

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 132

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:

1 Section A. Sections 92.047, 311.020, 311.055, 311.060,
2 311.070, 311.090, 311.181, 311.182, 311.195, 311.200, 311.211,
3 311.212, 311.218, 311.260, 311.265, 311.280, 311.290, 311.300,
4 311.332, 311.333, 311.334, 311.335, 311.336, 311.338, 311.360,
5 311.480, 311.482, 311.485, 311.486, 311.487, 311.490, 311.520,
6 311.610, 311.630, 311.665, 311.680, 311.685, 311.722, 312.010,
7 312.020, 312.030, 312.040, 312.050, 312.060, 312.070, 312.080,
8 312.090, 312.100, 312.110, 312.120, 312.130, 312.140, 312.150,
9 312.160, 312.170, 312.180, 312.190, 312.200, 312.210, 312.220,

1 312.230, 312.233, 312.235, 312.237, 312.270, 312.280, 312.290,
2 312.300, 312.310, 312.320, 312.330, 312.340, 312.350, 312.360,
3 312.370, 312.380, 312.390, 312.400, 312.405, 312.407, 312.410,
4 312.420, 312.430, 312.440, 312.450, 312.460, 312.470, 312.480,
5 312.484, 312.490, 312.500, 312.510, 313.075, 313.340, 313.665,
6 313.840, 571.107, and 650.005, RSMo, are repealed and forty-five
7 new sections enacted in lieu thereof, to be known as sections
8 92.047, 311.020, 311.055, 311.060, 311.070, 311.090, 311.181,
9 311.182, 311.192, 311.195, 311.196, 311.200, 311.211, 311.212,
10 311.218, 311.260, 311.265, 311.280, 311.290, 311.300, 311.332,
11 311.333, 311.335, 311.338, 311.360, 311.480, 311.482, 311.485,
12 311.486, 311.487, 311.489, 311.490, 311.520, 311.610, 311.630,
13 311.665, 311.680, 311.685, 311.722, 313.075, 313.340, 313.665,
14 313.840, 571.107, and 650.005, to read as follows:

15 92.047. 1. All laws inconsistent with or repugnant to the
16 foregoing shall be deemed to have been repealed to the extent of
17 such inconsistency or repugnancy. The provisions of this statute
18 shall in no way be construed to prohibit any city which has a
19 population in excess of seven hundred thousand inhabitants from
20 assessing, levying and collecting a tax pursuant to the
21 provisions of sections 92.110 through 92.200.

22 2. For the purposes of sections 92.041 to 92.047, [chapters
23 311 and 312, RSMo 1959] and chapter 311, RSMo, as amended, or any
24 section thereof, as amended, shall not be construed to be
25 inconsistent with or repugnant to the provisions of sections
26 92.041 to 92.047, and shall not be deemed to have been repealed
27 by sections 92.041 to 92.047, but shall continue in full force
28 and effect. For the purpose of sections 92.041 to 92.047, no

1 such city included within the scope of sections 92.041 to 92.047
2 shall charge or exact an occupational license tax on
3 manufacturers, wholesalers, or retailers of alcoholic beverages
4 [or nonintoxicating beer] in excess of that permitted by
5 [chapters 311 and 312] chapter 311, RSMo for cities.

6 311.020. The term "intoxicating liquor" as used in this
7 chapter, shall mean and include alcohol for beverage purposes,
8 alcoholic, spirituous, vinous, fermented, malt, or other liquors,
9 or combination of liquors, a part of which is spirituous, vinous,
10 or fermented, and all preparations or mixtures for beverage
11 purposes, containing in excess of one-half of one percent by
12 volume [except for nonintoxicating beer as defined in section
13 312.010, RSMo]. All beverages having an alcoholic content of
14 less than one-half of one percent by volume shall be exempt from
15 the provisions of this chapter, but subject to inspection as
16 provided by sections 196.365 to 196.445, RSMo.

17 311.055. No person at least twenty-one years of age shall
18 be required to obtain a license to manufacture [nonintoxicating
19 beer, as defined in section 312.010, RSMo, or] intoxicating
20 liquor, as defined in section 311.020, for personal or family
21 use. The aggregate amount of [nonintoxicating beer or]
22 intoxicating liquor manufactured per household shall not exceed
23 two hundred gallons per calendar year if there are two or more
24 persons over the age of twenty-one years in such household, or
25 one hundred gallons per calendar year if there is only one person
26 over the age of twenty-one years in such household.

27 311.060. 1. No person shall be granted a license hereunder
28 unless such person is of good moral character and a qualified

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

19 2. (1) No person, partnership or corporation shall be
20 qualified for a license under this law if such person, any member
21 of such partnership, or such corporation, or any officer,
22 director, or any stockholder owning, legally or beneficially,
23 directly or indirectly, ten percent or more of the stock of such
24 corporation, or other financial interest therein, or ten percent
25 or more of the interest in the business for which the person,
26 partnership or corporation is licensed, or any person employed in
27 the business licensed under this law shall have had a license
28 revoked under this law or shall have been convicted of violating

1 the provisions of any law applicable to the manufacture or sale
2 of intoxicating liquor since the ratification of the twenty-first
3 amendment to the Constitution of the United States, or shall not
4 be a person of good moral character.

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

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

19 3. A "resident corporation" is defined to be a corporation
20 incorporated under the laws of this state, all the officers and
21 directors of which, and all the stockholders, who legally and
22 beneficially own or control sixty percent or more of the stock in
23 amount and in voting rights, shall be qualified legal voters and
24 taxpaying citizens of the county and municipality in which they
25 reside and who shall have been bona fide residents of the state
26 for a period of three years continuously immediately prior to the
27 date of filing of application for a license, provided that a
28 stockholder need not be a voter or a taxpayer, and all the

1 resident stockholders of which shall own, legally and
2 beneficially, at least sixty percent of all the financial
3 interest in the business to be licensed under this law; provided,
4 that no corporation, licensed under the provisions of this law on
5 January 1, 1947, nor any corporation succeeding to the business
6 of a corporation licensed on January 1, 1947, as a result of a
7 tax-free reorganization coming within the provisions of Section
8 112, United States Internal Revenue Code, shall be disqualified
9 by reason of the new requirements herein, except corporations
10 engaged in the manufacture of alcoholic beverages containing
11 alcohol in excess of five percent by weight, or owned or
12 controlled, directly or indirectly, by nonresident persons,
13 partnerships or corporations engaged in the manufacture of
14 alcoholic beverages containing alcohol in excess of five percent
15 by weight.

16 4. The term "financial interest" as used in this chapter is
17 defined to mean all interest, legal or beneficial, direct or
18 indirect, in the capital devoted to the licensed enterprise and
19 all such interest in the net profits of the enterprise, after the
20 payment of reasonable and necessary operating business expenses
21 and taxes, including interest in dividends, preferred dividends,
22 interest and profits, directly or indirectly paid as compensation
23 for, or in consideration of interest in, or for use of, the
24 capital devoted to the enterprise, or for property or money
25 advanced, loaned or otherwise made available to the enterprise,
26 except by way of ordinary commercial credit or bona fide bank
27 credit not in excess of credit customarily granted by banking
28 institutions, whether paid as dividends, interest or profits, or

1 in the guise of royalties, commissions, salaries, or any other
2 form whatsoever.

3 5. The supervisor shall by regulation require all
4 applicants for licenses to file written statements, under oath,
5 containing the information reasonably required to administer this
6 section. Statements by applicants for licenses as wholesalers
7 and retailers shall set out, with other information required,
8 full information concerning the residence of all persons
9 financially interested in the business to be licensed as required
10 by regulation. All material changes in the information filed
11 shall be promptly reported to the supervisor.

12 311.070. 1. Distillers, wholesalers, winemakers, brewers
13 or their employees, officers or agents shall not, except as
14 provided in this section, directly or indirectly, have any
15 financial interest in the retail business for sale of
16 intoxicating liquors, and shall not, except as provided in this
17 section, directly or indirectly, loan, give away or furnish
18 equipment, money, credit or property of any kind, except ordinary
19 commercial credit for liquors sold to such retail dealers.
20 However, notwithstanding any other provision of this chapter to
21 the contrary, for the purpose of the promotion of tourism, a
22 distiller whose manufacturing establishment is located within
23 this state may apply for and the supervisor of liquor control may
24 issue a license to sell intoxicating liquor, as in this chapter
25 defined, by the drink at retail for consumption on the premises
26 where sold; and provided further that the premises so licensed
27 shall be in close proximity to the distillery and may remain open
28 between the hours of 6:00 a.m. and midnight, Monday through

1 Saturday and between the hours of 11:00 a.m. and 9:00 p.m.,
2 Sunday. The authority for the collection of fees by cities and
3 counties as provided in section 311.220, and all other laws and
4 regulations relating to the sale of liquor by the drink for
5 consumption on the premises where sold, shall apply to the holder
6 of a license issued under the provisions of this section in the
7 same manner as they apply to establishments licensed under the
8 provisions of section 311.085, 311.090, or 311.095.

