intoxicating liquor with alcohol content of less than five percent by weight [or nonintoxicating
210 beer] in its undamaged original carton from the retailer's stock, if the wholesaler replaces the
211 product with an equal quantity of identical product;

212 (18) In addition to withdrawals authorized pursuant to subdivision (17) of this
213 subsection, to assure and control product quality, wholesalers at the time of a regular delivery
214 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
215 intoxicating liquor with alcohol content of less than five percent by weight [and nonintoxicating
216 beer] in its undamaged original carton from the retailer's stock and give the retailer credit against
217 outstanding indebtedness for the product if:

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

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

223 (c) To assure and control product quality, a wholesaler may, but not be required to, give
224 a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight
225 [or nonintoxicating beer], in a container with a capacity of four gallons or more, delivered but
226 not used, if the wholesaler removes the product within seven days of the initial delivery; and

227 (19) Nothing in this section authorizes consignment sales.

228 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona
229 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic
230 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic
231 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of
232 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in
233 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,
234 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are
235 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the
236 supervisor of alcohol and tobacco control;

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

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

247 7. Notwithstanding any other provisions of this chapter to the contrary, a distiller or
248 wholesaler may install dispensing accessories at the retail business establishment, which shall
249 include for the purposes of distilled spirits, equipment to properly preserve and serve premixed
250 distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler
251 may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the
252 following items or render to retail licensees any of the following services: coils and coil
253 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves
254 and other minor tapping equipment components, and damage caused by any delivery excluding
255 normal wear and tear. A complete record of equipment furnished and installed and repairs or

256 service made or rendered shall be kept by the distiller or wholesaler furnishing, making or
257 rendering the same for a period of not less than one year.

258 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be
259 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that
260 is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section
261 313.005, RSMo, or an educational institution if such contributions are unrelated to such
262 organization's retail operations.

263 9. Distillers, brewers, wholesalers, and winemakers may make payments for
264 advertisements in programs or brochures of tax-exempt organizations licensed under section
265 311.090 if the total payments made for all such advertisements are the same as those paid by
266 other vendors.

267 10. [Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the
268 contrary,] A brewer or manufacturer, its employees, officers or agents may have a financial
269 interest in the retail business for sale of intoxicating liquors [and nonintoxicating beer] at
270 entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its
271 subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for
272 concerts, shows and sporting events of all kinds.

273 11. [Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the
274 contrary,] For the purpose of the promotion of tourism, a wine manufacturer, its employees,
275 officers or agents located within this state may apply for and the supervisor of liquor control may
276 issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for
277 consumption on the premises where sold, if the premises so licensed is in close proximity to the
278 winery. Such premises shall be closed during the hours specified under section 311.290 and may
279 remain open between the hours of 9:00 a.m. and midnight on Sunday.

280 12. [Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the
281 contrary,] For the purpose of the promotion of tourism, a person may apply for and the supervisor
282 of liquor control may issue a license to sell intoxicating liquor by the drink at retail for
283 consumption on the premises where sold, but seventy-five percent or more of the intoxicating
284 liquor sold by such licensed person shall be Missouri-produced wines received from
285 manufacturers licensed under section 311.190. Such premises may remain open between the
286 hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 11:00 a.m.
287 and 9:00 p.m. on Sundays.

311.090. 1. Any person who possesses the qualifications required by this chapter, and
2 who meets the requirements of and complies with the provisions of this chapter, and the
3 ordinances, rules and regulations of the incorporated city in which such licensee proposes to
4 operate his business, may apply for, and the supervisor of liquor control may issue, a license to

5 sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the
6 premises described in the application; provided, that no license shall be issued for the sale of
7 intoxicating liquor, other than malt liquor containing alcohol not in excess of five percent by
8 weight, and light wines containing not in excess of fourteen percent of alcohol by weight made
9 exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for
10 consumption on the premises where sold to any person other than a charitable, fraternal,
11 religious, service or veterans' organization which has obtained an exemption from the payment
12 of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7),
13 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954,
14 as amended, in any incorporated city having a population of less than nineteen thousand five
15 hundred inhabitants, until the sale of such intoxicating liquor, by the drink at retail for
16 consumption on the premises where sold, shall have been authorized by a vote of the majority
17 of the qualified voters of the city. Such authority shall be determined by an election to be held
18 in those cities having a population of less than nineteen thousand five hundred inhabitants as
19 determined by the last preceding federal decennial census, under the provisions and methods set
20 out in this chapter. Once such licenses are issued in a city with a population of at least nineteen
21 thousand five hundred inhabitants, any subsequent loss of population shall not require the
22 qualified voters of such a city to approve the sale of such intoxicating liquor prior to the issuance
23 or renewal of such licenses. No license shall be issued for the sale of intoxicating liquor, other
24 than malt liquor containing alcohol not in excess of five percent by weight, and light wines
25 containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes,
26 berries and other fruits and vegetables, by the drink at retail for consumption on the premises
27 where sold, outside the limits of such incorporated cities unless the licensee is a charitable,
28 fraternal, religious, service or veterans' organization which has obtained an exemption from the
29 payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5),
30 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue
31 Code of 1954, as amended.

32 2. Notwithstanding any other provisions of this chapter to the contrary, any charitable,
33 fraternal, religious, service or veterans' organization which has obtained an exemption from the
34 payment of federal income taxes as provided in section 501(c)(3), 501(c)(4), 501(c)(5),
35 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue
36 Code of 1954, as amended, may apply for, and the supervisor of liquor control may issue, a
37 license to sell intoxicating liquor, as defined in this chapter, between the hours of [11:00] **9:00**
38 a.m. on Sunday and midnight on Sunday by the drink at retail for consumption on the premises
39 described in the application. The authority for the collection of fees by cities and counties as
40 provided in section 311.220, and all other laws and regulations of the state relating to the sale

41 of liquor by the drink for consumption on the premises where sold, shall apply to organizations
42 licensed under this subsection in the same manner as they apply to establishments licensed under
43 subsection 1 of this section and sections 311.085 and 311.095. In addition to all other fees
44 required by law, an organization licensed under this section shall pay an additional fee of two
45 hundred dollars a year payable at the same time and in the same manner as its other license fees.

46 3. If any charitable, fraternal, religious, service, or veterans' organization has a license
47 to sell intoxicating liquor on its premises pursuant to this section and such premises includes two
48 or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor
49 at any such building.

311.181. 1. In addition to any other information or documents required by law, an
2 applicant for a license which grants alone or with other privileges, the privilege of selling
3 intoxicating liquor containing not in excess of five percent of alcohol by weight [or the privilege
4 of selling nonintoxicating beer as defined in chapter 312, RSMo,] by a wholesaler to a person
5 duly licensed to sell such malt liquor [or nonintoxicating beer] at retail shall submit to the
6 supervisor of liquor control a statement under oath designating clearly the geographical area
7 within which the applicant has been authorized by the brewer to sell such malt liquor [or
8 nonintoxicating beer], the brand or brands he proposes to sell, and the brewer or brewers who
9 manufacture the brands, and affirming that the applicant will maintain a warehouse and delivery
10 facilities within the designated geographical area. Each such wholesaler applicant shall enter
11 into a written agreement with the brewer of the brand or brands which the applicant proposes to
12 sell, which agreement must specifically designate a geographic area within which such
13 wholesaler applicant is authorized to sell such brand or brands. A copy of such written
14 agreement shall be filed with the supervisor of liquor control as a part of such application. It
15 shall be unlawful for any such wholesaler applicant, who is granted a license hereunder, to sell
16 any brand or brands of malt liquor [or nonintoxicating beer] in the state of Missouri except in
17 the designated geographic area described in said agreement. Provided, however, that when such
18 an applicant is prevented from servicing the designated geographic area due to fire, flood, or
19 other causes beyond his reasonable control, another licensed wholesaler not within the
20 designated geographic area may sell the specified brands of malt liquor [or nonintoxicating beer]
21 in that designated geographic area, if the applicant wholesaler who is prevented from servicing
22 the area consents thereto and approval is obtained from the applicable brewer and the supervisor
23 of liquor control.

24 2. A specified geographic area designation in any agreement required by this section
25 shall be changed only upon a written agreement between the wholesaler and the brewer, and shall
26 be filed pursuant to this section and the supervisor shall require the brewer and wholesaler to

27 verify that the level of service within the designated geographic area will not be affected by such
28 change.

29 3. No provision of any written agreement required by this section shall expressly or by
30 implication or in its operation establish or maintain the resale price of any brand or brands of
31 beer by the licensed wholesaler.

32 4. The provisions of section 311.720 [and section 312.510, RSMo,] shall not apply to
33 this section.

311.182. 1. No brewer or manufacturer of malt liquor [or nonintoxicating beer], who
2 designates a specific geographic area for which a wholesaler shall be responsible, shall enter into
3 any agreement with any other person for the purpose of establishing an additional wholesaler for
4 the same brands of malt liquor [or nonintoxicating beer] in such designated area. Provided,
5 however, that section 311.181 and this section shall not prevent a brewer, manufacturer or
6 wholesaler of malt liquor [or nonintoxicating beer] from exercising or enforcing any rights or
7 obligations established by or contained within any written agreement required by section
8 311.181.

9 2. Any wholesaler or brewer who shall violate the provisions of section 311.181 or this
10 section, or permit his employees, officers or agents to do so, shall be guilty of a misdemeanor,
11 and upon conviction thereof shall be punished only as follows:

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

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

14 (3) For a third offense, by a fine of twenty-five thousand dollars.

15 3. The provisions of section 311.720 [and section 312.510, RSMo,] shall not apply to
16 this section.

**311.192. The term "wine manufacturer" as used in this chapter, shall mean any
2 person, partnership, association of persons, or corporation, who has procured a license
3 under subdivision (2) of subsection 1 of section 311.180 or section 311.190, and who
4 manufactures in excess of two hundred gallons of wine per calendar year.**

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

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

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

**311.196. Notwithstanding any other provision of law to the contrary, any
2 restaurant bar without an onsite brewery that serves forty-five or more different types of
3 draft beer may sell thirty-two fluid ounces or more of such beer to customers for
4 consumption off the premises of such bar or tavern. As used in this section, the term
5 "restaurant bar" means any establishment having a restaurant or similar facility on the
6 premises at least fifty percent of the gross income of which is derived from the sale of
7 prepared meals or food consumed on such premises.**

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, a fee
14 of fifty dollars per year payable to the director of the department of revenue shall be required.
15 The phrase "original package" shall be construed and held to refer to any package containing
16 three or more standard bottles of beer. [This license shall also permit the holders thereof to sell
17 nonintoxicating beer in the original package direct to consumers, but not for resale.]
18 Notwithstanding the provisions of section 311.290, any person licensed pursuant to this
19 subsection may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on
20 Sunday.

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

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

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

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

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

 311.211. Sales of tickets for participation in fishing contests wherein the skill of the
2 participant is an element shall not be construed as gambling or participation in gambling
3 activities for the purpose of administering the provisions of [chapters 311 and 312, RSMo,] **this**
4 **chapter** or rules and regulations made pursuant thereto. The division of liquor control shall not
5 deny, suspend or revoke any license issued under those chapters because of the sale of such
6 tickets on the licensed premises.

 311.212. The division of liquor control shall not suspend, revoke, refuse to renew or
2 refuse to grant a license issued under the provisions of this chapter [or chapter 312, RSMo,]
3 based on a violation of any provision of this chapter [or chapter 312, RSMo,] or of any rule or
4 regulation promulgated by the supervisor of liquor control, when such violation occurred more
5 than three years prior to the division's decision to suspend, revoke, refuse to renew or refuse to
6 grant such license.

 311.218. 1. Other provisions of this chapter to the contrary notwithstanding, a permit
2 for the sale of wine and malt liquor [containing alcohol in excess of three and two-tenths percent
3 by weight], for consumption on the premises where sold may be issued to any church, school,
4 civic, service, fraternal, veteran, political, or charitable club or organization for sale of such wine
5 and malt liquor at any picnic, bazaar, fair, festival or similar gathering or event held to
6 commemorate the annual anniversary of the signing of the Declaration of Independence of the
7 United States. Such permit shall be issued only during the period from June fifteenth to July
8 fifteenth annually and only for the day or days named therein and it shall not authorize the sale
9 of wine and malt liquor except between the hours of 10:00 a.m. and midnight and for not more
10 than seven days by any such organization. The permit may be issued to cover more than one
11 place of sale within the general confines of the place where the gathering or event is held;
12 provided, however, no permit shall be issued to any organization which selects or restricts the
13 membership thereof on the basis of race, religion, color, creed, or place of national origin. For
14 the permit, the holder thereof shall pay to the director of revenue the sum of one hundred dollars.
15 No provision of law or rule or regulation of the supervisor shall prevent any wholesaler or
16 distributor from providing customary storage, cooling or dispensing equipment for use by the
17 holder of the permit at such gathering or event.

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

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

- 3 (1) Have more than [three] **five** licenses; or
- 4 (2) Be directly or indirectly interested in any business of any other person, corporation,
- 5 or employee, officer, agent, subsidiary, or affiliate thereof, who sells intoxicating liquor at retail
- 6 by the drink for consumption on the premises described in any license; or
- 7 (3) Sell intoxicating liquor at retail by the drink for consumption at the place of sale at
- 8 more than [three] **five** places in this state.
- 9 2. Notwithstanding any other provision of this chapter or municipal ordinance to the
- 10 contrary, for the purpose of determining whether a person, corporation, employee, officer, agent,
- 11 subsidiary, or affiliate thereof has a disqualifying interest in more than [three] **five** licenses
- 12 pursuant to subsection 1 of this section, there shall not be counted any license to sell intoxicating
- 13 liquor at retail by the drink for consumption on the following premises:
- 14 (1) Restaurants where at least fifty percent of the gross income of which is derived from
- 15 the sale of prepared meals or food consumed on the premises where sold; or
- 16 (2) Establishments which have an annual gross income of at least two hundred thousand
- 17 dollars from the sale of prepared meals or food consumed on the premises where sold; or
- 18 (3) Facilities designed for the performance of live entertainment and where the receipts
- 19 for admission to such performances exceed one hundred thousand dollars per calendar year; or
- 20 (4) Any establishment having at least forty rooms for the overnight accommodation of
- 21 transient guests.