9 2. Any distiller, wholesaler, winemaker or brewer who shall
10 violate the provisions of subsection 1 of this section, or permit
11 his employees, officers or agents to do so, shall be guilty of a
12 misdemeanor, and upon conviction thereof shall be punished as
13 follows:

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

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

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

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

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

28 (2) "Equipment and supplies", glassware (or similar

1 containers made of other material), dispensing accessories,
2 carbon dioxide (and other gasses used in dispensing equipment) or
3 ice. "Dispensing accessories" include standards, faucets, cold
4 plates, rods, vents, taps, tap standards, hoses, washers,
5 couplings, gas gauges, vent tongues, shanks, and check valves;

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

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

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

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

24 4. Notwithstanding other provisions contained herein, the
25 distiller, wholesaler, winemaker or brewer, or their employees,
26 officers or agents may engage in the following activities with a
27 retail licensee licensed pursuant to this chapter [or chapter
28 312, RSMo]:

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

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

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

17 (c) The giving or selling of product displays may be
18 conditioned on the purchase of intoxicating beverages advertised
19 on the displays by the retail business in a quantity necessary
20 for the initial completion of the product display. No other
21 condition shall be imposed by the distiller, wholesaler,
22 winemaker or brewer on the retail business in order for such
23 retail business to obtain the product display;

24 (2) Notwithstanding any provision of law to the contrary,
25 the distiller, wholesaler, winemaker or brewer may provide, give
26 or sell any permanent point-of-sale advertising materials,
27 temporary point-of-sale advertising materials, and consumer
28 advertising specialties to a retail business if all the following

1 requirements are met:

2 (a) The total value of all permanent point-of-sale
3 advertising materials provided to a retail business by a
4 distiller, wholesaler, winemaker, or brewer shall not exceed five
5 hundred dollars per calendar year, per brand, per retail outlet.
6 The value of permanent point-of-sale advertising materials is the
7 actual cost to the distiller, wholesaler, winemaker or brewer who
8 initially purchased such item. Transportation and installation
9 costs shall be excluded. All permanent point-of-sale advertising
10 materials provided to a retailer shall be recorded, and records
11 shall be maintained for a period of three years;

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

16 (c) All permanent point-of-sale advertising materials,
17 temporary point-of-sale advertising materials, and consumer
18 advertising specialties shall bear in a conspicuous manner
19 substantial advertising matter about the product or the name of
20 the distiller, wholesaler, winemaker or brewer. The name,
21 address and logos of the retail business may appear on the
22 permanent point-of-sale advertising materials, temporary
23 point-of-sale advertising materials, or the consumer advertising
24 specialties; and

25 (d) The distiller, wholesaler, winemaker or brewer shall
26 not directly or indirectly pay or credit the retail business for
27 using or distributing the permanent point-of-sale advertising
28 materials, temporary point-of-sale advertising materials, or

1 consumer advertising specialties or for any incidental expenses
2 arising from their use or distribution;

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

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

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

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

15 (5) The distiller, wholesaler, winemaker or brewer may
16 install dispensing accessories at the retail business
17 establishment, which shall include for the purposes of
18 [intoxicating and nonintoxicating] beer equipment to properly
19 preserve and serve draught beer only and to facilitate the
20 delivery to the retailer the brewers and wholesalers may lend,
21 give, rent or sell and they may install or repair any of the
22 following items or render to retail licensees any of the
23 following services: beer coils and coil cleaning, sleeves and
24 wrappings, box couplings and draft arms, beer faucets and tap
25 markers, beer and air hose, taps, vents and washers, gauges and
26 regulators, beer and air distributors, beer line insulation, coil
27 flush hose, couplings and bucket pumps; portable coil boxes, air
28 pumps, blankets or other coverings for temporary wrappings of

1 barrels, coil box overflow pipes, tilting platforms, bumper
2 boards, skids, cellar ladders and ramps, angle irons, ice box
3 grates, floor runways; and damage caused by any beer delivery
4 excluding normal wear and tear and a complete record of equipment
5 furnished and installed and repairs and service made or rendered
6 must be kept by the brewer or wholesalers furnishing, making or
7 rendering same for a period of not less than one year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (12) The distiller, wholesaler, winemaker or brewer may
22 stock, rotate, rearrange or reset the products sold by such
23 distiller, wholesaler, winemaker or brewer at the establishment
24 of the retail business so long as the products of any other
25 distiller, wholesaler, winemaker or brewer are not altered or
26 disturbed;

27 (13) The distiller, wholesaler, winemaker or brewer may
28 provide a recommended shelf plan or shelf schematic for distilled

1 spirits, wine or malt beverages;

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

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

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

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

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

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

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

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

26 (h) Make contributions not to exceed one thousand dollars
27 per calendar year for transportation services that shall be used
28 to assist patrons from retail establishments to his or her

1 residence or overnight accommodations;

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

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

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

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

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

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

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

27 (16) A wholesaler may, but shall not be required to,
28 exchange for an equal quantity of identical product or allow

1 credit against outstanding indebtedness for intoxicating liquor
2 with alcohol content of less than five percent by weight [or
3 nonintoxicating beer] that was delivered in a damaged condition
4 or damaged while in the possession of the retailer;

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

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

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

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

28 (c) To assure and control product quality, a wholesaler

1 may, but not be required to, give a retailer credit for
2 intoxicating liquor with an alcohol content of less than five
3 percent by weight [or nonintoxicating beer], in a container with
4 a capacity of four gallons or more, delivered but not used, if
5 the wholesaler removes the product within seven days of the
6 initial delivery; and

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

8 5. (1) A distiller, wholesaler, winemaker, or brewer that
9 is also in business as a bona fide producer or vendor of
10 nonalcoholic beverages shall not condition the sale of its
11 alcoholic beverages on the sale of its nonalcoholic beverages nor
12 combine the sale of its alcoholic beverages with the sale of its
13 nonalcoholic beverages, except as provided in subdivision (8) of
14 subsection 4 of this section. The distiller, wholesaler,
15 winemaker, or brewer that is also in business as a bona fide
16 producer or vendor of nonalcoholic beverages may sell, credit,
17 market, and promote nonalcoholic beverages in the same manner in
18 which the nonalcoholic products are sold, credited, marketed, or
19 promoted by a manufacturer or wholesaler not licensed by the
20 supervisor of alcohol and tobacco control;

21 (2) Any fixtures, equipment, or furnishings provided by any
22 distiller, wholesaler, winemaker, or brewer in furtherance of the
23 sale of nonalcoholic products shall not be used by the retail
24 licensee to store, service, display, advertise, furnish, or sell,
25 or aid in the sale of alcoholic products regulated by the
26 supervisor of alcohol and tobacco control. All such fixtures,
27 equipment, or furnishings shall be identified by the retail
28 licensee as being furnished by a licensed distiller, wholesaler,

1 winemaker, or brewer.

2 6. Distillers, wholesalers, brewers and winemakers, or
3 their officers or directors shall not require, by agreement or
4 otherwise, that any retailer purchase any intoxicating liquor
5 from such distillers, wholesalers, brewers or winemakers to the
6 exclusion in whole or in part of intoxicating liquor sold or
7 offered for sale by other distillers, wholesalers, brewers, or
8 winemakers.

9 7. Notwithstanding any other provisions of this chapter to
10 the contrary, a distiller or wholesaler may install dispensing
11 accessories at the retail business establishment, which shall
12 include for the purposes of distilled spirits, equipment to
13 properly preserve and serve premixed distilled spirit beverages
14 only. To facilitate delivery to the retailer, the distiller or
15 wholesaler may lend, give, rent or sell and the distiller or
16 wholesaler may install or repair any of the following items or
17 render to retail licensees any of the following services: coils
18 and coil cleaning, draft arms, faucets and tap markers, taps, tap
19 standards, tapping heads, hoses, valves and other minor tapping
20 equipment components, and damage caused by any delivery excluding
21 normal wear and tear. A complete record of equipment furnished
22 and installed and repairs or service made or rendered shall be
23 kept by the distiller or wholesaler furnishing, making or
24 rendering the same for a period of not less than one year.

25 8. Distillers, wholesalers, winemakers, brewers or their
26 employees or officers shall be permitted to make contributions of
27 money or merchandise to a licensed retail liquor dealer that is a
28 charitable, fraternal, civic, service, veterans', or religious

1 organization as defined in section 313.005, RSMo, or an
2 educational institution if such contributions are unrelated to
3 such organization's retail operations.

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

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

18 11. [Notwithstanding any other provision of this chapter or
19 chapter 312, RSMo, to the contrary,] For the purpose of the
20 promotion of tourism, a wine manufacturer, its employees,
21 officers or agents located within this state may apply for and
22 the supervisor of liquor control may issue a license to sell
23 intoxicating liquor, as defined in this chapter, by the drink at
24 retail for consumption on the premises where sold, if the
25 premises so licensed is in close proximity to the winery. Such
26 premises shall be closed during the hours specified under section
27 311.290 and may remain open between the hours of 9:00 a.m. and
28 midnight on Sunday.

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

12 311.090. 1. Any person who possesses the qualifications
13 required by this chapter, and who meets the requirements of and
14 complies with the provisions of this chapter, and the ordinances,
15 rules and regulations of the incorporated city in which such
16 licensee proposes to operate his business, may apply for, and the
17 supervisor of liquor control may issue, a license to sell
18 intoxicating liquor, as defined in this chapter, by the drink at
19 retail for consumption on the premises described in the
20 application; provided, that no license shall be issued for the
21 sale of intoxicating liquor, other than malt liquor containing
22 alcohol not in excess of five percent by weight, and light wines
23 containing not in excess of fourteen percent of alcohol by weight
24 made exclusively from grapes, berries and other fruits and
25 vegetables, by the drink at retail for consumption on the
26 premises where sold to any person other than a charitable,
27 fraternal, religious, service or veterans' organization which has
28 obtained an exemption from the payment of federal income taxes as

1 provided in section 501(c) (3), 501(c) (4), 501(c) (5), 501(c) (7),
2 501(c) (8), 501(c) (10), 501(c) (19), or 501(d) of the United States
3 Internal Revenue Code of 1954, as amended, in any incorporated
4 city having a population of less than nineteen thousand five
5 hundred inhabitants, until the sale of such intoxicating liquor,
6 by the drink at retail for consumption on the premises where
7 sold, shall have been authorized by a vote of the majority of the
8 qualified voters of the city. Such authority shall be determined
9 by an election to be held in those cities having a population of
10 less than nineteen thousand five hundred inhabitants as
11 determined by the last preceding federal decennial census, under
12 the provisions and methods set out in this chapter. Once such
13 licenses are issued in a city with a population of at least
14 nineteen thousand five hundred inhabitants, any subsequent loss
15 of population shall not require the qualified voters of such a
16 city to approve the sale of such intoxicating liquor prior to the
17 issuance or renewal of such licenses. No license shall be issued
18 for the sale of intoxicating liquor, other than malt liquor
19 containing alcohol not in excess of five percent by weight, and
20 light wines containing not in excess of fourteen percent of
21 alcohol by weight made exclusively from grapes, berries and other
22 fruits and vegetables, by the drink at retail for consumption on
23 the premises where sold, outside the limits of such incorporated
24 cities unless the licensee is a charitable, fraternal, religious,
25 service or veterans' organization which has obtained an exemption
26 from the payment of federal income taxes as provided in section
27 501(c) (3), 501(c) (4), 501(c) (5), 501(c) (7), 501(c) (8),
28 501(c) (10), 501(c) (19), or 501(d) of the United States Internal

1 Revenue Code of 1954, as amended.

2 2. Notwithstanding any other provisions of this chapter to
3 the contrary, any charitable, fraternal, religious, service or
4 veterans' organization which has obtained an exemption from the
5 payment of federal income taxes as provided in section 501(c)(3),
6 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10),
7 501(c)(19), or 501(d) of the United States Internal Revenue Code
8 of 1954, as amended, may apply for, and the supervisor of liquor
9 control may issue, a license to sell intoxicating liquor, as
10 defined in this chapter, between the hours of [~~11:00~~] 9:00 a.m.
11 on Sunday and midnight on Sunday by the drink at retail for
12 consumption on the premises described in the application. The
13 authority for the collection of fees by cities and counties as
14 provided in section 311.220, and all other laws and regulations
15 of the state relating to the sale of liquor by the drink for
16 consumption on the premises where sold, shall apply to
17 organizations licensed under this subsection in the same manner
18 as they apply to establishments licensed under subsection 1 of
19 this section and sections 311.085 and 311.095. In addition to
20 all other fees required by law, an organization licensed under
21 this section shall pay an additional fee of two hundred dollars a
22 year payable at the same time and in the same manner as its other
23 license fees.

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

1 building.

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

1 other causes beyond his reasonable control, another licensed
2 wholesaler not within the designated geographic area may sell the
3 specified brands of malt liquor [or nonintoxicating beer] in that
4 designated geographic area, if the applicant wholesaler who is
5 prevented from servicing the area consents thereto and approval
6 is obtained from the applicable brewer and the supervisor of
7 liquor control.

8 2. A specified geographic area designation in any agreement
9 required by this section shall be changed only upon a written
10 agreement between the wholesaler and the brewer, and shall be
11 filed pursuant to this section and the supervisor shall require
12 the brewer and wholesaler to verify that the level of service
13 within the designated geographic area will not be affected by
14 such change.

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

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

21 311.182. 1. No brewer or manufacturer of malt liquor [or
22 nonintoxicating beer], who designates a specific geographic area
23 for which a wholesaler shall be responsible, shall enter into any
24 agreement with any other person for the purpose of establishing
25 an additional wholesaler for the same brands of malt liquor [or
26 nonintoxicating beer] in such designated area. Provided,
27 however, that section 311.181 and this section shall not prevent
28 a brewer, manufacturer or wholesaler of malt liquor [or

1 nonintoxicating beer] from exercising or enforcing any rights or
2 obligations established by or contained within any written
3 agreement required by section 311.181.

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

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

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

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

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

17 311.192. The term "wine manufacturer" as used in this
18 chapter, shall mean any person, partnership, association of
19 persons, or corporation, who has procured a license under
20 subdivision (2) of subsection 1 of section 311.180 or section
21 311.190, and who manufactures in excess of two hundred gallons of
22 wine per calendar year.

23 311.195. 1. As used in this section, the term
24 "microbrewery" means a business whose primary activity is the
25 brewing and selling of beer, with an annual production of ten
26 thousand barrels or less.

27 2. A microbrewer's license shall authorize the licensee to
28 manufacture beer and malt liquor in quantities not to exceed ten

1 thousand barrels per annum. In lieu of the charges provided in
2 section 311.180, a license fee of five dollars for each one
3 hundred barrels or fraction thereof, up to a maximum license fee
4 of two hundred fifty dollars, shall be paid to and collected by
5 the director of revenue.

6 3. Notwithstanding any other provision of this chapter [or
7 chapter 312, RSMo,] to the contrary, the holder of a
8 microbrewer's license may apply for, and the supervisor of
9 alcohol and tobacco control may issue, a license to sell
10 intoxicating liquor by the drink at retail for consumption on the
11 premises. No holder of a microbrewer's license, or any employee,
12 officer, agent, subsidiary, or affiliate thereof, shall have more
13 than ten licenses to sell intoxicating liquor by the drink at
14 retail for consumption on the premises. The authority for the
15 collection of fees by cities and counties as provided in section
16 311.220, and all other laws and regulations relating to the sale
17 of liquor by the drink for consumption on the premises where
18 sold, shall apply to the holder of a license issued under the
19 provisions of this section in the same manner as they apply to
20 establishments licensed under the provisions of section 311.085,
21 311.090, 311.095, or 311.097.

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

1 5. A microbrewer who is a holder of a license to sell
2 intoxicating liquor by the drink at retail for consumption on the
3 premises shall be exempt from the provisions of section 311.280,
4 for such intoxicating liquor that is produced on the premises in
5 accordance with the provisions of this chapter. For all other
6 intoxicating liquor sold by the drink at retail for consumption
7 on the premises that the microbrewer possesses a license for must
8 be obtained in accordance with section 311.280.

9 311.196. Notwithstanding any other provision of law to the
10 contrary, any restaurant bar without an onsite brewery that
11 serves forty-five or more different types of draft beer may sell
12 thirty-two fluid ounces or more of such beer to customers for
13 consumption off the premises of such bar or tavern. As used in
14 this section, the term "restaurant bar" means any establishment
15 having a restaurant or similar facility on the premises at least
16 fifty percent of the gross income of which is derived from the
17 sale of prepared meals or food consumed on such premises.

18 311.200. 1. No license shall be issued for the sale of
19 intoxicating liquor in the original package, not to be consumed
20 upon the premises where sold, except to a person engaged in, and
21 to be used in connection with, the operation of one or more of
22 the following businesses: a drug store, a cigar and tobacco
23 store, a grocery store, a general merchandise store, a
24 confectionery or delicatessen store, nor to any such person who
25 does not have and keep in his store a stock of goods having a
26 value according to invoices of at least one thousand dollars,
27 exclusive of fixtures and intoxicating liquors. Under such
28 license, no intoxicating liquor shall be consumed on the premises

1 where sold nor shall any original package be opened on the
2 premises of the vendor except as otherwise provided in this law.
3 For every license for sale at retail in the original package, the
4 licensee shall pay to the director of revenue the sum of one
5 hundred dollars per year.

6 2. For a permit authorizing the sale of malt liquor
7 [containing alcohol in excess of three and two-tenths percent by
8 weight and] not in excess of five percent by weight by grocers
9 and other merchants and dealers in the original package direct to
10 consumers but not for resale, a fee of fifty dollars per year
11 payable to the director of the department of revenue shall be
12 required. The phrase "original package" shall be construed and
13 held to refer to any package containing three or more standard
14 bottles of beer. [This license shall also permit the holders
15 thereof to sell nonintoxicating beer in the original package
16 direct to consumers, but not for resale.] Notwithstanding the
17 provisions of section 311.290, any person licensed pursuant to
18 this subsection may also sell malt liquor at retail between the
19 hours of 9:00 a.m. and midnight on Sunday.

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

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

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

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

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

1 311.211. Sales of tickets for participation in fishing
2 contests wherein the skill of the participant is an element shall
3 not be construed as gambling or participation in gambling
4 activities for the purpose of administering the provisions of
5 [chapters 311 and 312, RSMo,] this chapter or rules and
6 regulations made pursuant thereto. The division of liquor
7 control shall not deny, suspend or revoke any license issued
8 under those chapters because of the sale of such tickets on the
9 licensed premises.

10 311.212. The division of liquor control shall not suspend,
11 revoke, refuse to renew or refuse to grant a license issued under
12 the provisions of this chapter [or chapter 312, RSMo,] based on a
13 violation of any provision of this chapter [or chapter 312,
14 RSMo,] or of any rule or regulation promulgated by the supervisor
15 of liquor control, when such violation occurred more than three
16 years prior to the division's decision to suspend, revoke, refuse
17 to renew or refuse to grant such license.

18 311.218. 1. Other provisions of this chapter to the
19 contrary notwithstanding, a permit for the sale of wine and malt
20 liquor [containing alcohol in excess of three and two-tenths
21 percent by weight], for consumption on the premises where sold
22 may be issued to any church, school, civic, service, fraternal,
23 veteran, political, or charitable club or organization for sale
24 of such wine and malt liquor at any picnic, bazaar, fair,
25 festival or similar gathering or event held to commemorate the
26 annual anniversary of the signing of the Declaration of
27 Independence of the United States. Such permit shall be issued
28 only during the period from June fifteenth to July fifteenth

1 annually and only for the day or days named therein and it shall
2 not authorize the sale of wine and malt liquor except between the
3 hours of 10:00 a.m. and midnight and for not more than seven days
4 by any such organization. The permit may be issued to cover more
5 than one place of sale within the general confines of the place
6 where the gathering or event is held; provided, however, no
7 permit shall be issued to any organization which selects or
8 restricts the membership thereof on the basis of race, religion,
9 color, creed, or place of national origin. For the permit, the
10 holder thereof shall pay to the director of revenue the sum of
11 one hundred dollars. No provision of law or rule or regulation
12 of the supervisor shall prevent any wholesaler or distributor
13 from providing customary storage, cooling or dispensing equipment
14 for use by the holder of the permit at such gathering or event.