311.265. When a retailer licensed under [chapter 311 or chapter 312, RSMo,] **this**

2 **chapter** is delinquent beyond the permissible ordinary commercial credit period, the wholesaler

3 shall notify the supervisor of liquor control in writing of the debt and no new or renewal license

4 shall be issued to the retailer until the reported debt is satisfied. The wholesaler shall

5 immediately notify the supervisor of liquor control in writing when the debt is satisfied. As used

6 in this section, the term "retailer" shall include an individual, corporation, partnership or limited

7 liability company, all officers and directors of such person or entity and all stockholders owning,

8 legally or beneficially, directly or indirectly, ten percent or more of the stock of such person or

9 entity.

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 than
8 five percent by weight to the consumer in an original carton received from the wholesaler that
9 has been mutilated, torn apart, or cut apart; or

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

311.290. No person having a license issued pursuant to this chapter [or chapter 312,
2 RSMo], nor any employee of such person, shall sell, give away, or permit the consumption of
3 any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays
4 and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her
5 premises. If the person has a license to sell intoxicating liquor by the drink, his premises shall
6 be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00
7 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where
8 such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels,
9 this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and
10 where such licenses are held by restaurants whose business is conducted in one room only and
11 substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then
12 the licensee shall keep securely locked during the hours and on the days specified in this section
13 all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed.
14 A "closed place" is defined to mean a place where all doors are locked and where no patrons are
15 in the place or about the premises. Any person violating any provision of this section shall be
16 deemed guilty of a class A misdemeanor. Nothing in this section shall be construed to prohibit
17 the sale or delivery of any intoxicating liquor during any of the hours or on any of the days
18 specified in this section by a wholesaler licensed under the provisions of section 311.180 to a
19 person licensed to sell the intoxicating liquor at retail.

311.300. 1. Except as provided in subsections 2, 3 and 4 of this section, no person under
2 the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor [or
3 nonintoxicating beer].

4 2. In any place of business licensed in accordance with section 311.200, [or section
5 312.040, RSMo,] persons at least eighteen years of age may stock, arrange displays, operate the
6 cash register or scanner connected to a cash register and accept payment for, and sack for
7 carryout, intoxicating liquor [or nonintoxicating beer]. Delivery of intoxicating liquor [or
8 nonintoxicating beer] away from the licensed business premises cannot be performed by anyone
9 under the age of twenty-one years. Any licensee who employs any person under the age of
10 twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the

11 licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one years
12 of age or older on the licensed premises during all hours of operation.

13 3. In any distillery, warehouse, wholesale distributorship, or similar place of business
14 which stores or distributes intoxicating liquor [or nonintoxicating beer] but which does not sell
15 intoxicating liquor [or nonintoxicating beer] at retail, persons at least eighteen years of age may
16 be employed and their duties may include the handling of intoxicating liquor [or nonintoxicating
17 beer] for all purposes except consumption, sale at retail, or dispensing for consumption or sale
18 at retail. Any wholesaler licensed pursuant to this chapter [or chapter 312, RSMo,] may employ
19 persons of at least eighteen years of age to rotate, stock and arrange displays at retail
20 establishments licensed to sell intoxicating liquor [or nonintoxicating beer].

21 4. Persons eighteen years of age or older may, when acting in the capacity of a waiter or
22 waitress, accept payment for or serve intoxicating liquor [or nonintoxicating beer] in places of
23 business which sell food for consumption on the premises if at least fifty percent of all sales in
24 those places consists of food; provided that nothing in this section shall authorize persons under
25 twenty-one years of age to mix or serve across the bar intoxicating beverages [or nonintoxicating
26 beer].

311.332. 1. [Except as provided in subsections 2 and 3 of this section,] It shall be
2 unlawful for any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in
3 excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and
4 wine at retail, to discriminate between retailers or in favor of or against any retailer or group of
5 retailers, directly or indirectly, in price, in discounts for time of payment, or in discounts on
6 quantity of merchandise sold, or to grant directly or indirectly any discount, rebate, free goods,
7 allowance or other inducement, excepting a discount not in excess of one percent for quantity
8 of liquor and wine, and a discount not in excess of one percent for payment on or before a certain
9 date. The delivery of manufacturer rebate coupons by wholesalers to retailers shall not be a
10 violation of this subsection.

11 2. [Except as provided in subsection 3 of this section, any wholesaler licensed to sell
12 intoxicating liquor and wine containing alcohol in excess of five percent by weight to persons
13 duly licensed to sell such intoxicating liquor and wine at retail may offer a price reduction of not
14 more than four percent of the wholesaler's price schedule for any brand, age, proof, and size
15 bottle or package. Such price reduction shall apply for a thirty-day period, shall not be offered
16 by any wholesaler more than three times in any calendar year, and shall not be offered during
17 successive months.

18 3. Any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in
19 excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and
20 wine at retail may offer a price reduction of more than four percent of the scheduled price on

21 close-out merchandise. "Close-out merchandise" is any item which has been in the wholesaler's
22 inventory for more than six months. The price of close-out merchandise may be decreased, but
23 shall not be increased, monthly for up to and including twelve consecutive months. A wholesaler
24 shall not purchase any item of intoxicating liquor or wine of the same year and vintage the
25 wholesaler has classified as close-out merchandise during the period of such classification. A
26 wholesaler shall not purchase, sell, or offer to sell any item of intoxicating liquor or wine of the
27 same year and vintage the wholesaler has classified as close-out merchandise until twenty-four
28 months have elapsed since the wholesaler's last offer to sell the item as close-out merchandise.

29 4.] Manufacturers or wholesalers shall be permitted to donate or deliver or cause to be
30 delivered beer, wine, **or** brandy[, or nonintoxicating beer] for nonresale purposes to any
31 unlicensed person or any licensed retail dealer who is a charitable or religious organization as
32 defined in section 313.005, RSMo, or educational institution, at any location or licensed
33 premises, provided, such beer, wine, **or** brandy[, or nonintoxicating beer] is unrelated to the
34 organization's or institution's licensed retail operation. A charge for admission to an event or
35 activity at which beer, wine, **or** brandy[, or nonintoxicating beer] is available without separate
36 charge shall not constitute resale for the purposes of this subsection. Wine used in religious
37 ceremonies may be sold by wholesalers to a religious organization as defined in section 313.005,
38 RSMo. Any manufacturer or wholesaler providing nonresale items shall keep a record of any
39 deliveries made pursuant to this subsection.

40 [5.] 3. Manufacturers, wholesalers, retailers and unlicensed persons may donate wine in
41 the original package to a charitable or religious organization as defined in section 313.005,
42 RSMo, or educational institution for the sole purpose of being auctioned by the organization or
43 institution for fund-raising purposes, provided the auction takes place on a retail-licensed
44 premises and all proceeds from the sale go into a fund of an organization or institution that is
45 unrelated to any licensed retail operation.

311.333. 1. Any wholesaler licensed under this chapter to sell intoxicating liquors and
2 wines may accept the return of any intoxicating liquor containing alcohol in excess of five
3 percent by weight and wines as provided by rules and regulations promulgated by the supervisor
4 of liquor control, pursuant to chapter 536, RSMo.

5 2. **Any wholesaler licensed to sell intoxicating liquor or wine containing alcohol in**
6 **excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and**
7 **wine at retail shall make available to all such retailers, not later than five days prior to the**
8 **first day of the month in which the pricing is to be effective, information regarding all**
9 **products which shall be available for sale in the next month. Such information shall**
10 **include the brand or trade name, capacity of individual packages, nature of contents, age**
11 **and proof, the per bottle and per case price which shall be offered equally to all retailers,**

12 the number of bottles contained in each case, and the size thereof. The price provided to
13 retailers under this section shall become effective on the first day of the next month and
14 remain in effect until the last day of that month. Supplemental pricing information may
15 be provided to retailers by wholesalers for items that were unintentionally left off a regular
16 monthly item information listing or for new items after approval for sale in Missouri by
17 the Missouri division of alcohol and tobacco control. A wholesaler shall be allowed to sell
18 such items to retailers immediately upon production of such supplemental information.

311.335. 1. Any wholesaler licensed to sell intoxicating liquor and wine containing
2 alcohol in excess of five percent by weight [pursuant to chapter 311] shall [ship and] deliver
3 such intoxicating liquor and wine to a retailer [in the amount for which the scheduled price set
4 forth on the invoice is in effect] **at the price in effect for that calendar month in which the**
5 **delivery occurs.**

6 2. Such wholesaler licensed to sell intoxicating liquor and wine containing alcohol in
7 excess of five percent by weight shall not take an order for delivery in a month subsequent to the
8 month in which the order is taken, provided that [on and after the date on which amended price
9 schedules are filed with the supervisor of liquor control] **during the last five business days of**
10 **each month**, orders may be taken for delivery in the following month at the price in effect for
11 that following month and provided, further, that for any order received within the last [three] **five**
12 business days of a month, the wholesaler may, with the consent of the retailer placing such order
13 [or upon the request of the retailer placing such order], deliver such order to the retailer within
14 the first [three] **five** business days of the month following the month in which the order was
15 received by such wholesaler at the price in effect for the month in which the order was placed.
16 Such order received within the last [three] **five** business days of a month and delivered within
17 the first [three] **five** business days of the subsequent month shall be known as a "delayed
18 shipment". A delayed shipment shall be deemed delivered on the last business day of the month
19 in which the order was received for purposes of implementing and enforcing rules and
20 regulations of the supervisor of [liquor] **alcohol and tobacco** control relating to invoicing,
21 discounts and ordinary commercial credit terms.

22 3. Any wholesaler licensed to sell intoxicating [liquor or wine] **liquors and wines**
23 containing alcohol in excess of five percent by weight [violating any provision of this section
24 shall be subject to, and punished pursuant to, the penalties and provisions of section 311.680]
25 **shall be allowed to offer for sale intoxicating liquors or wines containing alcohol in excess**
26 **of five percent by weight to persons duly licensed to sell intoxicating liquors and wines at**
27 **retail at prices which are below the wholesaler's cost only if such intoxicating liquors and**
28 **wines are designated to be close-out merchandise. Wholesalers shall designate intoxicating**
29 **liquors and wines containing alcohol in excess of five percent by weight to be close-out**

30 merchandise by identifying them such as close-out items when providing monthly pricing
31 information to retailers as required in section 311.333. A wholesaler shall not purchase
32 any intoxicating liquor or wine containing alcohol in excess of five percent by weight while
33 such intoxicating liquor or wine is designated as close-out merchandise. Intoxicating
34 liquors or wines containing alcohol in excess of five percent by weight that are designated
35 as close-out merchandise shall be designated as close-out merchandise for not less than six
36 consecutive months. After such time, a wholesaler may remove items from close-out
37 designation by no longer identifying them as close-out items when providing monthly
38 pricing information to retailers as required in section 311.333.

311.338. **Alleged violations of sections 311.332, 311.333, and 311.335 shall be**
2 **reported to the supervisor of alcohol and tobacco control.** Any person violating any
3 provisions of sections 311.332 [to 311.336] , **311.333, and 311.335** shall be deemed guilty of
4 a misdemeanor, and it shall be the duty of the supervisor of [liquor] **alcohol and tobacco** control
5 to suspend or revoke the license of any wholesaler violating any of the provisions of sections
6 311.332 [to 311.336] , **311.333, and 311.335.**

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. Notwithstanding the provisions of subsection 1 of this section, no person holding**
8 **a license or permit shall be deemed guilty of a misdemeanor for offering for sale, or for the**
9 **sale of, wine or brandy so long as the manufacturer of the brandy or the wine**
10 **manufacturer has provided the supervisor of alcohol and tobacco control with a copy of**
11 **the certificate of label approval issued by the Alcohol and Tobacco Tax and Trade Bureau,**
12 **and if necessary, has properly registered such label or name with the appropriate state**
13 **agency.**

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 [or nonintoxicating beer], to permit the drinking or
4 consumption of intoxicating liquor [or nonintoxicating beer] in the premises, without having a
5 license as in this section provided.

6 **2.** Application for such license shall be made to the supervisor of alcohol and tobacco
7 control on forms to be prescribed by him, describing the premises to be licensed and giving all
8 other reasonable information required by the form. The license shall be issued upon the payment

9 of the fee required in this section. A license shall be required for each separate premises and
10 shall expire on the thirtieth day of June next succeeding the date of such license. The license fee
11 shall be sixty dollars per year and the applicant shall pay five dollars for each month or part
12 thereof remaining from the date of the license to the next succeeding first of July. Applications
13 for renewals of licenses shall be filed on or before the first of May of each year.