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

18 311.260. 1. No person, corporation, employee, officer,
19 agent, subsidiary, or affiliate thereof, shall:

20 (1) Have more than [~~three~~] five licenses; or

21 (2) Be directly or indirectly interested in any business of
22 any other person, corporation, or employee, officer, agent,
23 subsidiary, or affiliate thereof, who sells intoxicating liquor
24 at retail by the drink for consumption on the premises described
25 in any license; or

26 (3) Sell intoxicating liquor at retail by the drink for
27 consumption at the place of sale at more than [~~three~~] five places
28 in this state.

1 2. Notwithstanding any other provision of this chapter or
2 municipal ordinance to the contrary, for the purpose of
3 determining whether a person, corporation, employee, officer,
4 agent, subsidiary, or affiliate thereof has a disqualifying
5 interest in more than ~~three~~ five licenses pursuant to
6 subsection 1 of this section, there shall not be counted any
7 license to sell intoxicating liquor at retail by the drink for
8 consumption on the following premises:

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

12 (2) Establishments which have an annual gross income of at
13 least two hundred thousand dollars from the sale of prepared
14 meals or food consumed on the premises where sold; or

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

19 (4) Any establishment having at least forty rooms for the
20 overnight accommodation of transient guests.

21 311.265. When a retailer licensed under ~~chapter 311 or~~
22 ~~chapter 312, RSMo,]~~ this chapter is delinquent beyond the
23 permissible ordinary commercial credit period, the wholesaler
24 shall notify the supervisor of liquor control in writing of the
25 debt and no new or renewal license shall be issued to the
26 retailer until the reported debt is satisfied. The wholesaler
27 shall immediately notify the supervisor of liquor control in
28 writing when the debt is satisfied. As used in this section, the

1 term "retailer" shall include an individual, corporation,
2 partnership or limited liability company, all officers and
3 directors of such person or entity and all stockholders owning,
4 legally or beneficially, directly or indirectly, ten percent or
5 more of the stock of such person or entity.

6 311.280. 1. It shall be unlawful for any person in this
7 state holding a retail liquor license to purchase any
8 intoxicating liquor except from, by or through a duly licensed
9 wholesale liquor dealer in this state. It shall be unlawful for
10 such retail liquor dealer to sell or offer for sale any
11 intoxicating liquor purchased in violation of the provisions of
12 this section. Any person violating any provision of this section
13 shall be deemed guilty of a misdemeanor.

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

16 (1) Sell intoxicating liquor [or nonintoxicating beer] with
17 an alcohol content of less than five percent by weight to the
18 consumer in an original carton received from the wholesaler that
19 has been mutilated, torn apart, or cut apart; or

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

24 311.290. No person having a license issued pursuant to this
25 chapter [or chapter 312, RSMo], nor any employee of such person,
26 shall sell, give away, or permit the consumption of any
27 intoxicating liquor in any quantity between the hours of 1:30
28 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m.

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

25 311.300. 1. Except as provided in subsections 2, 3 and 4
26 of this section, no person under the age of twenty-one years
27 shall sell or assist in the sale or dispensing of intoxicating
28 liquor [or nonintoxicating beer].

1 2. In any place of business licensed in accordance with
2 section 311.200, [or section 312.040, RSMo,] persons at least
3 eighteen years of age may stock, arrange displays, operate the
4 cash register or scanner connected to a cash register and accept
5 payment for, and sack for carryout, intoxicating liquor [or
6 nonintoxicating beer]. Delivery of intoxicating liquor [or
7 nonintoxicating beer] away from the licensed business premises
8 cannot be performed by anyone under the age of twenty-one years.
9 Any licensee who employs any person under the age of twenty-one
10 years, as authorized by this subsection, shall, when at least
11 fifty percent of the licensee's gross sales does not consist of
12 nonalcoholic sales, have an employee twenty-one years of age or
13 older on the licensed premises during all hours of operation.

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

26 4. Persons eighteen years of age or older may, when acting
27 in the capacity of a waiter or waitress, accept payment for or
28 serve intoxicating liquor [or nonintoxicating beer] in places of

1 business which sell food for consumption on the premises if at
2 least fifty percent of all sales in those places consists of
3 food; provided that nothing in this section shall authorize
4 persons under twenty-one years of age to mix or serve across the
5 bar intoxicating beverages [or nonintoxicating beer].

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

21 2. [Except as provided in subsection 3 of this section, any
22 wholesaler licensed to sell intoxicating liquor and wine
23 containing alcohol in excess of five percent by weight to persons
24 duly licensed to sell such intoxicating liquor and wine at retail
25 may offer a price reduction of not more than four percent of the
26 wholesaler's price schedule for any brand, age, proof, and size
27 bottle or package. Such price reduction shall apply for a
28 thirty-day period, shall not be offered by any wholesaler more

1 than three times in any calendar year, and shall not be offered
2 during successive months.

3 3. Any wholesaler licensed to sell intoxicating liquor and
4 wine containing alcohol in excess of five percent by weight to
5 persons duly licensed to sell such intoxicating liquor and wine
6 at retail may offer a price reduction of more than four percent
7 of the scheduled price on close-out merchandise. "Close-out
8 merchandise" is any item which has been in the wholesaler's
9 inventory for more than six months. The price of close-out
10 merchandise may be decreased, but shall not be increased, monthly
11 for up to and including twelve consecutive months. A wholesaler
12 shall not purchase any item of intoxicating liquor or wine of the
13 same year and vintage the wholesaler has classified as close-out
14 merchandise during the period of such classification. A
15 wholesaler shall not purchase, sell, or offer to sell any item of
16 intoxicating liquor or wine of the same year and vintage the
17 wholesaler has classified as close-out merchandise until
18 twenty-four months have elapsed since the wholesaler's last offer
19 to sell the item as close-out merchandise.

20 4.] Manufacturers or wholesalers shall be permitted to
21 donate or deliver or cause to be delivered beer, wine, or
22 brandy[, or nonintoxicating beer] for nonresale purposes to any
23 unlicensed person or any licensed retail dealer who is a
24 charitable or religious organization as defined in section
25 313.005, RSMo, or educational institution, at any location or
26 licensed premises, provided, such beer, wine, or brandy[, or
27 nonintoxicating beer] is unrelated to the organization's or
28 institution's licensed retail operation. A charge for admission

1 to an event or activity at which beer, wine, or brandy[, or
2 nonintoxicating beer] is available without separate charge shall
3 not constitute resale for the purposes of this subsection. Wine
4 used in religious ceremonies may be sold by wholesalers to a
5 religious organization as defined in section 313.005, RSMo. Any
6 manufacturer or wholesaler providing nonresale items shall keep a
7 record of any deliveries made pursuant to this subsection.

8 [5.] 3. Manufacturers, wholesalers, retailers and
9 unlicensed persons may donate wine in the original package to a
10 charitable or religious organization as defined in section
11 313.005, RSMo, or educational institution for the sole purpose of
12 being auctioned by the organization or institution for
13 fund-raising purposes, provided the auction takes place on a
14 retail-licensed premises and all proceeds from the sale go into a
15 fund of an organization or institution that is unrelated to any
16 licensed retail operation.

17 311.333. 1. Any wholesaler licensed under this chapter to
18 sell intoxicating liquors and wines may accept the return of any
19 intoxicating liquor containing alcohol in excess of five percent
20 by weight and wines as provided by rules and regulations
21 promulgated by the supervisor of liquor control, pursuant to
22 chapter 536, RSMo.

23 2. Any wholesaler licensed to sell intoxicating liquor or
24 wine containing alcohol in excess of five percent by weight to
25 persons duly licensed to sell such intoxicating liquor and wine
26 at retail shall make available to all such retailers, not later
27 than five days prior to the first day of the month in which the
28 pricing is to be effective, information regarding all products

1 which shall be available for sale in the next month. Such
2 information shall include the brand or trade name, capacity of
3 individual packages, nature of contents, age and proof, the per
4 bottle and per case price which shall be offered equally to all
5 retailers, the number of bottles contained in each case, and the
6 size thereof. The price provided to retailers under this section
7 shall become effective on the first day of the next month and
8 remain in effect until the last day of that month. Supplemental
9 pricing information may be provided to retailers by wholesalers
10 for items that were unintentionally left off a regular monthly
11 item information listing or for new items after approval for sale
12 in Missouri by the Missouri division of alcohol and tobacco
13 control. A wholesaler shall be allowed to sell such items to
14 retailers immediately upon production of such supplemental
15 information.

16 311.335. 1. Any wholesaler licensed to sell intoxicating
17 liquor and wine containing alcohol in excess of five percent by
18 weight [pursuant to chapter 311] shall [ship and] deliver such
19 intoxicating liquor and wine to a retailer [in the amount for
20 which the scheduled price set forth on the invoice is in effect]
21 at the price in effect for that calendar month in which the
22 delivery occurs.

23 2. Such wholesaler licensed to sell intoxicating liquor and
24 wine containing alcohol in excess of five percent by weight shall
25 not take an order for delivery in a month subsequent to the month
26 in which the order is taken, provided that [on and after the date
27 on which amended price schedules are filed with the supervisor of
28 liquor control] during the last five business days of each month,

1 orders may be taken for delivery in the following month at the
2 price in effect for that following month and provided, further,
3 that for any order received within the last [three] five business
4 days of a month, the wholesaler may, with the consent of the
5 retailer placing such order [or upon the request of the retailer
6 placing such order], deliver such order to the retailer within
7 the first [three] five business days of the month following the
8 month in which the order was received by such wholesaler at the
9 price in effect for the month in which the order was placed.

10 Such order received within the last [three] five business days of
11 a month and delivered within the first [three] five business days
12 of the subsequent month shall be known as a "delayed shipment".

13 A delayed shipment shall be deemed delivered on the last business
14 day of the month in which the order was received for purposes of
15 implementing and enforcing rules and regulations of the
16 supervisor of [liquor] alcohol and tobacco control relating to
17 invoicing, discounts and ordinary commercial credit terms.

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

1 in excess of five percent by weight to be close-out merchandise
2 by identifying them such as close-out items when providing
3 monthly pricing information to retailers as required in section
4 311.333. A wholesaler shall not purchase any intoxicating liquor
5 or wine containing alcohol in excess of five percent by weight
6 while such intoxicating liquor or wine is designated as close-out
7 merchandise. Intoxicating liquors or wines containing alcohol in
8 excess of five percent by weight that are designated as close-out
9 merchandise shall be designated as close-out merchandise for not
10 less than six consecutive months. After such time, a wholesaler
11 may remove items from close-out designation by no longer
12 identifying them as close-out items when providing monthly
13 pricing information to retailers as required in section 311.333.

14 311.338. Alleged violations of sections 311.332, 311.333,
15 and 311.335 shall be reported to the supervisor of alcohol and
16 tobacco control. Any person violating any provisions of sections
17 311.332 [to 311.336], 311.333, and 311.335 shall be deemed guilty
18 of a misdemeanor, and it shall be the duty of the supervisor of
19 [liquor] alcohol and tobacco control to suspend or revoke the
20 license of any wholesaler violating any of the provisions of
21 sections 311.332 [to 311.336], 311.333, and 311.335.

22 311.360. 1. No person holding a license or permit shall
23 sell malt liquor, or any other intoxicating liquor in this state,
24 or shall offer for sale any such malt liquor, or other
25 intoxicating liquor, whatsoever, brewed, manufactured or
26 distilled by one manufacturer, in substitution for, or with the
27 representation that any such malt liquor or other intoxicating
28 liquor, is the product of any other brewer, manufacturer or

1 distiller. Whosoever shall violate the provisions of this
2 section shall be deemed guilty of a misdemeanor.

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

12 311.480. 1. It shall be unlawful for any person operating
13 any premises where food, beverages or entertainment are sold or
14 provided for compensation, who does not possess a license for the
15 sale of intoxicating liquor [or nonintoxicating beer], to permit
16 the drinking or consumption of intoxicating liquor [or
17 nonintoxicating beer] in the premises, without having a license
18 as in this section provided.

19 2. Application for such license shall be made to the
20 supervisor of alcohol and tobacco control on forms to be
21 prescribed by him, describing the premises to be licensed and
22 giving all other reasonable information required by the form.
23 The license shall be issued upon the payment of the fee required
24 in this section. A license shall be required for each separate
25 premises and shall expire on the thirtieth day of June next
26 succeeding the date of such license. The license fee shall be
27 sixty dollars per year and the applicant shall pay five dollars
28 for each month or part thereof remaining from the date of the

1 license to the next succeeding first of July. Applications for
2 renewals of licenses shall be filed on or before the first of May
3 of each year.

4 3. The drinking or consumption of intoxicating liquor [or
5 nonintoxicating beer] shall not be permitted in or upon the
6 licensed premises by any person under twenty-one years of age, or
7 by any other person between the hours of 1:30 a.m. and 6:00 a.m.
8 on any weekday, and between the hours of 1:30 a.m. Sunday and
9 6:00 a.m. Monday. Licenses issued hereunder shall be conditioned
10 upon the observance of the provisions of this section and the
11 regulations promulgated thereunder governing the conduct of
12 premises licensed for the sale of intoxicating liquor [or
13 nonintoxicating beer] by the drink. The provision of this
14 section regulating the drinking or consumption of intoxicating
15 liquor [or nonintoxicating beer] between certain hours and on
16 Sunday shall apply also to premises licensed under this chapter
17 to sell intoxicating liquor [or nonintoxicating beer] by the
18 drink. In any incorporated city having a population of more than
19 twenty thousand inhabitants, the board of aldermen, city council,
20 or other proper authorities of incorporated cities may, in
21 addition to the license fee required in this section, require a
22 license fee not exceeding three hundred dollars per annum,
23 payable to the incorporated cities, and provide for the
24 collection thereof; make and enforce ordinances regulating the
25 hours of consumption of intoxicating liquors [or nonintoxicating
26 beer] on premises licensed hereunder, not inconsistent with the
27 other provisions of this law, and provide penalties for the
28 violation thereof. No person shall be granted a license

1 hereunder unless such person is of good moral character and a
2 qualified legal voter and a taxpaying citizen of the county,
3 town, city or village, nor shall any corporation be granted a
4 license hereunder unless the managing officer of such corporation
5 is of good moral character and a qualified legal voter and
6 taxpaying citizen of the county, town, city or village.

7 4. Any premises operated in violation of the provisions of
8 this section, or where intoxicating liquor [or nonintoxicating
9 beer] is consumed in violation of this section, is hereby
10 declared to be a public and common nuisance, and it shall be the
11 duty of the supervisor of alcohol and tobacco control and of the
12 prosecuting or circuit attorney of the city of St. Louis, and the
13 prosecuting attorney of the county in which the premises are
14 located, to enjoin such nuisance.

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

20 6. The supervisor of alcohol and tobacco control is hereby
21 empowered to promulgate regulations necessary or reasonably
22 designed to enforce or construe the provisions of this section,
23 and is empowered to revoke or suspend any license issued
24 hereunder, as provided in this chapter, for violation of this
25 section or any of the laws or regulations herein made applicable
26 to the conduct of premises licensed hereunder.

27 7. Nothing in this section shall be construed to prohibit
28 the sale or delivery of any intoxicating liquor [or

1 nonintoxicating beer] during any of the hours or on any of the
2 days specified in this section by a wholesaler licensed under the
3 provisions of section 311.180 to a person licensed to sell the
4 intoxicating liquor [or nonintoxicating beer] at retail.

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

8 311.482. 1. Notwithstanding any other provision of this
9 chapter [or chapter 312, RSMo], a permit for the sale of
10 intoxicating liquor as defined in section 311.020, [and
11 nonintoxicating beer as defined in section 312.010, RSMo,] for
12 consumption on premises where sold may be issued to any church,
13 school, civic, service, fraternal, veteran, political or
14 charitable club or organization for the sale of such intoxicating
15 liquor at a picnic, bazaar, fair, or similar gathering. The
16 permit shall be issued only for the day or days named therein and
17 it shall not authorize the sale of intoxicating liquor for more
18 than seven days by any such club or organization.

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

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

27 4. At the same time that an applicant applies for a permit
28 under the provisions of this section, the applicant shall notify

1 the director of revenue of the holding of the event and by such
2 notification, by certified mail, shall accept responsibility for
3 the collection and payment of any applicable sales tax. Any
4 sales tax due shall be paid to the director of revenue within
5 fifteen days after the close of the event, and failure to do so
6 shall result in a liability of triple the amount of the tax due
7 plus payment of the tax, and denial of any other permit for a
8 period of three years. Under no circumstances shall a bond be
9 required from the applicant.

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

15 311.485. 1. The supervisor of liquor control may issue a
16 temporary permit to caterers and other persons holding licenses
17 to sell intoxicating liquor by the drink at retail for
18 consumption on the premises pursuant to the provisions of this
19 chapter who furnish provisions and service for use at a
20 particular function, occasion or event at a particular location
21 other than the licensed premises, but not including a "festival"
22 as defined in chapter 316, RSMo. The temporary permit shall be
23 effective for a period not to exceed one hundred sixty-eight
24 consecutive hours, and shall authorize the service of alcoholic
25 beverages at such function, occasion or event during the hours at
26 which alcoholic beverages may lawfully be sold or served upon
27 premises licensed to sell alcoholic beverages for on-premises
28 consumption. For every permit issued pursuant to the provisions

1 of this section, the permittee shall pay to the director of
2 revenue the sum of ten dollars for each calendar day, or fraction
3 thereof, for which the permit is issued.

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

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

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

1 section.

2 311.486. 1. The supervisor of alcohol and tobacco control
3 may issue a special license to caterers and other persons holding
4 licenses to sell intoxicating liquor by the drink at retail for
5 consumption on the premises pursuant to the provisions of this
6 chapter who furnish provisions and service for use at a
7 particular function, occasion, or event at a particular location
8 other than the licensed premises, but not including a "festival"
9 as defined in chapter 316, RSMo. The special license shall be
10 effective for a maximum of fifty days during any year, and shall
11 authorize the service of alcoholic beverages at such function,
12 occasion, or event during the hours at which alcoholic beverages
13 may lawfully be sold or served upon premises licensed to sell
14 alcoholic beverages for on-premises consumption. For every
15 special license issued pursuant to the provisions of this
16 subsection, the licensee shall pay to the director of revenue the
17 sum of five hundred dollars a year payable at the same time and
18 in the same manner as its other license fees.

19 2. The supervisor of alcohol and tobacco control may issue
20 a special license to caterers and other persons holding licenses
21 to sell intoxicating liquor by the drink at retail for
22 consumption on the premises pursuant to the provisions of this
23 chapter who furnish provisions and service for use at a
24 particular function, occasion, or event at a particular location
25 other than the licensed premises, but not including a "festival"
26 as defined in chapter 316, RSMo. The special license shall be
27 effective for an unlimited number of functions during the year,
28 and shall authorize the service of alcoholic beverages at such

1 function, occasion, or event during the hours at which alcoholic
2 beverages may lawfully be sold or served upon premises licensed
3 to sell alcoholic beverages for on-premises consumption. For
4 every special license issued pursuant to the provisions of this
5 subsection, the licensee shall pay to the director of revenue the
6 sum of one thousand dollars a year payable at the same time and
7 in the same manner as its other license fees.

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

15 4. Except as provided in subsection 5 of this section, all
16 provisions of the liquor control law and the ordinances, rules
17 and regulations of the incorporated city, or the unincorporated
18 area of any county, in which is located the premises in which
19 such function, occasion, or event is held shall extend to such
20 premises and shall be in force and enforceable during all the
21 time that the licensee, its agents, servants, employees, or stock
22 are in such premises. Except for wines in the original package,
23 the provisions of this section shall not include the sale of
24 packaged goods covered by this special license.