14 3. The drinking or consumption of intoxicating liquor [or nonintoxicating beer] shall not
15 be permitted in or upon the licensed premises by any person under twenty-one years of age, or
16 by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between
17 the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Licenses issued hereunder shall be
18 conditioned upon the observance of the provisions of this section and the regulations
19 promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating
20 liquor [or nonintoxicating beer] by the drink. The provision of this section regulating the
21 drinking or consumption of intoxicating liquor [or nonintoxicating beer] between certain hours
22 and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor
23 [or nonintoxicating beer] by the drink. In any incorporated city having a population of more than
24 twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of
25 incorporated cities may, in addition to the license fee required in this section, require a license
26 fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and
27 provide for the collection thereof; make and enforce ordinances regulating the hours of
28 consumption of intoxicating liquors [or nonintoxicating beer] on premises licensed hereunder,
29 not inconsistent with the other provisions of this law, and provide penalties for the violation
30 thereof. No person shall be granted a license hereunder unless such person is of good moral
31 character and a qualified legal voter and a taxpaying citizen of the county, town, city or village,
32 nor shall any corporation be granted a license hereunder unless the managing officer of such
33 corporation is of good moral character and a qualified legal voter and taxpaying citizen of the
34 county, town, city or village.

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

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

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

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

53 8. No intoxicating liquor [or nonintoxicating beer] may be served or sold on any
54 premises used as a polling place on election day.

 311.482. 1. Notwithstanding any other provision of this chapter [or chapter 312, RSMo],
2 a permit for the sale of intoxicating liquor as defined in section 311.020, [and nonintoxicating
3 beer as defined in section 312.010, RSMo,] for consumption on premises where sold may be
4 issued to any church, school, civic, service, fraternal, veteran, political or charitable club or
5 organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering.
6 The permit shall be issued only for the day or days named therein and it shall not authorize the
7 sale of intoxicating liquor for more than seven days by any such club or organization.

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

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

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

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

 311.485. 1. The supervisor of liquor control may issue a temporary permit to caterers
2 and other persons holding licenses to sell intoxicating liquor by the drink at retail for
3 consumption on the premises pursuant to the provisions of this chapter who furnish provisions

4 and service for use at a particular function, occasion or event at a particular location other than
5 the licensed premises, but not including a "festival" as defined in chapter 316, RSMo. The
6 temporary permit shall be effective for a period not to exceed one hundred sixty-eight
7 consecutive hours, and shall authorize the service of alcoholic beverages at such function,
8 occasion or event during the hours at which alcoholic beverages may lawfully be sold or served
9 upon premises licensed to sell alcoholic beverages for on-premises consumption. For every
10 permit issued pursuant to the provisions of this section, the permittee shall pay to the director of
11 revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is
12 issued.

13 2. Except as provided in subsection 3 of this section, all provisions of the liquor control
14 law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area
15 of any county, in which is located the premises in which such function, occasion or event is held
16 shall extend to such premises and shall be in force and enforceable during all the time that the
17 permittee, its agents, servants, employees, or stock are in such premises. Except for
18 Missouri-produced wines in the original package, the provisions of this section shall not include
19 the sale of packaged goods covered by this temporary permit.

20 3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state
21 and valid local liquor license may deliver alcoholic beverages in the course of his or her catering
22 business. A caterer who possesses a valid state and valid local liquor license need not obtain a
23 separate license for each city the caterer delivers in, so long as such city permits any caterer to
24 deliver alcoholic beverages within the city.

25 4. To assure and control product quality, wholesalers may, but shall not be required to,
26 give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by
27 weight [or nonintoxicating beer] delivered and invoiced under the catering permit number, but
28 not used, if the wholesaler removes the product within seventy-two hours of the expiration of the
29 catering permit issued pursuant to this section.

311.486. 1. The supervisor of alcohol and tobacco control may issue a special license
2 to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for
3 consumption on the premises pursuant to the provisions of this chapter who furnish provisions
4 and service for use at a particular function, occasion, or event at a particular location other than
5 the licensed premises, but not including a "festival" as defined in chapter 316, RSMo. The
6 special license shall be effective for a maximum of fifty days during any year, and shall authorize
7 the service of alcoholic beverages at such function, occasion, or event during the hours at which
8 alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic
9 beverages for on-premises consumption. For every special license issued pursuant to the

10 provisions of this subsection, the licensee shall pay to the director of revenue the sum of five
11 hundred dollars a year payable at the same time and in the same manner as its other license fees.

12 2. The supervisor of alcohol and tobacco control may issue a special license to caterers
13 and other persons holding licenses to sell intoxicating liquor by the drink at retail for
14 consumption on the premises pursuant to the provisions of this chapter who furnish provisions
15 and service for use at a particular function, occasion, or event at a particular location other than
16 the licensed premises, but not including a "festival" as defined in chapter 316, RSMo. The
17 special license shall be effective for an unlimited number of functions during the year, and shall
18 authorize the service of alcoholic beverages at such function, occasion, or event during the hours
19 at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell
20 alcoholic beverages for on-premises consumption. For every special license issued pursuant to
21 the provisions of this subsection, the licensee shall pay to the director of revenue the sum of one
22 thousand dollars a year payable at the same time and in the same manner as its other license fees.

23 3. Caterers issued a special license pursuant to subsections 1 and 2 of this section shall
24 report to the supervisor of alcohol and tobacco control the location of each function three
25 business days in advance. The report of each function shall include permission from the property
26 owner and city, description of the premises, and the date or dates the function will be held.

27 4. Except as provided in subsection 5 of this section, all provisions of the liquor control
28 law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area
29 of any county, in which is located the premises in which such function, occasion, or event is held
30 shall extend to such premises and shall be in force and enforceable during all the time that the
31 licensee, its agents, servants, employees, or stock are in such premises. Except for wines in the
32 original package, the provisions of this section shall not include the sale of packaged goods
33 covered by this special license.

34 5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state
35 and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering
36 business. A caterer who possesses a valid state and valid local liquor license need not obtain a
37 separate license for each city the caterer delivers in, so long as such city permits any caterer to
38 deliver alcoholic beverages within the city.

39 6. To assure and control product quality, wholesalers may, but shall not be required to,
40 give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by
41 weight [or nonintoxicating beer] delivered and invoiced under the catering license number, but
42 not used, if the wholesaler removes the product within seventy-two hours of the expiration of the
43 catering function.

311.487. 1. The supervisor of liquor control may issue to any person holding a
2 concessionaire's contract, issued by the Missouri state fair, an annual license effective for the

3 fourteen-day period when the fair is held and for any additional periods of time approved by the
4 director of the fair which shall authorize the sale of malt liquor [containing alcohol in excess of
5 three and two-tenths percent by weight] and Missouri-produced wines, for consumption on the
6 premises where sold, on the Missouri state fairgrounds and, in the case of Missouri-produced
7 wines, in the original package, on each day of the week within any period which has been
8 approved by the director of the fair and during the hours at which such malt liquor or wine may
9 lawfully be sold or served upon premises licensed to sell malt liquor or wine for on-premises
10 consumption in the incorporated city in which the Missouri state fair is located. For every permit
11 issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue
12 the sum of one hundred dollars for such license, except that for licenses issued to the
13 concessionaire of the premises on the fairgrounds known as the "grandstand" and to the
14 concessionaire of the premises on the fairgrounds known as the "exhibition center", there shall
15 be paid to the director of revenue the sum of three hundred dollars for such licenses.

16 2. All provisions of the liquor control law and the ordinances, rules and regulations of
17 the incorporated city in which is located the Missouri state fair shall extend to such premises and
18 shall be in force and enforceable during all the time that the permittee, its agents, servants,
19 employees or stock are on such premises.

**311.489. 1. After obtaining the approvals as described in this section, a permit for
2 the sale of intoxicating liquor as defined in section 311.020, and nonintoxicating beer as
3 defined in section 312.010, RSMo, for consumption on premises where sold, and to conduct
4 specified festival events, shall be issued by the division of alcohol and tobacco control to
5 any festival district, located in a community improvement district in any home rule city
6 with more than four hundred thousand inhabitants and located in more than one county,
7 that includes three or more businesses that are licensed bars, nightclubs, restaurants, or
8 other entertainment venues and a common area that is closed to vehicle traffic, provided
9 that the permit is held by a promotional association. A "promotional association" is
10 defined as an entity formed by property owners who own or operate fifty percent or more
11 of the square feet of bars, nightclubs, restaurants, and other entertainment venues located
12 within the proposed festival district.**

13 2. The promotional association shall obtain a permit from the division if the
14 promotional association submits a plan to the governing body of the city and such a plan
15 receives approval from the city governing body. The plan submitted shall include the legal
16 description of the district and the common area within which such festivals shall be held,
17 the name and address and responsible person for each business participating in the
18 promotional association, the specific calendar of events for the district which shall not
19 exceed twenty-four such events annually and shall include the dates and times of any such

20 events, a description of the proposed festival activities, including any proposed public
21 street closures if applicable, proof of adequate insurance, and a detailed description of
22 security for any proposed festivals which shall be provided at the sole expense of the
23 promotional association. Such detailed description of security shall be approved by the city
24 police department and the city department of liquor control prior to the plan being
25 approved by the city. Each event on the calendar shall not exceed forty-eight hours in
26 length. No more than two events shall be held in any calendar month. Such permit shall
27 cost three hundred dollars per year.

28 3. Prior to approving the plan, the city shall notify all property owners in the
29 proposed district and within five hundred feet of such district's boundaries. The city shall
30 hold a public hearing at least thirty days after providing such notice to obtain public views
31 and comments on the issue. The city shall not approve any plan unless the promotional
32 association has obtained written approval from at least fifty percent of the property owners
33 within the district and within one hundred eighty-five feet of its borders. If the written
34 approvals required under this section are obtained and the city approves the plan, the
35 promotional association may conduct the events described in the plan and may sell liquor
36 for consumption within the district common areas. Such liquor sales may only occur
37 between 9:00 a.m. and 1:00 a.m. In addition, for no more than ten twenty-four hour
38 periods in a year, such promotional association may permit customers to leave an
39 establishment within the district after purchasing an alcoholic beverage and consume the
40 beverage in the district common areas or another licensed establishment within the district.
41 All containers allowed to be removed from an establishment shall be marked with the name
42 or logo of the establishment where it was purchased. No person shall be allowed to take
43 any alcoholic beverage outside the boundaries of the festival district.

44 4. If participating in a promotional association event, every bar, nightclub,
45 restaurant, promotional association, or other entertainment venue that serves alcoholic
46 beverages within the festival district shall use disposable paper, plastic, or foam cups or
47 other light-weight containers for all alcoholic beverages that the bar, nightclub, restaurant,
48 promotional association, or other entertainment venue sells within the festival district
49 boundaries for consumption in the district common area.

50 5. Minors shall not be allowed to enter the festival district during a festival event
51 that serves liquor.

52 6. The holder of the permit is solely responsible for any alcohol violations occurring
53 within the common areas. For any violation of this chapter or of any rule or regulation of
54 the supervisor of alcohol and tobacco control, the promotional association may be assessed
55 a civil fine of not more than five thousand dollars. If a promotional association is found

56 to be responsible for such violations at three separate events, then such promotional
57 association shall not seek approval for subsequent plans without the prior written consent
58 of the supervisor of alcohol and tobacco control. The promotional association's then
59 current plan shall be deemed terminated, and the businesses participating in the
60 promotional association's events shall not participate in activities permitted by subsection
61 3 of this section without prior written consent from the supervisor of alcohol and tobacco
62 control.

63 7. The provisions of this section shall expire two years after the effective date of this
64 section.

311.490. No person, partnership or corporation engaged in the brewing, manufacture or
2 sale of beer as defined, in this chapter, or other intoxicating malt liquor, shall use in the
3 manufacture or brewing thereof, or shall sell any such beer or other intoxicating malt liquor
4 which contains ingredients not in compliance with the following standards:

5 (1) Beer shall be brewed from malt or a malt substitute, which only includes rice, grain
6 of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate,
7 herbs, spices, and other food materials may be used as adjuncts in fermenting beer;

8 (2) Flavor and other nonbeverage ingredients containing alcohol may be used in
9 producing beer, but may contribute to no more than forty-nine percent of the overall alcohol
10 content of the finished beer. In the case of beer with an alcohol content of more than six percent
11 by volume, no more than one and one-half percent of the volume of the beer may consist of
12 alcohol derived from added flavors and other nonbeverage ingredients containing alcohol; and

13 (3) Beer, intoxicating malt liquor, and malt beverages, as defined in this section, shall
14 not be subject to the requirements of [subsections] **subsection 1**, 2, and 3] of section 311.332
15 and sections [311.334 to] **311.335 and** 311.338.

311.520. As a charge for the inspection and gauging of all malt liquors, [containing
2 alcohol in excess of three and two-tenths percent by weight,] the director of revenue shall collect
3 the sum of one dollar and eighty-six cents per barrel.

311.610. 1. For the purpose of carrying out the provisions of this chapter[, and the
2 liquor control law[, and the provisions of chapter 312, RSMo], the governor, by and with the
3 advice and consent of the senate, shall appoint some suitable person of good moral character over
4 the age of thirty years, who has been a qualified elector in the state of Missouri for at least five
5 years next before the date of his appointment, as supervisor of liquor control. The supervisor of
6 liquor control shall serve at the pleasure and under the supervision and direction of the governor.

7 2. The supervisor of liquor control shall devote his entire time to the duties of his office
8 and, with the approval of the governor, appoint and employ all agents, assistants, deputies,
9 inspectors and employees necessary for the proper enforcement and administration of the

10 provisions of the liquor control law [and the provisions of chapter 312, RSMo,] whose salaries
11 shall be fixed by the governor, but no salary shall be greater than that paid to employees in other
12 state departments for similar work, except that no salary of an agent directly engaged in the
13 enforcement of the liquor control law shall be less than eight thousand dollars a year. In addition
14 to his salary, the supervisor of liquor control and each of the agents, assistants, deputies,
15 inspectors and employees shall be reimbursed for all expenses necessarily incurred in the
16 discharge of their duties. No expenses shall be allowed for sustenance to any supervisor, agent,
17 assistant, deputy, inspector or employee while in the city or town of his residence.