25 5. Notwithstanding any other law to the contrary, any
26 caterer who possesses a valid state and valid local liquor
27 license may deliver alcoholic beverages, in the course of his or
28 her catering business. A caterer who possesses a valid state and

1 valid local liquor license need not obtain a separate license for
2 each city the caterer delivers in, so long as such city permits
3 any caterer to deliver alcoholic beverages within the city.

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

11 311.487. 1. The supervisor of liquor control may issue to
12 any person holding a concessionaire's contract, issued by the
13 Missouri state fair, an annual license effective for the
14 fourteen-day period when the fair is held and for any additional
15 periods of time approved by the director of the fair which shall
16 authorize the sale of malt liquor [containing alcohol in excess
17 of three and two-tenths percent by weight] and Missouri-produced
18 wines, for consumption on the premises where sold, on the
19 Missouri state fairgrounds and, in the case of Missouri-produced
20 wines, in the original package, on each day of the week within
21 any period which has been approved by the director of the fair
22 and during the hours at which such malt liquor or wine may
23 lawfully be sold or served upon premises licensed to sell malt
24 liquor or wine for on-premises consumption in the incorporated
25 city in which the Missouri state fair is located. For every
26 permit issued pursuant to the provisions of this section, the
27 permittee shall pay to the director of revenue the sum of one
28 hundred dollars for such license, except that for licenses issued

1 to the concessionaire of the premises on the fairgrounds known as
2 the "grandstand" and to the concessionaire of the premises on the
3 fairgrounds known as the "exhibition center", there shall be paid
4 to the director of revenue the sum of three hundred dollars for
5 such licenses.

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

12 311.489. 1. After obtaining the approvals as described in
13 this section, a permit for the sale of intoxicating liquor as
14 defined in section 311.020, and nonintoxicating beer as defined
15 in section 312.010, RSMo, for consumption on premises where sold,
16 and to conduct specified festival events, shall be issued by the
17 division of alcohol and tobacco control to any festival district,
18 located in a community improvement district in any home rule city
19 with more than four hundred thousand inhabitants and located in
20 more than one county, that includes three or more businesses that
21 are licensed bars, nightclubs, restaurants, or other
22 entertainment venues and a common area that is closed to vehicle
23 traffic, provided that the permit is held by a promotional
24 association. A "promotional association" is defined as an entity
25 formed by property owners who own or operate fifty percent or
26 more of the square feet of bars, nightclubs, restaurants, and
27 other entertainment venues located within the proposed festival
28 district.

1 2. The promotional association shall obtain a permit from
2 the division if the promotional association submits a plan to the
3 governing body of the city and such a plan receives approval from
4 the city governing body. The plan submitted shall include the
5 legal description of the district and the common area within
6 which such festivals shall be held, the name and address and
7 responsible person for each business participating in the
8 promotional association, the specific calendar of events for the
9 district which shall not exceed twenty-four such events annually
10 and shall include the dates and times of any such events, a
11 description of the proposed festival activities, including any
12 proposed public street closures if applicable, proof of adequate
13 insurance, and a detailed description of security for any
14 proposed festivals which shall be provided at the sole expense of
15 the promotional association. Such detailed description of
16 security shall be approved by the city police department and the
17 city department of liquor control prior to the plan being
18 approved by the city. Each event on the calendar shall not
19 exceed forty-eight hours in length. No more than two events
20 shall be held in any calendar month. Such permit shall cost
21 three hundred dollars per year.

22 3. Prior to approving the plan, the city shall notify all
23 property owners in the proposed district and within five hundred
24 feet of such district's boundaries. The city shall hold a public
25 hearing at least thirty days after providing such notice to
26 obtain public views and comments on the issue. The city shall
27 not approve any plan unless the promotional association has
28 obtained written approval from at least fifty percent of the

1 property owners within the district and within one hundred
2 eighty-five feet of its borders. If the written approvals
3 required under this section are obtained and the city approves
4 the plan, the promotional association may conduct the events
5 described in the plan and may sell liquor for consumption within
6 the district common areas. Such liquor sales may only occur
7 between 9:00 a.m. and 1:00 a.m. In addition, for no more than
8 ten twenty-four hour periods in a year, such promotional
9 association may permit customers to leave an establishment within
10 the district after purchasing an alcoholic beverage and consume
11 the beverage in the district common areas or another licensed
12 establishment within the district. All containers allowed to be
13 removed from an establishment shall be marked with the name or
14 logo of the establishment where it was purchased. No person
15 shall be allowed to take any alcoholic beverage outside the
16 boundaries of the festival district.

17 4. If participating in a promotional association event,
18 every bar, nightclub, restaurant, promotional association, or
19 other entertainment venue that serves alcoholic beverages within
20 the festival district shall use disposable paper, plastic, or
21 foam cups or other light-weight containers for all alcoholic
22 beverages that the bar, nightclub, restaurant, promotional
23 association, or other entertainment venue sells within the
24 festival district boundaries for consumption in the district
25 common area.

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

28 6. The holder of the permit is solely responsible for any

1 alcohol violations occurring within the common areas. For any
2 violation of this chapter or of any rule or regulation of the
3 supervisor of alcohol and tobacco control, the promotional
4 association may be assessed a civil fine of not more than five
5 thousand dollars. If a promotional association is found to be
6 responsible for such violations at three separate events, then
7 such promotional association shall not seek approval for
8 subsequent plans without the prior written consent of the
9 supervisor of alcohol and tobacco control. The promotional
10 association's then current plan shall be deemed terminated, and
11 the businesses participating in the promotional association's
12 events shall not participate in activities permitted by
13 subsection 3 of this section without prior written consent from
14 the supervisor of alcohol and tobacco control.

15 7. The provisions of this section shall expire two years
16 after the effective date of this section.

17 311.490. No person, partnership or corporation engaged in
18 the brewing, manufacture or sale of beer as defined, in this
19 chapter, or other intoxicating malt liquor, shall use in the
20 manufacture or brewing thereof, or shall sell any such beer or
21 other intoxicating malt liquor which contains ingredients not in
22 compliance with the following standards:

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

28 (2) Flavor and other nonbeverage ingredients containing

1 alcohol may be used in producing beer, but may contribute to no
2 more than forty-nine percent of the overall alcohol content of
3 the finished beer. In the case of beer with an alcohol content
4 of more than six percent by volume, no more than one and one-half
5 percent of the volume of the beer may consist of alcohol derived
6 from added flavors and other nonbeverage ingredients containing
7 alcohol; and

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

12 311.520. As a charge for the inspection and gauging of all
13 malt liquors, [containing alcohol in excess of three and
14 two-tenths percent by weight,] the director of revenue shall
15 collect the sum of one dollar and eighty-six cents per barrel.

16 311.610. 1. For the purpose of carrying out the provisions
17 of this chapter[,] and the liquor control law[, and the
18 provisions of chapter 312, RSMo], the governor, by and with the
19 advice and consent of the senate, shall appoint some suitable
20 person of good moral character over the age of thirty years, who
21 has been a qualified elector in the state of Missouri for at
22 least five years next before the date of his appointment, as
23 supervisor of liquor control. The supervisor of liquor control
24 shall serve at the pleasure and under the supervision and
25 direction of the governor.

26 2. The supervisor of liquor control shall devote his entire
27 time to the duties of his office and, with the approval of the
28 governor, appoint and employ all agents, assistants, deputies,

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

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

25 4. The supervisor of liquor control shall issue licenses
26 for the manufacture and sale of ardent spirits, malt, vinous,
27 fermented and every class of liquors used as beverages [and
28 having an alcoholic content in excess of three and two-tenths

1 percent by weight as in this chapter provided]. The supervisor
2 of liquor control shall keep a record of all intoxicating liquor
3 manufactured, brewed or sold in this state by every brewery,
4 distiller, manufacturer, distributor or wholesaler, and make a
5 complete report of the same to the governor at the end of each
6 calendar year, or as soon thereafter as possible.

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

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

26 3. All fees for the arrest and transportation of persons
27 arrested and for the service of writs and process shall be the
28 same as provided by law in criminal proceedings and shall be

1 taxed as costs.

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

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

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

25 3. Any solicitor licensed pursuant to this chapter [or
26 chapter 312, RSMo,] in lieu of the suspension or revocation
27 authorized in subsection 1 of this section, may be assessed a
28 civil penalty or fine by the supervisor of liquor control of not

1 less than one hundred dollars nor more than five thousand dollars
2 for each violation.

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

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

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

17 7. In order to encourage the early resolution of disputes
18 between the supervisor of liquor control and licensees, the
19 supervisor of liquor control, prior to issuing an order of
20 warning, probation, revocation, suspension, or fine, shall
21 provide the licensee with the opportunity to meet or to confer
22 with the supervisor of liquor control, or his or her designee,
23 concerning the alleged violations. At least ten days prior to
24 such meeting or conference, the supervisor shall provide the
25 licensee with notice of the time and place of such meeting or
26 conference, and the supervisor of liquor control shall also
27 provide the licensee with a written description of the specific
28 conduct for which discipline is sought, a citation of the law or

1 rules allegedly violated, and, upon request, copies of any
2 violation report or any other documents which are the basis for
3 such action. Any order of warning, probation, revocation,
4 suspension, or fine shall be effective no sooner than thirty days
5 from the date of such order.

6 311.685. 1. Any retail licensee selling intoxicating
7 liquor [or nonintoxicating beer] under this chapter [or chapter
8 312, RSMo,] and aggrieved by official action of the supervisor
9 affecting the licensee, may bring a civil action against any
10 person who is the proximate cause of such official action by the
11 supervisor, if the violation occurred on or about the premises of
12 the retail licensee. If a judgment is entered in favor of the
13 licensee, the court shall award the retail licensee civil damages
14 up to an amount of five thousand dollars and shall award
15 reasonable court costs and attorney fees.

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

19 311.722. 1. The supervisor of alcohol and tobacco control
20 shall not use minors to enforce the laws of this chapter [or
21 chapter 312, RSMo,] unless the supervisor promulgates rules and
22 regulations that establish standards for the use of minors. The
23 standards shall include those in subsection 2 of this section.

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

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

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

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

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

14 3. The supervisor of alcohol and tobacco control shall not
15 participate with any state, county, municipal, or other local law
16 enforcement agency, nor discipline any licensed establishment
17 when any state, county, municipal, or other law enforcement
18 agency chooses not to follow the supervisor's permissive
19 standards.

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

25 313.075. The conduct or playing games of bingo under the
26 provisions of sections 313.005 to 313.080 does not constitute
27 gambling or gambling activities and the power of the division of
28 liquor control to prohibit the licensing of any premises on which

1 gambling or gambling activities are conducted or played, or to
2 prohibit the sale or consumption of beer or alcoholic beverage on
3 any premises on which gambling or gambling activities are
4 conducted or played, shall not apply where the only activity is
5 the conduct or playing of games of bingo under the provisions of
6 sections 313.005 to 313.080. Any licensee under sections 313.005
7 to 313.080 may, if such licensee meets all other requirements of
8 the liquor licensing laws of this state, be licensed by the
9 division of liquor control as provided in [chapters 311 and 312]
10 chapter 311, RSMo, and the conduct or playing of games of bingo
11 under the provisions of sections 313.005 to 313.080 shall not, by
12 itself, be a reason for refusal to license or for suspension or
13 revocation of a license under the provisions of chapter 311 [or
14 312], RSMo.

15 313.340. 1. Notwithstanding any other provision of law to
16 the contrary, participation by a person, firm, corporation or
17 organization in any aspect of the state lottery in accordance
18 with sections 313.200 to 313.350 shall not be construed to be a
19 lottery or gift enterprise in violation of article III, section
20 39 of the Constitution of Missouri.

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

26 313.665. 1. Notwithstanding any other provision of law to
27 the contrary, pari-mutuel wagering on horses at licensed tracks
28 shall not be considered to be "gambling" as that term is used in

1 any law or regulation.

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

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

15 313.840. 1. The conduct of or playing of any games on any
16 licensed excursion gambling boat does not constitute gambling or
17 gambling activities and the power of the division of liquor
18 control to prohibit the licensing of any premises on which
19 gambling or gambling activities are conducted or played, or to
20 prohibit the consumption or sale of beer or alcoholic beverage on
21 any premises, shall not apply where the premises is duly licensed
22 by the commission. Notwithstanding the provisions of chapter 311
23 [or 312], RSMo, the commission shall be the sole liquor licensing
24 authority for liquor service aboard any excursion gambling boat
25 and any facility neighboring an excursion gambling boat which is
26 owned and operated by an excursion gambling boat licensee. The
27 division of liquor control may issue a microbrewer's license
28 pursuant to section 311.195, RSMo, for manufacturing on the

1 premises of such boat or neighboring facility. The commission
2 shall establish rules and regulations for the service of liquor
3 on any premises licensed for the service of liquor by the
4 commission, except that no rule or regulation adopted by the
5 commission shall allow any person under the age of twenty-one to
6 consume alcoholic beverages on any premises licensed for the
7 service of liquor by the commission. All criminal provisions of
8 chapter 311 [or 312], RSMo, shall be applicable to liquor service
9 aboard any premises licensed for the service of liquor by the
10 commission.

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

15 571.107. 1. A concealed carry endorsement issued pursuant
16 to sections 571.101 to 571.121 or a concealed carry endorsement
17 or permit issued by another state or political subdivision of
18 another state shall authorize the person in whose name the permit
19 or endorsement is issued to carry concealed firearms on or about
20 his or her person or vehicle throughout the state. No driver's
21 license or nondriver's license containing a concealed carry
22 endorsement issued pursuant to sections 571.101 to 571.121 or a
23 concealed carry endorsement or permit issued by another state or
24 political subdivision of another state shall authorize any person
25 to carry concealed firearms into:

26 (1) Any police, sheriff, or highway patrol office or
27 station without the consent of the chief law enforcement officer
28 in charge of that office or station. Possession of a firearm in

1 a vehicle on the premises of the office or station shall not be a
2 criminal offense so long as the firearm is not removed from the
3 vehicle or brandished while the vehicle is on the premises;

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

9 (3) The facility of any adult or juvenile detention or
10 correctional institution, prison or jail. Possession of a
11 firearm in a vehicle on the premises of any adult, juvenile
12 detention, or correctional institution, prison or jail shall not
13 be a criminal offense so long as the firearm is not removed from
14 the vehicle or brandished while the vehicle is on the premises;

15 (4) Any courthouse solely occupied by the circuit,
16 appellate or supreme court, or any courtrooms, administrative
17 offices, libraries or other rooms of any such court whether or
18 not such court solely occupies the building in question. This
19 subdivision shall also include, but not be limited to, any
20 juvenile, family, drug, or other court offices, any room or
21 office wherein any of the courts or offices listed in this
22 subdivision are temporarily conducting any business within the
23 jurisdiction of such courts or offices, and such other locations
24 in such manner as may be specified by supreme court rule pursuant
25 to subdivision (6) of this subsection. Nothing in this
26 subdivision shall preclude those persons listed in subdivision
27 (1) of subsection 2 of section 571.030 while within their
28 jurisdiction and on duty, those persons listed in subdivisions

1 (2) and (4) of subsection 2 of section 571.030, or such other
2 persons who serve in a law enforcement capacity for a court as
3 may be specified by supreme court rule pursuant to subdivision
4 (6) of this subsection from carrying a concealed firearm within
5 any of the areas described in this subdivision. Possession of a
6 firearm in a vehicle on the premises of any of the areas listed
7 in this subdivision shall not be a criminal offense so long as
8 the firearm is not removed from the vehicle or brandished while
9 the vehicle is on the premises;

10 (5) Any meeting of the governing body of a unit of local
11 government; or any meeting of the general assembly or a committee
12 of the general assembly, except that nothing in this subdivision
13 shall preclude a member of the body holding a valid concealed
14 carry endorsement from carrying a concealed firearm at a meeting
15 of the body which he or she is a member. Possession of a firearm
16 in a vehicle on the premises shall not be a criminal offense so
17 long as the firearm is not removed from the vehicle or brandished
18 while the vehicle is on the premises;

19 (6) The general assembly, supreme court, county or
20 municipality may by rule, administrative regulation, or ordinance
21 prohibit or limit the carrying of concealed firearms by
22 endorsement holders in that portion of a building owned, leased
23 or controlled by that unit of government. Any portion of a
24 building in which the carrying of concealed firearms is
25 prohibited or limited shall be clearly identified by signs posted
26 at the entrance to the restricted area. The statute, rule or
27 ordinance shall exempt any building used for public housing by
28 private persons, highways or rest areas, firing ranges, and

1 private dwellings owned, leased, or controlled by that unit of
2 government from any restriction on the carrying or possession of
3 a firearm. The statute, rule or ordinance shall not specify any
4 criminal penalty for its violation but may specify that persons
5 violating the statute, rule or ordinance may be denied entrance
6 to the building, ordered to leave the building and if employees
7 of the unit of government, be subjected to disciplinary measures
8 for violation of the provisions of the statute, rule or
9 ordinance. The provisions of this subdivision shall not apply to
10 any other unit of government;

11 (7) Any establishment licensed to dispense intoxicating
12 liquor [or nonintoxicating beer] for consumption on the premises,
13 which portion is primarily devoted to that purpose, without the
14 consent of the owner or manager. The provisions of this
15 subdivision shall not apply to the licensee of said
16 establishment. The provisions of this subdivision shall not
17 apply to any bona fide restaurant open to the general public
18 having dining facilities for not less than fifty persons and that
19 receives at least fifty-one percent of its gross annual income
20 from the dining facilities by the sale of food. This subdivision
21 does not prohibit the possession of a firearm in a vehicle on the
22 premises of the establishment and shall not be a criminal offense
23 so long as the firearm is not removed from the vehicle or
24 brandished while the vehicle is on the premises. Nothing in this
25 subdivision authorizes any individual who has been issued a
26 concealed carry endorsement to possess any firearm while
27 intoxicated;

28 (8) Any area of an airport to which access is controlled by

1 the inspection of persons and property. Possession of a firearm
2 in a vehicle on the premises of the airport shall not be a
3 criminal offense so long as the firearm is not removed from the
4 vehicle or brandished while the vehicle is on the premises;

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

7 (10) Any higher education institution or elementary or
8 secondary school facility without the consent of the governing
9 body of the higher education institution or a school official or
10 the district school board. Possession of a firearm in a vehicle
11 on the premises of any higher education institution or elementary
12 or secondary school facility shall not be a criminal offense so
13 long as the firearm is not removed from the vehicle or brandished
14 while the vehicle is on the premises;

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

21 (12) Any riverboat gambling operation accessible by the
22 public without the consent of the owner or manager pursuant to
23 rules promulgated by the gaming commission. Possession of a
24 firearm in a vehicle on the premises of a riverboat gambling
25 operation shall not be a criminal offense so long as the firearm
26 is not removed from the vehicle or brandished while the vehicle
27 is on the premises;

28 (13) Any gated area of an amusement park. Possession of a

1 firearm in a vehicle on the premises of the amusement park shall
2 not be a criminal offense so long as the firearm is not removed
3 from the vehicle or brandished while the vehicle is on the
4 premises;

5 (14) Any church or other place of religious worship without
6 the consent of the minister or person or persons representing the
7 religious organization that exercises control over the place of
8 religious worship. Possession of a firearm in a vehicle on the
9 premises shall not be a criminal offense so long as the firearm
10 is not removed from the vehicle or brandished while the vehicle
11 is on the premises;