18 3. Before entering upon the discharge of his duties, the supervisor of liquor control shall
19 take and subscribe to an oath to support the Constitution of the United States and of this state,
20 and faithfully demean himself in office, and shall also execute bond to the state of Missouri in
21 the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of
22 his office, which bond shall be approved by the governor and deposited with the secretary of
23 state and kept in his office; the premiums of the bond shall be paid by the state out of funds
24 appropriated for that purpose.

25 4. The supervisor of liquor control shall issue licenses for the manufacture and sale of
26 ardent spirits, malt, vinous, fermented and every class of liquors used as beverages [and having
27 an alcoholic content in excess of three and two-tenths percent by weight as in this chapter
28 provided]. The supervisor of liquor control shall keep a record of all intoxicating liquor
29 manufactured, brewed or sold in this state by every brewery, distiller, manufacturer, distributor
30 or wholesaler, and make a complete report of the same to the governor at the end of each
31 calendar year, or as soon thereafter as possible.

311.630. 1. The supervisor of alcohol and tobacco control and employees to be selected
2 and designated as peace officers by the supervisor of alcohol and tobacco control are hereby
3 declared to be peace officers of the state of Missouri, with full power and authority to make
4 arrests and searches and seizures only for violations of the provisions of [chapters 311 and 312,
5 RSMo,] **this chapter** relating to intoxicating liquors [and nonintoxicating beer], and sections
6 407.924 to 407.934, RSMo, relating to tobacco products, and to serve any process connected
7 with the enforcement of such laws. The peace officers so designated shall have been previously
8 appointed and qualified under the provisions of section 311.620 and shall be required to hold a
9 valid peace officer license pursuant to chapter 590, RSMo.

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

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

 311.665. Before any license is issued or renewed under the provisions of chapter 311 [or
2 312, RSMo], the supervisor of liquor control shall require a statement from the director of
3 revenue that the applicant has paid all sales and use taxes due, including all penalties and interest
4 or does not owe any sales or use tax.

 311.680. 1. Whenever it shall be shown, or whenever the supervisor of liquor control
2 has knowledge, that a person licensed hereunder has not at all times kept an orderly place or
3 house, or has violated any of the provisions of this chapter, the supervisor of liquor control may,
4 warn, place on probation on such terms and conditions as the supervisor of liquor control deems
5 appropriate for a period not to exceed twelve months, suspend or revoke the license of that
6 person, but the person shall have ten days' notice of the application to warn, place on probation,
7 suspend or revoke the person's license prior to the order of warning, probation, revocation or
8 suspension issuing.

 2. Any wholesaler licensed pursuant to this chapter [or chapter 312, RSMo,] in lieu of,
10 or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of
11 this section, may be assessed a civil penalty by the supervisor of liquor control of not less than
12 one hundred dollars or more than twenty-five hundred dollars for each violation.

 3. Any solicitor licensed pursuant to this chapter [or chapter 312, RSMo,] in lieu of the
14 suspension or revocation authorized in subsection 1 of this section, may be assessed a civil
15 penalty or fine by the supervisor of liquor control of not less than one hundred dollars nor more
16 than five thousand dollars for each violation.

 4. Any retailer with less than five thousand occupant capacity licensed pursuant to this
18 chapter [or chapter 312, RSMo,] in lieu of the suspension or revocation authorized by subsection
19 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not
20 less than fifty dollars nor more than one thousand dollars for each violation.

 5. Any retailer with five thousand or more occupant capacity licensed pursuant to this
22 chapter [or chapter 312, RSMo,] in lieu of the suspension or revocation authorized by subsection
23 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not
24 less than fifty dollars nor more than five thousand dollars for each violation.

 6. Any aggrieved person may appeal to the administrative hearing commission in
26 accordance with section 311.691.

 7. In order to encourage the early resolution of disputes between the supervisor of liquor
28 control and licensees, the supervisor of liquor control, prior to issuing an order of warning,
29 probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet

30 or to confer with the supervisor of liquor control, or his or her designee, concerning the alleged
31 violations. At least ten days prior to such meeting or conference, the supervisor shall provide
32 the licensee with notice of the time and place of such meeting or conference, and the supervisor
33 of liquor control shall also provide the licensee with a written description of the specific conduct
34 for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request,
35 copies of any violation report or any other documents which are the basis for such action. Any
36 order of warning, probation, revocation, suspension, or fine shall be effective no sooner than
37 thirty days from the date of such order.

311.685. 1. Any retail licensee selling intoxicating liquor [or nonintoxicating beer]
2 under this chapter [or chapter 312, RSMo,] and aggrieved by official action of the supervisor
3 affecting the licensee, may bring a civil action against any person who is the proximate cause of
4 such official action by the supervisor, if the violation occurred on or about the premises of the
5 retail licensee. If a judgment is entered in favor of the licensee, the court shall award the retail
6 licensee civil damages up to an amount of five thousand dollars and shall award reasonable court
7 costs and attorney fees.

8 2. No civil action shall be brought under this section against any employee of the
9 supervisor of alcohol and tobacco control or any law enforcement officer.

311.722. 1. The supervisor of alcohol and tobacco control shall not use minors to
2 enforce the laws of this chapter [or chapter 312, RSMo,] unless the supervisor promulgates rules
3 and regulations that establish standards for the use of minors. The standards shall include those
4 in subsection 2 of this section.

5 2. The supervisor shall establish, by July 1, 2006, permissive standards for the use of
6 minors in investigations by any state, county, municipal or other local law enforcement authority,
7 and which shall, at a minimum, provide for the following:

8 (1) The minor shall be eighteen or nineteen years of age;

9 (2) The minor shall have a youthful appearance and the minor, if a male, shall not have
10 facial hair or a receding hairline;

11 (3) The minor shall carry his or her own identification showing the minor's correct date
12 of birth and shall, upon request, produce such identification to the seller of the intoxicating liquor
13 [or nonintoxicating beer] at the licensed establishment;

14 (4) The minor shall answer truthfully any questions about his or her age and shall not
15 remain silent when asked questions regarding his or her age, nor misrepresent anything in order
16 to induce a sale of intoxicating liquor [or nonintoxicating beer].

17 3. The supervisor of alcohol and tobacco control shall not participate with any state,
18 county, municipal, or other local law enforcement agency, nor discipline any licensed

19 establishment when any state, county, municipal, or other law enforcement agency chooses not
20 to follow the supervisor's permissive standards.

21 4. Any minors used in investigations under this section shall be exempt from any
22 violations under this chapter [and chapter 312, RSMo,] during the time they are under direct
23 control of the state, county, municipal, or other law enforcement authorities.

313.075. The conduct or playing games of bingo under the provisions of sections
2 313.005 to 313.080 does not constitute gambling or gambling activities and the power of the
3 division of liquor control to prohibit the licensing of any premises on which gambling or
4 gambling activities are conducted or played, or to prohibit the sale or consumption of beer or
5 alcoholic beverage on any premises on which gambling or gambling activities are conducted or
6 played, shall not apply where the only activity is the conduct or playing of games of bingo under
7 the provisions of sections 313.005 to 313.080. Any licensee under sections 313.005 to 313.080
8 may, if such licensee meets all other requirements of the liquor licensing laws of this state, be
9 licensed by the division of liquor control as provided in [chapters 311 and 312] **chapter 311**,
10 RSMo, and the conduct or playing of games of bingo under the provisions of sections 313.005
11 to 313.080 shall not, by itself, be a reason for refusal to license or for suspension or revocation
12 of a license under the provisions of chapter 311 [or 312], RSMo.

313.340. 1. Notwithstanding any other provision of law to the contrary, participation
2 by a person, firm, corporation or organization in any aspect of the state lottery in accordance with
3 sections 313.200 to 313.350 shall not be construed to be a lottery or gift enterprise in violation
4 of article III, section 39 of the Constitution of Missouri.

5 2. The sale of lottery tickets or shares in accordance with sections 313.200 to 313.350
6 shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend any license
7 or permit issued under the provisions of chapter 311 [or 312], RSMo.

313.665. 1. Notwithstanding any other provision of law to the contrary, pari-mutuel
2 wagering on horses at licensed tracks shall not be considered to be "gambling" as that term is
3 used in any law or regulation.

4 2. Pari-mutuel wagering conducted in accordance with the provisions of sections
5 313.500 to 313.710 shall not constitute a valid reason to refuse to issue or renew or to revoke or
6 suspend any license or permit issued under the provisions of chapter 311, RSMo[, or chapter
7 312, RSMo].

8 3. The giving of door prizes or other gifts by lot or chance after payment of a price by
9 members or guests of a charitable organization which has obtained an exemption from payment
10 of federal income taxes as provided in section 501(c)(3) of the Internal Revenue Code of 1954,
11 as amended, shall not constitute a valid reason to refuse to issue or renew or to revoke or suspend
12 any license or permit issued under the provisions of chapter 311, RSMo[, or chapter 312, RSMo].

313.840. 1. The conduct of or playing of any games on any licensed excursion gambling boat does not constitute gambling or gambling activities and the power of the division of liquor control to prohibit the licensing of any premises on which gambling or gambling activities are conducted or played, or to prohibit the consumption or sale of beer or alcoholic beverage on any premises, shall not apply where the premises is duly licensed by the commission. Notwithstanding the provisions of chapter 311 [or 312], RSMo, the commission shall be the sole liquor licensing authority for liquor service aboard any excursion gambling boat and any facility neighboring an excursion gambling boat which is owned and operated by an excursion gambling boat licensee. The division of liquor control may issue a microbrewer's license pursuant to section 311.195, RSMo, for manufacturing on the premises of such boat or neighboring facility. The commission shall establish rules and regulations for the service of liquor on any premises licensed for the service of liquor by the commission, except that no rule or regulation adopted by the commission shall allow any person under the age of twenty-one to consume alcoholic beverages on any premises licensed for the service of liquor by the commission. All criminal provisions of chapter 311 [or 312], RSMo, shall be applicable to liquor service aboard any premises licensed for the service of liquor by the commission.

2. Judicial review of all commission decisions relating to excursion gambling boat operations shall be directly to the state court of appeals for the western district of Missouri and shall not be subject to the provisions of chapter 621, RSMo.

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or

18 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not
19 removed from the vehicle or brandished while the vehicle is on the premises;

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
22 court solely occupies the building in question. This subdivision shall also include, but not be
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
24 the courts or offices listed in this subdivision are temporarily conducting any business within the
25 jurisdiction of such courts or offices, and such other locations in such manner as may be
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
27 subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section
28 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2) and
29 (4) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement
30 capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this
31 subsection from carrying a concealed firearm within any of the areas described in this
32 subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this
33 subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle
34 or brandished while the vehicle is on the premises;

35 (5) Any meeting of the governing body of a unit of local government; or any meeting of
36 the general assembly or a committee of the general assembly, except that nothing in this
37 subdivision shall preclude a member of the body holding a valid concealed carry endorsement
38 from carrying a concealed firearm at a meeting of the body which he or she is a member.
39 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
40 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

41 (6) The general assembly, supreme court, county or municipality may by rule,
42 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
43 endorsement holders in that portion of a building owned, leased or controlled by that unit of
44 government. Any portion of a building in which the carrying of concealed firearms is prohibited
45 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The
46 statute, rule or ordinance shall exempt any building used for public housing by private persons,
47 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that
48 unit of government from any restriction on the carrying or possession of a firearm. The statute,
49 rule or ordinance shall not specify any criminal penalty for its violation but may specify that
50 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered
51 to leave the building and if employees of the unit of government, be subjected to disciplinary
52 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this
53 subdivision shall not apply to any other unit of government;

54 (7) Any establishment licensed to dispense intoxicating liquor [or nonintoxicating beer]
55 for consumption on the premises, which portion is primarily devoted to that purpose, without the
56 consent of the owner or manager. The provisions of this subdivision shall not apply to the
57 licensee of said establishment. The provisions of this subdivision shall not apply to any bona
58 fide restaurant open to the general public having dining facilities for not less than fifty persons
59 and that receives at least fifty-one percent of its gross annual income from the dining facilities
60 by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle
61 on the premises of the establishment and shall not be a criminal offense so long as the firearm
62 is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in
63 this subdivision authorizes any individual who has been issued a concealed carry endorsement
64 to possess any firearm while intoxicated;

65 (8) Any area of an airport to which access is controlled by the inspection of persons and
66 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
67 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
68 vehicle is on the premises;

69 (9) Any place where the carrying of a firearm is prohibited by federal law;

70 (10) Any higher education institution or elementary or secondary school facility without
71 the consent of the governing body of the higher education institution or a school official or the
72 district school board. Possession of a firearm in a vehicle on the premises of any higher
73 education institution or elementary or secondary school facility shall not be a criminal offense
74 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
75 premises;

76 (11) Any portion of a building used as a child-care facility without the consent of the
77 manager. Nothing in this subdivision shall prevent the operator of a child-care facility in a
78 family home from owning or possessing a firearm or a driver's license or nondriver's license
79 containing a concealed carry endorsement;

80 (12) Any riverboat gambling operation accessible by the public without the consent of
81 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of
82 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal
83 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
84 is on the premises;

85 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
86 premises of the amusement park shall not be a criminal offense so long as the firearm is not
87 removed from the vehicle or brandished while the vehicle is on the premises;

88 (14) Any church or other place of religious worship without the consent of the minister
89 or person or persons representing the religious organization that exercises control over the place

90 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal
91 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
92 is on the premises;

93 (15) Any private property whose owner has posted the premises as being off-limits to
94 concealed firearms by means of one or more signs displayed in a conspicuous place of a
95 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
96 than one inch. The owner, business or commercial lessee, manager of a private business
97 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
98 carry endorsement from carrying concealed firearms on the premises and may prohibit
99 employees, not authorized by the employer, holding a concealed carry endorsement from
100 carrying concealed firearms on the property of the employer. If the building or the premises are
101 open to the public, the employer of the business enterprise shall post signs on or about the
102 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
103 the premises shall not be a criminal offense so long as the firearm is not removed from the
104 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
105 or other persons holding a concealed carry endorsement from carrying a concealed firearm in
106 vehicles owned by the employer;

107 (16) Any sports arena or stadium with a seating capacity of five thousand or more.
108 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
109 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

110 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the
111 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from
112 the vehicle or brandished while the vehicle is on the premises.

113 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of
114 subsection 1 of this section by any individual who holds a concealed carry endorsement issued
115 pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person
116 to denial to the premises or removal from the premises. If such person refuses to leave the
117 premises and a peace officer is summoned, such person may be issued a citation for an amount
118 not to exceed one hundred dollars for the first offense. If a second citation for a similar violation
119 occurs within a six-month period, such person shall be fined an amount not to exceed two
120 hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for
121 a period of one year. If a third citation for a similar violation is issued within one year of the first
122 citation, such person shall be fined an amount not to exceed five hundred dollars and shall have
123 his or her concealed carry endorsement revoked and such person shall not be eligible for a
124 concealed carry endorsement for a period of three years. Upon conviction of charges arising
125 from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county

126 which issued the certificate of qualification for a concealed carry endorsement and the
127 department of revenue. The sheriff shall suspend or revoke the certificate of qualification for
128 a concealed carry endorsement and the department of revenue shall issue a notice of such
129 suspension or revocation of the concealed carry endorsement and take action to remove the
130 concealed carry endorsement from the individual's driving record. The director of revenue shall
131 notify the licensee that he or she must apply for a new license pursuant to chapter 302, RSMo,
132 which does not contain such endorsement. A concealed carry endorsement suspension pursuant
133 to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's
134 license. The notice issued by the department of revenue shall be mailed to the last known
135 address shown on the individual's driving record. The notice is deemed received three days after
136 mailing.

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a
2 director appointed by the governor with the advice and consent of the senate. The department's
3 role will be to provide overall coordination in the state's public safety and law enforcement
4 program, to provide channels of coordination with local and federal agencies in regard to public
5 safety, law enforcement and with all correctional and judicial agencies in regard to matters
6 pertaining to its responsibilities as they may interrelate with the other agencies or offices of state,
7 local or federal governments.

8 2. All the powers, duties and functions of the state highway patrol, chapter 43, RSMo,
9 and others, are transferred by type II transfer to the department of public safety. The governor
10 by and with the advice and consent of the senate shall appoint the superintendent of the patrol.
11 With the exception of sections 43.100 to 43.120, RSMo, relating to financial procedures, the
12 director of public safety shall succeed the state highways and transportation commission in
13 approving actions of the superintendent and related matters as provided in chapter 43, RSMo.
14 Uniformed members of the patrol shall be selected in the manner provided by law and shall
15 receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however,
16 shall be interpreted to affect the funding of appropriations or the operation of chapter 104,
17 RSMo, relating to retirement system coverage or section 226.160, RSMo, relating to workers'
18 compensation for members of the patrol.

19 3. All the powers, duties and functions of the supervisor of liquor control, [chapters 311
20 and 312] **chapter 311**, RSMo, and others, are transferred by type II transfer to the department
21 of public safety. The supervisor shall be nominated by the department director and appointed
22 by the governor with the advice and consent of the senate. The supervisor shall appoint such
23 agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have
24 the qualifications provided by law and may be removed by the supervisor or director of the
25 department as provided in section 311.670, RSMo.

26 4. The director of public safety, superintendent of the highway patrol and transportation
27 division of the department of economic development are to examine the motor carrier inspection
28 laws and practices in Missouri to determine how best to enforce the laws with a minimum of
29 duplication, harassment of carriers and to improve the effectiveness of supervision of weight and
30 safety requirements and to report to the governor and general assembly by January 1, 1975, on
31 their findings and on any actions taken.

32 5. The Missouri division of highway safety is transferred by type I transfer to the
33 department of public safety. The division shall be in charge of a director who shall be appointed
34 by the director of the department.

35 6. All the powers, duties and functions of the safety and fire prevention bureau of the
36 department of public health and welfare are transferred by type I transfer to the director of public
37 safety.

38 7. All the powers, duties and functions of the state fire marshal, chapter 320, RSMo, and
39 others, are transferred to the department of public safety by a type I transfer.

40 8. All the powers, duties and functions of the law enforcement assistance council
41 administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and
42 related acts of Congress are transferred by type I transfer to the director of public safety. The
43 director of public safety shall appoint such advisory bodies as are required by federal laws or
44 regulations. The council is abolished.

45 9. The director of public safety shall promulgate motor vehicle regulations and be ex
46 officio a member of the safety compact commission in place of the director of revenue and all
47 powers, duties and functions relating to chapter 307, RSMo, are transferred by type I transfer to
48 the director of public safety.

49 10. The office of adjutant general and the state militia are assigned to the department of
50 public safety; provided, however, nothing herein shall be construed to interfere with the powers
51 and duties of the governor as provided in article IV, section 6 of the Constitution of the state of
52 Missouri or chapter 41, RSMo.

53 11. All the powers, duties and functions of the Missouri boat commission, chapter 306,
54 RSMo, and others, are transferred by type I transfer to the "Missouri State Water Patrol", which
55 is hereby created, in the department of public safety. The Missouri boat commission and the
56 office of secretary to the commission are abolished. The Missouri state water patrol shall be
57 headed by a boat commissioner who shall be appointed by the governor, with the advice and
58 consent of the senate. All deputy boat commissioners and all other employees of the commission
59 who were employed on February 1, 1974, shall be transferred to the water patrol without further
60 qualification.

61 12. The division of veterans affairs, chapter 42, RSMo, is assigned to the office of
62 adjutant general. The adjutant general, with the advice of the veterans' board, shall appoint the
63 director of the division of veterans affairs who shall serve at the pleasure of the adjutant general.

64 13. [Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
65 is promulgated under the authority of this chapter, shall become effective only if the agency has
66 fully complied with all of the requirements of chapter 536, RSMo, including but not limited to,
67 section 536.028, RSMo, if applicable, after August 28, 1999. If the provisions of section
68 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers
69 vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the
70 effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or
71 invalid, the purported grant of rulemaking authority and any rule so proposed and contained in
72 the order of rulemaking shall be invalid and void, except that nothing in this section shall affect
73 the validity of any rule adopted and promulgated prior to August 28, 1999] **Any rule or portion
74 of a rule, as that term is defined in section 536.010, RSMo, that is created under the
75 authority delegated in this section shall become effective only if it complies with and is
76 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
77 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
78 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
79 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
80 then the grant of rulemaking authority and any rule proposed or adopted after August 28,
81 2009, shall be invalid and void.**

2 [311.334. No intoxicating liquor and wine of any kind shall be sold by
3 a wholesaler to a retailer duly licensed to sell intoxicating liquor and wine at
4 retail, or purchased by a wholesaler for a retailer or by a retailer through a
5 wholesaler, unless a schedule as provided by this section shall be filed by the
6 wholesaler with the supervisor of liquor control and is then in effect. The
7 schedule shall be in writing, duly verified and filed in the number of copies and
8 in such form as required by the supervisor, and shall contain with respect to each
9 item thereon the exact brand or trade name, capacity of package, nature of
10 contents, age and proof, the per bottle and per case price to retailers, the number
11 of bottles contained in each case, and the size thereof, which prices shall be
12 individual for each item, and not in "combination" with any other item or items,
13 the discounts for quantity, if any, and the discounts for time of payment, if any.]

2 [311.336. Each such schedule shall be filed on or before the tenth day of
3 each month, and the prices and discounts therein set forth shall become effective
4 on the first day of the calendar month following the filing thereof, and shall be
5 in effect for and during such calendar month. Within ten days after the filing of
such schedule the supervisor shall make all of such schedules or a composite

6 thereof available for inspection by all wholesale licensees. Within three days,
7 excluding Sundays, after such inspection is provided for, a wholesaler may
8 amend his filed schedule for sales to a retailer, or purchase for a retailer or by a
9 retailer through a wholesaler in order to meet lower competing prices and
10 discounts for liquor or wine of the same brand and trade name and of like age and
11 quality, filed pursuant to this section or section 311.334 by any licensee selling
12 such brand; provided, however, such amended prices may not be lower and
13 discounts not greater than those to be met. Any amended schedule so filed shall
14 become effective on the first day of the calendar month following the filing
15 thereof, and shall be in effect for and during such calendar month. No brand of
16 liquor or wine shall be sold or purchased for a retailer by a wholesaler or by a
17 retailer through a wholesaler except at the price or prices then in effect according
18 to the wholesaler's filed schedule, and no discount shall be granted except as set
19 forth in the schedule then in effect. All schedules filed shall be subject to public
20 inspection from the time that they are required to be made available for
21 inspection by licensees and shall not be in any manner considered confidential.
22 Each wholesaler shall retain in his licensed premises for inspection by licensees
23 a copy of his filed schedules then in effect. The supervisor of liquor control may
24 make such rules and regulations as shall be appropriate to carry out the purpose
25 of this section and sections 311.332 and 311.334.]
26

2 [312.010. 1. "Commissioner or supervisor" as used in this chapter shall
3 be deemed to refer to the supervisor of liquor control of the state of Missouri, and
4 (or) where not otherwise indicated by the context, his deputy, and (or) any of his
5 duly appointed inspectors.

6 2. The phrase "nonintoxicating beer" as used in this chapter shall be
7 construed to refer to and to mean any beer manufactured from pure hops or pure
8 extract of hops, and pure barley malt or other wholesome grains or cereals, and
9 wholesome yeast, and pure water, and free from all harmful substances,
10 preservatives and adulterants, and having an alcoholic content of more than
11 one-half of one percent by volume and not exceeding three and two-tenths
12 percent by weight.

13 3. The phrase "original package" as used in this chapter shall be
14 construed and held to refer to any package containing three, six, twelve, or
15 twenty-four small standard beer bottles, and any package containing three, six or
16 twelve large standard beer bottles, when such bottles contain nonintoxicating
17 beer as defined by this chapter.

18 4. The word "person" as used in this chapter shall, as the case may
19 require, be deemed to refer to, include, and apply to, any person, firm, company,
20 association, or corporation, to whom or to which any provision of this chapter
21 applies or may apply.

22 5. The phrase "transportation company" as used in this chapter shall be
23 deemed to refer to and include any individual or individuals, or incorporated or

23 unincorporated company, engaged in the business of transportation, for hire, of
24 goods and merchandise, by use or means of any vessel, railroad car, motor
25 vehicle, airplane, or other means of conveyance, whatsoever, to whom or to
26 which any provision in this chapter applies or may apply.]
27

2 [312.020. 1. Beer having an alcoholic content of not less than one-half
3 of one percent by volume nor exceeding three and two-tenths percent by weight,
4 is hereby declared to be "nonintoxicating beer", and may be lawfully
5 manufactured and sold, or sold, in this state by any holder of a permit issued by
6 the supervisor of liquor control of this state, authorizing such manufacture and
7 sale, or sale, and may be lawfully transported, sold and consumed, in this state,
8 and may be lawfully shipped into, or out of, this state subject to such inspection
9 fees, and/or taxes, and under such regulations as may be provided by law.

10 2. All beverages having an alcoholic content of less than one-half of one
11 percent by volume shall be exempt from the provisions of this chapter but subject
12 to inspection as provided by sections 196.365 to 196.445, RSMo.]

2 [312.030. It shall be unlawful for any person in this state to manufacture,
3 or brew, or sell, any nonintoxicating beer without first having applied for, and
4 secured, a permit from the supervisor of liquor control authorizing such brewing,
5 manufacture and sale, or sale, thereof, and it shall be unlawful for any person or
6 any railroad company, express company, motor bus company, or other
7 transportation company to transport within this state, into this state or out of this
8 state, any nonintoxicating beer without first having ascertained by examination
9 of the packages and containers thereof, that such nonintoxicating beer, if
10 manufactured or brewed in this state, was so manufactured or brewed under a
11 permit of the supervisor of liquor control, authorizing such manufacture or
12 brewing, or if manufactured outside this state, is consigned to a dealer,
13 distributor, or wholesaler in this state holding a permit from the supervisor of
14 liquor control authorizing the sale thereof in this state under the provisions of this
15 chapter.]

2 [312.040. No person shall be granted a permit or license hereunder unless
3 such person is of good moral character and a qualified legal voter and a taxpaying
4 citizen of the county, town, city or village nor shall any corporation be granted
5 a permit or license hereunder unless the managing officer of such corporation is
6 of good moral character and a qualified legal voter and taxpaying citizen of the
7 county, town, city or village; and no person shall be granted a permit or license
8 hereunder whose permit or license as such dealer has been revoked, or who has
9 been convicted, since the ratification of the twenty-first amendment to the
10 Constitution of the United States, of a violation of the provisions of any law
11 applicable to the manufacture or sale of intoxicating liquor or nonintoxicating
12 beer, or who employs in his business as such dealer, any person whose permit or

12 license has been revoked or who has been convicted of violating such law since
13 the date aforesaid; provided, that nothing in this section contained shall prevent
14 the issuance of permits or licenses to nonresidents of Missouri or foreign
15 corporations for the privilege of selling to duly licensed wholesalers and
16 soliciting orders for the sale of nonintoxicating beer, to, by or through a duly
17 licensed wholesaler, within this state.]
18

2 [312.050. 1. No person having a license under the provisions of this
3 chapter to sell nonintoxicating beer at retail shall be granted or permitted to hold
4 a license to sell malt liquor containing alcohol in excess of three and two-tenths
5 percent by weight or any other kind of intoxicating liquor; nor shall any person
6 be granted or permitted to hold a license to sell nonintoxicating beer in, upon or
7 about the premises of any person who is the holder of a license to sell
8 intoxicating liquor.

9 2. Any person holding a license to sell nonintoxicating beer only who
10 shall sell, give away or otherwise dispose of, or suffer the same to be done in,
11 upon or about his premises any malt liquor containing alcohol in excess of three
12 and two-tenths percent by weight, or any other intoxicating liquor of any kind or
13 character, shall be deemed guilty of a felony and upon conviction shall be
14 punished by imprisonment in the penitentiary for a term of not less than two years
15 nor more than five years, or by imprisonment in the county jail for a term of not
16 less than three months nor more than one year or by a fine of not less than one
17 hundred dollars nor more than one thousand dollars or by both such fine and jail
18 sentence.]

2 [312.060. 1. Neither brewers or manufacturers of nonintoxicating beer,
3 or their employees, officers, agents, subsidiaries or affiliates shall, under any
4 circumstances, directly or indirectly, have any financial interest in the retail
5 business for the sale of such nonintoxicating beer, nor shall they, directly or
6 indirectly, loan, give away or furnish equipment, money, credit or property of any
7 kind, except ordinary commercial credit for such beer sold to such retail dealers.

8 2. All contracts entered into between such brewers or manufacturers, or
9 their officers, employees, directors or agents, in any way concerning any of their
10 products, obligating such retail dealers to buy or sell only the products of any
11 such brewer or manufacturer or obligating such retail dealers to buy or sell the
12 major part of such products, required by such retail vendors from any such
13 brewer or manufacturer, shall be void and unenforceable in any court in this state,
14 and proof of the execution of such contract shall forfeit the license of both the
15 vendor and the vendee.]

2 [312.070. Before any permit authorized by this chapter, other than a
3 manufacturer's or a wholesaler's permit, may be issued to any applicant therefor,
such applicant shall take and subscribe to an oath that he will not, upon or about

4 the premises for which such license is sought, possess, keep, store, secrete,
5 consume, sell, give away or otherwise dispose of, or, upon or about said
6 premises, suffer or permit to be possessed, kept, stored, secreted, consumed, sold,
7 given away or otherwise disposed of, by any person whomsoever; any beer
8 having an alcohol content in excess of three and two-tenths percent by weight,
9 or any other intoxicating liquor whatsoever; and that he will not violate, or, upon
10 said premises, suffer or permit any other person to violate any law of this state,
11 or knowingly allow any other person to violate any law of this state while in or
12 upon such premises.]
13

2 [312.080. Application for license to manufacture or sell nonintoxicating
3 beer, under the provisions of this chapter, shall be made to the supervisor of
4 liquor control.]

2 [312.090. 1. Every application for any permit or license authorized by
3 this chapter and every permit or license issued under authority of this chapter,
4 shall be in such form as may be prescribed by the supervisor of liquor control of
5 the state of Missouri. No such permit or license shall be effective, and no right
6 granted thereby shall be exercised by the permittee or licensee, unless and until
7 he shall have obtained and securely affixed to the permit or license in the space
8 provided therefor an original stamp or other form of receipt, issued by the federal
9 government evidencing the payment by the permittee or licensee to the federal
10 government, for a term to expire with the expiration of the permit or license, of
11 whatever special or occupational tax is, by any law of the United States then in
12 effect, required to be paid by a dealer in fermented malt liquors. Within ten days
13 from the issuance of said federal stamp or receipt, the permittee or licensee shall
14 file with the supervisor of liquor control a photostat copy thereof, or such
15 numbered duplicate thereof or indented stub therefrom as the federal government
16 may have issued to the taxpayer with the original.

17 2. Any licensee or permittee under this chapter, having in his possession
18 or upon the premises mentioned in such license or permit a federal excise or
19 occupational tax stamp or receipt evidencing the payment to the federal
20 government of a special tax for being a dealer in liquor other than malt liquor,
21 shall be guilty of a misdemeanor.

22 3. No license or permit authorized by this chapter shall be issued to any
23 person having in his possession or on the premises to be licensed a federal excise
24 or occupational tax stamp or receipt, designating such person or premises as a
25 person or place for dealing in intoxicating liquors other than malt liquors, or
26 evidencing the payment of a tax for being a dealer in liquor other than malt
27 liquors. The license of any person licensed under this chapter, who shall have in
28 his possession or on the licensed premises, a federal excise or occupational tax
29 stamp or special tax receipt, designating such person and premises as the person
and place for dealing in intoxicating liquors, or evidencing the payment of a tax

for being a dealer in liquor other than malt liquors, shall be revoked by the supervisor.

4. In any prosecution for violation of this section, evidence that the defendant has in his possession or on said premises a federal excise or occupational tax stamp or receipt, designating such person or such licensed place as the person or place for dealing in intoxicating liquors other than malt liquors, or evidencing, the payment of a tax for being a dealer in liquors other than malt liquors, shall be deemed prima facie evidence that such person has kept or secreted in or about the licensed premises intoxicating liquor containing alcohol in excess of three and two-tenths percent by weight.]

[312.100. 1. Before any permit required by this chapter shall be issued, the annual fee required therefor shall be paid into the state treasury, or to the director of revenue if provided by law, and the receipt for such payment filed in the office of the supervisor of liquor control. Annual fees required for permits authorized by this chapter shall be as follows:

(1) For a permit authorizing the manufacture, and the sale by the manufacturer, of nonintoxicating beer brewed or manufactured in this state, two hundred and fifty dollars;

(2) For a permit authorizing the sale in this state by any distributor or wholesaler, other than the manufacturer or brewer thereof, of nonintoxicating beer, fifty dollars;

(3) For a permit authorizing the sale of nonintoxicating beer for consumption on premises where sold, twenty-five dollars;

(4) For a permit authorizing the sale of nonintoxicating beer by grocers and other merchants and dealers, for sale in the original package direct to consumers, but not for resale, fifteen dollars;

(5) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of nonintoxicating beer, fifty dollars.

2. The provisions of this section are subject to and limited by the provisions of sections 311.181 and 311.182, RSMo.

3. The licenses prescribed in this section for the privilege of selling nonintoxicating beer by a wholesaler shall allow such wholesaler to sell nonintoxicating beer to licensees licensed by the gaming commission to sell beer or alcoholic beverages pursuant to section 313.840, RSMo.]

[312.110. A separate permit or license shall be required for each place of business. Every permit or license issued shall expire with the thirtieth day of June next succeeding the date of such permit or license. Applications for renewal of permits or licenses must be filed with the supervisor of liquor control on or before the first day of May of each calendar year. Of the annual license tax required in this chapter to be paid for any permit or license, the applicant shall pay as many twelfths as there are months (part of a month counted as one month)

8 remaining from the date of the permit or license, to, but not including, the next
9 succeeding first day of July.]

10 [312.120. All applications for all licenses mentioned in this chapter shall
2 be made to the supervisor of liquor control and shall be accompanied by a proper
3 remittance made payable to the director of revenue. The supervisor of liquor
4 control shall have the power and duty to determine whether each application for
5 such license shall be approved or disapproved. Upon disapproval of any
6 application for a license, the supervisor of liquor control shall so notify the
7 applicant in writing, setting forth therein the grounds and reasons for disapproval,
8 and shall return therewith the applicant's remittance. Upon approval of any
9 application for a license, the supervisor of liquor control shall issue to the
10 applicant the appropriate license and contemporaneously with such issuance shall
11 file a notice of the issuance of such license together with the applicant's
12 remittance in payment of the same with the director of revenue. The director of
13 revenue shall immediately issue a receipt in duplicate for such payment, one copy
14 of which shall be filed with the supervisor of liquor control and one copy retained
15 by the director of revenue.]

16 [312.130. No license issued under this chapter shall be transferable or
2 assignable.]

3 [312.140. The county commission in each county of this state or the
2 corresponding authority in the city of St. Louis is hereby authorized to make a
3 charge for licenses issued to retail dealers in nonintoxicating beer, the charge in
4 each instance to be determined by the county commission or the corresponding
5 authority in the city of St. Louis by order of record, but said charge shall in no
6 event exceed the amount provided for in section 312.100 for state purposes. The
7 board of aldermen, city council or other proper authorities of incorporated cities,
8 towns and villages including the city of St. Louis may charge for licenses issued
9 to manufacturers, brewers, wholesalers, and retailers of nonintoxicating beer
10 within their limits, which charge for licenses shall not exceed one and one-half
11 times the amount charged for a state license, and provide for the collection
12 thereof, make and enforce ordinances for the regulation and control of the sale
13 of nonintoxicating beer within their limits not inconsistent with the provisions of
14 this chapter, and provide penalties for the violation thereof. No municipal
15 corporation shall increase any occupation tax which it now levies upon any
16 holder of any permit required by this chapter in excess of the amount of such tax
17 imposed upon merchants and dealers in the same or similar lines of business and
18 not holding any such permit.]

19 [312.150. A permit to brew or manufacture and sell nonintoxicating beer
2 in this state shall be construed to authorize the sale, by the holder of such permit,

3 of nonintoxicating beer to distributors or wholesalers for resale to retailers only,
4 and/or the sale of nonintoxicating beer by the holders of such permits, direct to
5 retailers. A permit authorizing any distributor or wholesaler to sell
6 nonintoxicating beer in this state shall be construed to authorize the sale thereof
7 only to holders of permits authorizing the sale of nonintoxicating beer to
8 consumers, not for resale, but shall not be construed to authorize the sale by any
9 such distributor or wholesaler of nonintoxicating beer direct to consumers.]

10

2 [312.160. No person, except a duly licensed manufacturer or wholesaler,
3 shall possess nonintoxicating beer within the state of Missouri unless the same
4 has been acquired from some person holding a duly authorized license to sell the
5 same under this chapter, or unless the nonintoxicating beer is had or kept with the
6 written or printed permission of the supervisor of liquor control.]

6

2 [312.170. It shall be the duty of each holder of a permit authorizing the
3 manufacture and sale, or the sale, of nonintoxicating beer, on or before the fifth
4 day of each calendar month, to file in the office of the supervisor of liquor
5 control, a sworn statement showing the amount of nonintoxicating beer
6 manufactured and sold, or sold, and to whom sold, during the next preceding
7 calendar month, and it shall be the duty of each holder of a permit authorizing the
8 sale of nonintoxicating beer for consumption and not for resale, on or before the
9 fifth day of each month, to file in the office of the supervisor of liquor control,
10 a sworn statement showing the amount of nonintoxicating beer purchased and
11 from whom purchased, and the amount of nonintoxicating beer sold, during the
12 next preceding calendar month. Every such statement shall be signed and sworn
13 to by the holder of such permit if an individual, or by some authorized officer of
14 the holder if a corporation.]

14

2 [312.180. 1. Every railroad company, express company, airplane
3 company, motor transportation company, steamboat company, or other
4 transportation company who shall transport into, out of, or within this state any
5 nonintoxicating beer, whether brewed or manufactured within this state or
6 outside this state, shall, when requested by the supervisor of liquor control
7 furnish such supervisor a duplicate of the bill of lading covering or receipt for
8 such nonintoxicating beer, showing the name of the brewer or manufacturer, and
9 the name and address of the consignor and consignee, and the date and place
10 received, and the destination and quantity of nonintoxicating beer received from
11 such manufacturer, or brewer, or other consignor, for shipment from any point
12 within or without this state, to any point within this state.

13 2. Any such railroad company, express company, airplane company,
14 motor transportation company, steamboat company, or other transportation
15 company failing to comply with the requirements of this chapter, shall forfeit and
pay to the state of Missouri, the sum of fifty dollars for each and every such

16 failure, to be recovered in any court of competent jurisdiction, and the supervisor
17 of liquor control and the director of revenue are each hereby authorized and
18 empowered to call upon the prosecuting attorneys of the respective counties or
19 the circuit attorneys or the attorney general to bring any proceeding hereunder at
20 the relation of the supervisor of liquor control or the director of revenue, as the
21 case may be, to the use of the state of Missouri, for such recovery.]
22

2 [312.190. The supervisor of liquor control shall keep a record of the
3 names and places of business of all persons engaged in the brewing or
4 manufacturing and (or) in the sale of nonintoxicating beer. He shall also keep a
5 record of all nonintoxicating beer brewed or manufactured and sold, and the
6 amount thereof, by each brewer or manufacturer, or sold by each dealer other
7 than a brewer or manufacturer, and a record of all inspection fees, permit fees and
8 forfeitures collected, and of all expenses incurred in the collection thereof and
9 shall make a full, true and complete report of the same to the governor, and the
10 general assembly on or before the fifteenth day of January of each odd numbered
11 year.]

2 [312.200. It shall be unlawful for any person in this state, engaged in the
3 brewing or manufacture of nonintoxicating beer, to use any ingredients not in
4 compliance with the following standards:

5 (1) Nonintoxicating beer shall be brewed from malt or a malt substitute,
6 which only includes rice, grain of any kind, bean, glucose, sugar, and molasses.
7 Honey, fruit, fruit juice, fruit concentrate, herbs, spices, and other food materials
8 may be used as adjuncts in fermenting nonintoxicating beer; and

9 (2) Flavors and nonbeverage ingredients containing alcohol may be used
10 in producing nonintoxicating beer, but may contribute to no more than forty-nine
11 percent of the overall alcohol content of the finished nonintoxicating beer.]

2 [312.210. 1. It shall be the duty of the supervisor of liquor control to
3 inspect, or to cause to be inspected, all nonintoxicating beer brewed or
4 manufactured and sold, or sold, in this state, and he shall determine whether such
5 nonintoxicating beer has been made from pure hops or pure extract of hops and
6 pure barley malt, or other wholesome grains or cereals, and wholesome yeast and
7 pure water, and whether the package or packages containing such nonintoxicating
8 beer have been correctly stamped to show that the same has been made from pure
9 hops or pure extract of hops and pure barley malt, or other wholesome grains or
10 cereals, and wholesome yeast and pure water.

11 2. Notwithstanding the provisions of subsection 1 of this section, the
12 supervisor of liquor control shall not require product samples and shall not
13 require the testing of product samples to determine alcohol content prior to
14 granting approval for the sale of any such nonintoxicating beer product in the
state of Missouri if the supervisor of liquor control is provided with a copy of a

15 certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco
16 and Firearms which verifies the alcohol content of the product.]
17

[312.220. 1. Inspection of nonintoxicating beer may be made by samples
2 of quantities in the original vats before such nonintoxicating beer is placed in
3 bottles, barrels or kegs, or, in the case of nonintoxicating beer manufactured or
4 brewed in another state and shipped into this state, from samples taken from each
5 shipment thereof.

6 2. Any manufacturer or brewer who, after the inspection of any
7 nonintoxicating beer in bulk, shall change the ingredients thereof, or increase the
8 alcoholic content thereof, or any distributor or wholesaler who shall substitute,
9 in any shipment of nonintoxicating beer, any beer or other liquid for sale as
10 nonintoxicating beer, having any other ingredients therein than those contained
11 in the samples submitted for inspection, or having an alcoholic content in excess
12 of three and two-tenths percent by weight, shall be deemed guilty of a
13 misdemeanor and upon conviction thereof shall be punished by imprisonment in
14 the county jail for a term of not more than one year or by a fine of not less than
15 fifty dollars nor more than one thousand dollars or by both such fine and jail
16 sentence.]
17

[312.230. As a charge for the inspection of nonintoxicating beer, the
2 director of revenue shall collect one dollar and eighty-six cents per barrel of
3 nonintoxicating beer manufactured or brewed in this state for sale in this state,
4 or manufactured or brewed in another state and shipped or transported into this
5 state for sale subject to the provisions of this chapter.]
6

[312.233. 1. Payment of the charges provided by section 312.230 shall
2 be made by the manufacturer (including one who bottles nonintoxicating beer)
3 as to all nonintoxicating beer produced or imported by the manufacturer for sale
4 or use for beverage purposes within this state, by the out-state solicitor who
5 imports into this state nonintoxicating beer manufactured or produced outside of
6 this state for sale or use for beverage purposes within this state and by the
7 wholesale dealer who imports or receives nonintoxicating beer manufactured or
8 produced without the United States for sale or use for beverage purposes within
9 this state. Each manufacturer, out-state solicitor and wholesale dealer on or
10 before the fifteenth day of each calendar month shall file with the supervisor of
11 liquor control, on forms prescribed and furnished by the supervisor, a written
12 report in duplicate, under oath, in such form as is required by the supervisor to
13 enable him to compute, and assure the accuracy of, the charges due on all sales
14 and importations of nonintoxicating beer occurring during the preceding month.
15 Payment of the charges in the amount disclosed by the report by bank draft,
16 money order, certified check or cashier's check payable to the department of
17 revenue shall accompany the report to the supervisor of liquor control.

18 2. If the supervisor of liquor control deems it necessary in order to ensure
19 the payment of the charges imposed by this law, he may require returns to be
20 made more frequently than and covering periods of less than a month. The return
21 shall contain such further information as the supervisor of liquor control may
22 reasonably require. Each such manufacturer, out-state solicitor or wholesale
23 dealer shall pay to the director of revenue, with the filing of such return, the tax
24 imposed by this law, as so reported during the period covered by such return.

25 3. In case of failure to pay any charges as required under section 312.230
26 on or before the date prescribed therefor, there shall be added to the amount of
27 charge an amount equal to one percent per business day of the deficiency, not to
28 exceed twenty-five percent of the deficiency, and in addition interest on the
29 deficient charge and penalty at the rate of one percent a month or fraction of a
30 month from the date the deficient charge became due until paid.]

31
2 [312.235. Every manufacturer, including one who bottles nonintoxicating
3 beer, as to all nonintoxicating beer produced or imported by the manufacturer for
4 sale or use for beverage purposes within this state, and the out-state solicitor who
5 imports into this state nonintoxicating beer manufactured or produced outside
6 this state for sale or use for beverage purposes within this state, and the wholesale
7 dealer who imports or receives nonintoxicating beer manufactured or produced
8 without the United States for sale or use for beverage purposes within this state
9 and who, therefore, shall be liable for payment of charges as provided by section
10 312.233, shall also file with the supervisor of liquor control a bond in an amount
11 not less than one thousand dollars and not to exceed one hundred thousand
12 dollars on a form to be approved by, and with a surety satisfactory to, the
13 supervisor of liquor control. Such bond shall be conditioned upon the
14 manufacturer, out-state solicitor or wholesale dealer paying to the director of
15 revenue all moneys becoming due from such manufacturer, out-state solicitor or
16 wholesale dealer under this law. The supervisor of liquor control shall fix the
17 penalty of the bond in each case, taking into consideration the amount of
18 nonintoxicating beer expected to be sold and used by such manufacturer,
19 out-state solicitor or wholesale dealer, and the penalty fixed by the supervisor
20 shall be sufficient in the supervisor's opinion, to protect the state of Missouri
21 against failure to pay any amount due under this law, but the amount of the
22 penalty fixed by the supervisor shall not exceed twice the amount of tax liability
23 of a monthly return. In no event shall the amount of such penalty be less than one
24 thousand dollars. Failure by any licensed manufacturer, out-state solicitor or
25 wholesale dealer to keep a satisfactory bond in effect with the supervisor or to
26 furnish additional bond to the supervisor when required hereunder by the
27 supervisor to do so shall be grounds for the revocation or suspension of such
28 manufacturer's, out-state solicitor's or wholesale dealer's license by the
29 supervisor. If a manufacturer, out-state solicitor or wholesale dealer fails to pay
any amount due under this law, his bond with the supervisor shall be deemed

30 forfeited, and the department of revenue may institute a suit in its own name on
31 such bond.]
32

2 [312.237. After notice and opportunity for a hearing, the supervisor may
3 revoke or suspend the license of any manufacturer, out-state solicitor or
4 wholesale dealer who fails to comply with the provisions of sections 312.233 and
5 312.235. No new or renewal license shall be granted to a person who fails to
6 comply with sections 312.233 and 312.235.]

2 [312.270. Any person who sells, or offers for sale, any nonintoxicating
3 beer within this state, which has not first been inspected and labeled as required
4 by the provisions of this chapter is guilty of a misdemeanor and upon conviction
5 thereof shall be punished by imprisonment in the county jail for a term of not
6 more than one year, or by a fine of not less than fifty dollars nor more than one
7 thousand dollars or by both the fine and jail sentence.]

2 [312.280. Nonintoxicating beer brewed or manufactured in this state for
3 shipment and sale outside of this state shall be exempt from the inspection fees
4 by this chapter required to be collected for the inspection of nonintoxicating beer
5 brewed or manufactured for sale in this state, but shall be inspected by the
6 supervisor of liquor control as required by this chapter.]

2 [312.290. The supervisor of liquor control, his assistants, deputies,
3 special agents, agents and inspectors, shall have the authority to inspect all
4 premises covered by permit or license issued under this chapter to see that
5 provisions of this chapter are being obeyed.]

2 [312.300. It shall be unlawful for any person to sell, or offer for sale, in
3 this state, any nonintoxicating beer except the same shall be sold or offered for
4 sale in the original bottle, or in the original package containing bottles, bearing
5 the original label and full name of the brewer or manufacturer thereof, both upon
6 the label on the bottle, and upon the cap or cork of such bottle, or in the case of
7 the sale of nonintoxicating beer on draught, except the same be drawn from the
8 original keg or barrel having stamped on the ends thereof the full name of the
9 manufacturer or brewer of the nonintoxicating beer therein contained.]

2 [312.310. 1. It shall be the duty of every manufacturer or brewer
3 manufacturing or brewing any nonintoxicating beer in this state, and of every
4 manufacturer or brewer, distributor or wholesaler, outside of this state shipping
5 any nonintoxicating beer into this state for sale in this state at wholesale or retail,
6 to cause every bottle, barrel, keg, and other container of such nonintoxicating
7 beer to have on the label thereon in plain letters and figures "alcoholic content not
in excess of 3.2% by weight", or "alcoholic content not in excess of 4% of

8 volume"; provided, however, that any container of nonintoxicating beer which
9 has an alcoholic content not in excess of 2.5% of volume shall be labeled as
10 follows: "alcoholic content not in excess of 2.0% by weight", or "alcoholic
11 content not in excess of 2.5% of volume"; or "alcohol content less than 2% by
12 weight".

13 2. Any beer not so labeled shall be deemed to have an alcoholic content
14 in excess of three and two-tenths percent by weight, and the sale thereof in this
15 state shall be subject to all the regulations and penalties provided by law for the
16 sale of beer having an alcoholic content in excess of three and two-tenths percent
17 by weight. Any person who shall sell any beer, regardless of the alcoholic
18 content thereof, as nonintoxicating beer in, or out of, any bottle, barrel, keg or
19 other container, not so labeled as required by this section shall be deemed guilty
20 of a misdemeanor.]
21

2 [312.320. 1. For the purpose of enforcing the provisions of this chapter
3 and acts amendatory thereto, the prosecuting attorneys of the respective counties
4 and the circuit attorneys, or at the request of the governor the attorney general,
5 shall investigate and prosecute all violations of any provision of this chapter; and
6 shall represent the supervisor of liquor control in any and all legal matters arising
7 under this chapter. When requested by the governor, the attorney general, or his
8 assistants, shall in the enforcement of this chapter, have the power to sign
9 indictments or information and conduct prosecutions in any county or city within
10 this state.

11 2. Whenever any tax, fee or other charge, as authorized by this chapter
12 shall be due, suit may be instituted in any court of competent jurisdiction by the
13 prosecuting attorney of the county, or at the request of the director of revenue, by
14 the attorney general, in the name of the state at the relation of the director of
15 revenue, to recover such tax, fee or other charge, and in any such suit all persons,
16 associations or corporations interested may be made parties and service may be
17 had on both residents and nonresidents in the same manner as provided by law
18 in civil actions.]

2 [312.330. The fees, taxes, and forfeitures collected by the director of
3 revenue under the provisions of this chapter, shall be paid into the state treasury
4 and become a part of the ordinary revenue fund.]

2 [312.340. 1. Whenever requested to carry out any of the duties as
3 required by the laws relating to the manufacturing, transportation, sale and
4 inspection of nonintoxicating beer the attorney general may, in his discretion,
5 direct the circuit attorney of the city of St. Louis or the prosecuting attorney of
6 any county in which any violation of the laws relating to the manufacturing,
transportation, sale and inspection of nonintoxicating beer shall have been

7 violated to conduct prosecutions and institute suits as required by the laws
8 pertaining thereto.

9 2. The supervisor of liquor control shall, at least once each month,
10 transmit a list of all complaints made to or by him against licensees for alleged
11 violations of the laws of this state relating to the manufacturing, transportation,
12 sale and inspection of nonintoxicating beer, to the circuit attorney of the city of
13 St. Louis and to the prosecuting attorney of every county in which said violations
14 are alleged to have occurred, together with a list showing all revocations and
15 suspensions of licenses within such county ordered by the supervisor of liquor
16 control, together with a brief statement of the facts pertaining to each case, and
17 it shall be the duty of the supervisor of liquor control at the time of transmitting
18 each such list and statement to transmit to the attorney general a duplicate thereof
19 for the information of the attorney general in carrying out and enforcing the
20 provisions of the laws relating to the manufacturing, transportation, sale and
21 inspection of nonintoxicating beer.

22 3. It shall be the duty of the circuit attorney of the city of St. Louis and
23 the prosecuting attorney of every county to transmit to the supervisor of liquor
24 control, at least once in every three months, a written report of the action, if any,
25 taken by such circuit or prosecuting attorney on each complaint contained on the
26 list so transmitted to him.]
27

2 [312.350. If the supervisor of liquor control, his deputy, or any inspector
3 appointed by him and assigned thereto, shall fail to perform any of the duties
4 required of him by this chapter, or shall in any manner violate any of the
5 provisions of this chapter, for which no other punishment is prescribed he shall
6 be deemed guilty of a misdemeanor, and in addition to such punishment, shall
7 forfeit his office or position and shall not thereafter for a period of four years, be
8 eligible to reappointment or to appointment to any other office in this state.]

2 [312.360. The supervisor of liquor control shall have the authority to
3 suspend or revoke for cause all such licenses and to make the following
4 regulations, without limiting the generality of provisions empowering the
5 supervisor of liquor control as in this chapter set forth, as to the following
6 matters, acts, and things:

6 (1) Fix and determine the nature, form, and capacity of all packages used
7 for containing nonintoxicating beer of any kind to be kept or sold under this
8 chapter;

9 (2) Prescribe an official seal and label and determine the manner in which
10 such seal or label shall be attached to every package of nonintoxicating beer so
11 sold under this chapter (this includes prescribing different official seals or
12 different labels for the different classes, varieties or brands of nonintoxicating
13 beer);

(3) Prescribe all forms, applications, and licenses and such other forms as are necessary to carry out the provisions of this chapter;

(4) Prescribe the terms and conditions of the licenses issued and granted under this chapter;

(5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses in lieu of those lost or destroyed;

(6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license;

(7) The right to examine books, records, and papers of each licensee, and to hear and determine complaints against any licensee;

(8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths, and to take testimony;

(9) Prescribe all forms of labels to be affixed to all packages containing nonintoxicating beer of any kind; and

(10) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter as are not inconsistent with this chapter.]

[312.370. Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge that a dealer licensed hereunder, has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, said supervisor of liquor control shall revoke or suspend the license of said dealer, but the dealer must have ten days' notice of the application to revoke or suspend his license prior to the order of revocation or suspension issuing, with full right to have counsel to produce witnesses in his behalf in such hearing and to be advised in writing of the grounds upon which his license is sought to be revoked or suspended.]

[312.380. 1. In addition to the penalties and proceedings for revocation of licenses provided for in nonintoxicating beer law, and without limiting them, proceedings for the suspension or revocation of any license authorizing the sale of nonintoxicating beer at retail may be brought in the circuit court of any county in this state or in the city of St. Louis, in which the licensed premises are located and such proceedings may be brought by the sheriff or any peace officer of that county or by any eight or more persons who are taxpaying resident citizens of the county or city, for any of the following offenses:

(1) Knowingly selling, giving or otherwise supplying nonintoxicating beer to any person while such person is in an intoxicated condition;

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

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

16 (4) Selling, offering for sale, possessing or permitting the consumption
17 on the licensed premises of any kind of alcoholic liquors, the sale, possession or
18 consumption of which is not authorized under his license; provided, that said
19 taxpaying citizens shall submit in writing, under oath, by registered United States
20 mail to the supervisor of liquor control a joint complaint, stating the name of the
21 licensee, the name under which the licensee's business is conducted and the
22 address of the licensed premises, setting out in general the character and nature
23 of the offense or offenses charged, together with the names and addresses of the
24 witnesses by whom proof thereof is expected to be made; and provided, that after
25 a period of thirty days after the mailing of such complaint to the supervisor of
26 liquor control the person therein complained of shall not have been cited by the
27 supervisor to appear and show cause why his license should not be suspended or
28 revoked then they shall file with the circuit clerk of the county or city in which
29 the premises are located a copy of the complaint on file with the supervisor of
30 liquor control.

31 2. If, pursuant to the receipt of such complaint by the supervisor of liquor
32 control, the licensee appears and shows cause why his license should not be
33 suspended or revoked at a hearing held for that purpose by the supervisor and
34 either the complainants or the licensee consider themselves aggrieved with the
35 order of the supervisor then, after a request in writing by either the complainants
36 or the licensee, the supervisor shall certify to the circuit clerk of the county or city
37 in which the licensed premises are located a copy of the original complaint filed
38 with him, together with a copy of the transcript of the evidence adduced at the
39 hearing held by him. Such certification by the supervisor shall not act as a
40 supersedeas of any order made by him. Upon receipt of such complaint, whether
41 from the complainant directly or from the supervisor of liquor control, the court
42 shall set a date for an early hearing thereon and it shall be the duty of the circuit
43 clerk to cause to be delivered by registered United States mail to the prosecuting
44 attorney of the county or to the circuit attorney of the city of St. Louis and to the
45 licensee copies of the complaint and he shall, at the same time, give notice of the
46 time and place of the hearing. Such notice shall be delivered to the prosecuting
47 attorney or to the circuit attorney and to the licensee at least fifteen days prior to
48 the date of the hearing.

49 3. The complaint shall be heard by the court without a jury and if there
50 has been a prior hearing thereon by the supervisor of liquor control then the case
51 shall be heard de novo and both the complainant and the licensee may produce
52 new and additional evidence material to the issues. If the court shall find upon
53 the hearing that the offense or offenses charged in the complaint have been
54 established by the evidence, the court shall order the suspension or revocation of
55 the license but, in so doing, shall take into consideration whatever order, if any,

may have been made in the premises by the supervisor of liquor control. If the court finds that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper.

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

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

6. The jurisdiction herein conferred upon the circuit courts to hear and determine complaints for the suspension or revocation of licenses in the manner provided in this section shall not be exclusive and any authority conferred upon the supervisor of liquor control to revoke or suspend licenses shall remain in full force and effect, and the suspension or revocation of a license as herein provided shall be in addition to and not in lieu of any other revocation or suspension provided by this chapter.

7. Costs accruing because of such hearings in the circuit court shall be taxed in the same manner as criminal costs.】

【312.390. It shall be unlawful for any person holding a permit authorizing the sale of nonintoxicating beer in the original package to allow such original package to be broken, or to allow any of such nonintoxicating beer to be consumed, in or upon the premises described in such permit.】

【312.400. No person or his employee shall sell or supply nonintoxicating beer or permit same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of alcoholic beverages. Nonintoxicating beer shall not be given, sold or otherwise supplied to any person under the age of twenty-one years, but this shall not apply to the supplying of nonintoxicating beer to a person under said age for medicinal purposes only, or by the parent or guardian of such person or to the administering of said nonintoxicating beer to said person by a physician.】

【312.405. 1. Any person of the age of seventeen years and under the age of twenty-one years who represents that he has attained the age of twenty-one for the purpose of purchasing, asking for or in any way receiving nonintoxicating beer, shall, upon conviction be deemed guilty of a misdemeanor.

2. Any person under the age of seventeen years who represents that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving nonintoxicating beer, shall be dealt with in accordance with the provisions of chapter 211, RSMo.】

【312.407. 1. Any person under the age of twenty-one years who purchases or attempts to purchase, or has in his possession, any nonintoxicating

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

13 2. For purposes of determining violations of any provisions of this
14 chapter or of any rule or regulation of the supervisor of alcohol and tobacco
15 control, a manufacturer-sealed container describing that there is nonintoxicating
16 beer therein need not be opened or the contents therein tested to verify that there
17 is nonintoxicating beer in such container. The alleged violator may allege that
18 there was not nonintoxicating beer in such container, but the burden of proof of
19 such allegation is on such person, as it shall be presumed that such a sealed
20 container describing that there is nonintoxicating beer therein contains
21 nonintoxicating beer.]
22

2 [312.410. No person having a license under the provisions of this chapter
3 shall sell, give away or permit the consumption of any nonintoxicating beer in
4 any quantity between the hours of 1:30 a.m. and 6:00 a.m., upon or about his or
5 her premises, and any person violating any provision of this section shall be
6 deemed guilty of a misdemeanor and shall be punished by imprisonment in the
7 county jail for a term of not more than one year, or by a fine of not less than fifty
8 dollars nor more than one thousand dollars or by both such fine and jail
9 sentence.]

2 [312.420. Any permit issued under the provisions of this chapter
3 authorizing the sale of nonintoxicating beer for consumption on the premises
4 described in such permit, shall be construed to authorize the sale of such
5 nonintoxicating beer by the bottle, by the glass, on draught, and in the original
6 package.]

2 [312.430. Any person holding a permit under this chapter to sell
3 nonintoxicating beer at retail, who shall have or keep or secrete in or about the
4 premises described in and covered by his permit any intoxicating liquor of any
5 kind or character, or any manufacturer or wholesale distributor who shall sell
6 intoxicating liquor containing alcohol in excess of three and two-tenths percent
7 by weight to any retail distributor holding a license or permit for the sale of
8 nonintoxicating beer only, shall be deemed guilty of a misdemeanor and upon
conviction thereof shall be punished by imprisonment in the county jail for a term

9 of not more than one year or by a fine of not less than fifty dollars nor more than
10 one thousand dollars or by both such fine and jail sentence.]
11

2 [312.440. It shall be the duty of every holder of a permit to manufacture
3 and sell, or to sell, nonintoxicating beer, to use every precaution to prevent any
4 person on the premises described in such permit, from pouring into, mixing with,
5 or adding to, such nonintoxicating beer, any alcohol or other liquid, or any
6 alcohol cube or cubes, or other ingredient or ingredients, that will increase, or
7 tend to increase, the alcoholic content of such nonintoxicating beer. And any
8 such permit holder who shall knowingly permit any person on the premises
9 described in such permit, to pour into, mix with, or add to, such nonintoxicating
10 beer, any alcohol, or other liquid, or any alcohol cube or cubes, or other
11 ingredient or ingredients, that will increase, or tend to increase, the alcoholic
12 content of such nonintoxicating beer, shall be deemed guilty of a misdemeanor,
13 and in addition thereto, shall forfeit such permit and shall not thereafter, for a
14 period of one year, be entitled to hold a permit authorizing the manufacture and
15 sale, or the sale, of nonintoxicating beer in this state.]

2 [312.450. Any person who shall, in this state, brew or manufacture, or
3 who shall sell, any nonintoxicating beer as defined in this chapter, without first
4 having obtained a permit or license from the supervisor of liquor control
5 authorizing the brewing or manufacturing and sale, or the sale, of nonintoxicating
6 beer; or who, having obtained such permit or license, shall fail or refuse to
7 promptly thereafter obtain and securely affix to such permit or license the federal
8 excise or special tax stamp or receipt, as in this chapter required, shall upon
9 conviction thereof, be adjudged guilty of a misdemeanor, and punished by a fine
10 of not less than fifty dollars, nor more than one thousand dollars, or by
11 imprisonment in the county jail for a term not exceeding one year, or by both
12 such fine and jail sentence.]

2 [312.460. Any person in this state holding a license under the provisions
3 of this chapter who shall pour into, mix with, or add to, any nonintoxicating beer,
4 as in this chapter defined, any alcohol or other liquid, or any alcohol cube or
5 cubes, or any other ingredient or ingredients, that will increase, or tend to
6 increase, the alcoholic content of such nonintoxicating beer on the licensed
7 premises where his business is conducted or suffer the same to be done or who
8 shall possess any such mixture on said premises, shall be deemed guilty of a
9 misdemeanor and upon conviction thereof shall be punished by imprisonment in
10 the county jail for a term of not more than one year or by a fine of not less than
11 fifty dollars nor more than one thousand dollars or by both such fine and jail
12 sentence.]

2 [312.470. Any person in this state who shall sell or offer for sale any
3 nonintoxicating beer in the original package without a permit as authorized by
4 this chapter; or who shall open any original package containing nonintoxicating
5 beer on the premises where purchased; or who shall drink any nonintoxicating
6 beer purchased in the original package on the premises where purchased; or who
7 shall in any place of business in this state where goods, wares and merchandise,
8 including articles of food and drink served for consumption at the place of sale,
9 are kept or offered for sale, drink any nonintoxicating beer purchased in the
10 original package, shall be deemed guilty of a misdemeanor and upon conviction
11 thereof shall be punished by imprisonment in the county jail for a term of not
12 more than one year or by a fine of not less than fifty dollars nor more than one
13 thousand dollars or by both such fine and jail sentence.]

2 [312.480. Any person who shall evade, or attempt to evade, the payment
3 of any permit or inspection fee, required by this chapter, shall be deemed guilty
4 of a misdemeanor and upon conviction thereof shall be punished by
5 imprisonment in the county jail for a term of not more than one year or by a fine
6 of not less than fifty dollars nor more than one thousand dollars or by both such
7 fine and jail sentence.]

2 [312.484. 1. Notwithstanding the provisions of section 312.060,
3 312.480, 312.500, or 312.510, or any other provision within this chapter
4 containing a penalty provision of law, any person paying the fee imposed by
5 section 312.230 shall be subject to the penalty provision of subsection 2 of this
6 section with regard only to its manufacturer's license rather than the general or
7 specific penalty provisions of the other provisions within this chapter, or any rule
8 or regulation promulgated pursuant thereto. Such manufacturer shall not be
9 subject to any other form of punishment with regard to its manufacturer's license.

2 2. Any person as defined by subsection 1 of this section violating a
3 provision of law contained in this chapter, or any rule or regulation promulgated
4 pursuant thereto, shall be fined for the first offense, ten thousand dollars; for the
5 second offense, twenty-five thousand dollars; and for the third and subsequent
6 offenses, fifty thousand dollars.]
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2 [312.490. It shall be unlawful for any officer, agent, or employee of any
3 incorporated company, or association, acting for such corporation or association,
4 to authorize or permit such corporation to violate any of the provisions of this
5 chapter, and any such officer, agent, or employee so offending shall be deemed
6 guilty of a misdemeanor and upon conviction thereof shall be punished by
7 imprisonment in the county jail for a term of not more than one year or by a fine
8 of not less than fifty dollars nor more than one thousand dollars or by both such
9 fine and jail sentence.]

2 [312.500. Any person violating any of the provisions of this chapter shall
3 be deemed guilty of a misdemeanor, except where the punishment is specifically
4 prescribed by this chapter, and shall be punished by imprisonment in the county
5 jail for a term of not more than one year, or by a fine of not less than fifty dollars
6 nor more than one thousand dollars or by both such fine and jail sentence.]

2 [312.510. 1. Any violation of any of the provisions of this chapter not
3 otherwise defined, shall be a misdemeanor, and any person guilty of violating any
4 of said provisions, and for which violation no other penalty is by this chapter
5 imposed, shall, upon conviction thereof be adjudged guilty of a misdemeanor and
6 punished by a fine of not less than fifty dollars, nor more than one thousand
7 dollars, or by imprisonment in the county jail for a term not exceeding one year,
8 or by both such fine and jail sentence.

9 2. If the person so convicted shall be the holder of any permit or license
10 issued pursuant to the provisions of this chapter, such conviction by any court of
11 competent jurisdiction shall, without further proceeding, action or order by any
12 court or by the supervisor of liquor control, operate to revoke and forfeit as of the
13 date of such conviction such permit and all rights and privileges granted thereby,
14 and the holder of such permit shall not thereafter, for a period of one year after
15 the date of such conviction, be entitled to any permit for any person authorized
16 in this chapter.

17 3. If the permittee or licensee charged in such proceeding with such
18 violation, be, by final judgment therein, acquitted of said charge, he may apply
19 for and receive a license pursuant to this chapter upon paying therefor the license
20 fee in this chapter required, and by otherwise conforming to all requirements as
21 to such applicants, and with the same right as though he had never held a license
 under the provisions of this chapter.]

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