12 (15) Any private property whose owner has posted the
13 premises as being off-limits to concealed firearms by means of
14 one or more signs displayed in a conspicuous place of a minimum
15 size of eleven inches by fourteen inches with the writing thereon
16 in letters of not less than one inch. The owner, business or
17 commercial lessee, manager of a private business enterprise, or
18 any other organization, entity, or person may prohibit persons
19 holding a concealed carry endorsement from carrying concealed
20 firearms on the premises and may prohibit employees, not
21 authorized by the employer, holding a concealed carry endorsement
22 from carrying concealed firearms on the property of the employer.
23 If the building or the premises are open to the public, the
24 employer of the business enterprise shall post signs on or about
25 the premises if carrying a concealed firearm is prohibited.
26 Possession of a firearm in a vehicle on the premises shall not be
27 a criminal offense so long as the firearm is not removed from the
28 vehicle or brandished while the vehicle is on the premises. An

1 employer may prohibit employees or other persons holding a
2 concealed carry endorsement from carrying a concealed firearm in
3 vehicles owned by the employer;

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

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

13 2. Carrying of a concealed firearm in a location specified
14 in subdivisions (1) to (17) of subsection 1 of this section by
15 any individual who holds a concealed carry endorsement issued
16 pursuant to sections 571.101 to 571.121 shall not be a criminal
17 act but may subject the person to denial to the premises or
18 removal from the premises. If such person refuses to leave the
19 premises and a peace officer is summoned, such person may be
20 issued a citation for an amount not to exceed one hundred dollars
21 for the first offense. If a second citation for a similar
22 violation occurs within a six-month period, such person shall be
23 fined an amount not to exceed two hundred dollars and his or her
24 endorsement to carry concealed firearms shall be suspended for a
25 period of one year. If a third citation for a similar violation
26 is issued within one year of the first citation, such person
27 shall be fined an amount not to exceed five hundred dollars and
28 shall have his or her concealed carry endorsement revoked and

1 such person shall not be eligible for a concealed carry
2 endorsement for a period of three years. Upon conviction of
3 charges arising from a citation issued pursuant to this
4 subsection, the court shall notify the sheriff of the county
5 which issued the certificate of qualification for a concealed
6 carry endorsement and the department of revenue. The sheriff
7 shall suspend or revoke the certificate of qualification for a
8 concealed carry endorsement and the department of revenue shall
9 issue a notice of such suspension or revocation of the concealed
10 carry endorsement and take action to remove the concealed carry
11 endorsement from the individual's driving record. The director
12 of revenue shall notify the licensee that he or she must apply
13 for a new license pursuant to chapter 302, RSMo, which does not
14 contain such endorsement. A concealed carry endorsement
15 suspension pursuant to sections 571.101 to 571.121 shall be
16 reinstated at the time of the renewal of his or her driver's
17 license. The notice issued by the department of revenue shall be
18 mailed to the last known address shown on the individual's
19 driving record. The notice is deemed received three days after
20 mailing.

21 650.005. 1. There is hereby created a "Department of
22 Public Safety" in charge of a director appointed by the governor
23 with the advice and consent of the senate. The department's role
24 will be to provide overall coordination in the state's public
25 safety and law enforcement program, to provide channels of
26 coordination with local and federal agencies in regard to public
27 safety, law enforcement and with all correctional and judicial
28 agencies in regard to matters pertaining to its responsibilities

1 as they may interrelate with the other agencies or offices of
2 state, local or federal governments.

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

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

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

10 5. The Missouri division of highway safety is transferred
11 by type I transfer to the department of public safety. The
12 division shall be in charge of a director who shall be appointed
13 by the director of the department.

14 6. All the powers, duties and functions of the safety and
15 fire prevention bureau of the department of public health and
16 welfare are transferred by type I transfer to the director of
17 public safety.

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

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

28 9. The director of public safety shall promulgate motor

1 vehicle regulations and be ex officio a member of the safety
2 compact commission in place of the director of revenue and all
3 powers, duties and functions relating to chapter 307, RSMo, are
4 transferred by type I transfer to the director of public safety.

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

11 11. All the powers, duties and functions of the Missouri
12 boat commission, chapter 306, RSMo, and others, are transferred
13 by type I transfer to the "Missouri State Water Patrol", which is
14 hereby created, in the department of public safety. The Missouri
15 boat commission and the office of secretary to the commission are
16 abolished. The Missouri state water patrol shall be headed by a
17 boat commissioner who shall be appointed by the governor, with
18 the advice and consent of the senate. All deputy boat
19 commissioners and all other employees of the commission who were
20 employed on February 1, 1974, shall be transferred to the water
21 patrol without further qualification.

22 12. The division of veterans affairs, chapter 42, RSMo, is
23 assigned to the office of adjutant general. The adjutant
24 general, with the advice of the veterans' board, shall appoint
25 the director of the division of veterans affairs who shall serve
26 at the pleasure of the adjutant general.

27 13. [Any rule or portion of a rule, as that term is defined
28 in section 536.010, RSMo, that is promulgated under the authority

1 of this chapter, shall become effective only if the agency has
2 fully complied with all of the requirements of chapter 536, RSMo,
3 including but not limited to, section 536.028, RSMo, if
4 applicable, after August 28, 1999. If the provisions of section
5 536.028, RSMo, apply, the provisions of this section are
6 nonseverable and if any of the powers vested with the general
7 assembly pursuant to section 536.028, RSMo, to review, to delay
8 the effective date, or to disapprove and annul a rule or portion
9 of a rule are held unconstitutional or invalid, the purported
10 grant of rulemaking authority and any rule so proposed and
11 contained in the order of rulemaking shall be invalid and void,
12 except that nothing in this section shall affect the validity of
13 any rule adopted and promulgated prior to August 28, 1999] Any
14 rule or portion of a rule, as that term is defined in section
15 536.010, RSMo, that is created under the authority delegated in
16 this section shall become effective only if it complies with and
17 is subject to all of the provisions of chapter 536, RSMo, and, if
18 applicable, section 536.028, RSMo. This section and chapter 536,
19 RSMo, are nonseverable and if any of the powers vested with the
20 general assembly pursuant to chapter 536, RSMo, to review, to
21 delay the effective date, or to disapprove and annul a rule are
22 subsequently held unconstitutional, then the grant of rulemaking
23 authority and any rule proposed or adopted after August 28, 2009,
24 shall be invalid and void.

25 [311.334. No intoxicating liquor and wine of any
26 kind shall be sold by a wholesaler to a retailer duly
27 licensed to sell intoxicating liquor and wine at
28 retail, or purchased by a wholesaler for a retailer or
29 by a retailer through a wholesaler, unless a schedule
30 as provided by this section shall be filed by the
31 wholesaler with the supervisor of liquor control and is

1 then in effect. The schedule shall be in writing, duly
2 verified and filed in the number of copies and in such
3 form as required by the supervisor, and shall contain
4 with respect to each item thereon the exact brand or
5 trade name, capacity of package, nature of contents,
6 age and proof, the per bottle and per case price to
7 retailers, the number of bottles contained in each
8 case, and the size thereof, which prices shall be
9 individual for each item, and not in "combination" with
10 any other item or items, the discounts for quantity, if
11 any, and the discounts for time of payment, if any.]
12

13 [311.336. Each such schedule shall be filed on or
14 before the tenth day of each month, and the prices and
15 discounts therein set forth shall become effective on
16 the first day of the calendar month following the
17 filing thereof, and shall be in effect for and during
18 such calendar month. Within ten days after the filing
19 of such schedule the supervisor shall make all of such
20 schedules or a composite thereof available for
21 inspection by all wholesale licensees. Within three
22 days, excluding Sundays, after such inspection is
23 provided for, a wholesaler may amend his filed schedule
24 for sales to a retailer, or purchase for a retailer or
25 by a retailer through a wholesaler in order to meet
26 lower competing prices and discounts for liquor or wine
27 of the same brand and trade name and of like age and
28 quality, filed pursuant to this section or section
29 311.334 by any licensee selling such brand; provided,
30 however, such amended prices may not be lower and
31 discounts not greater than those to be met. Any
32 amended schedule so filed shall become effective on the
33 first day of the calendar month following the filing
34 thereof, and shall be in effect for and during such
35 calendar month. No brand of liquor or wine shall be
36 sold or purchased for a retailer by a wholesaler or by
37 a retailer through a wholesaler except at the price or
38 prices then in effect according to the wholesaler's
39 filed schedule, and no discount shall be granted except
40 as set forth in the schedule then in effect. All
41 schedules filed shall be subject to public inspection
42 from the time that they are required to be made
43 available for inspection by licensees and shall not be
44 in any manner considered confidential. Each wholesaler
45 shall retain in his licensed premises for inspection by
46 licensees a copy of his filed schedules then in effect.
47 The supervisor of liquor control may make such rules
48 and regulations as shall be appropriate to carry out
49 the purpose of this section and sections 311.332 and
50 311.334.]
51

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

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

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

23 4. The word "person" as used in this chapter
24 shall, as the case may require, be deemed to refer to,
25 include, and apply to, any person, firm, company,
26 association, or corporation, to whom or to which any
27 provision of this chapter applies or may apply.

28 5. The phrase "transportation company" as used in
29 this chapter shall be deemed to refer to and include
30 any individual or individuals, or incorporated or
31 unincorporated company, engaged in the business of
32 transportation, for hire, of goods and merchandise, by
33 use or means of any vessel, railroad car, motor
34 vehicle, airplane, or other means of conveyance,
35 whatsoever, to whom or to which any provision in this
36 chapter applies or may apply.]
37

38 [312.020. 1. Beer having an alcoholic content of
39 not less than one-half of one percent by volume nor
40 exceeding three and two-tenths percent by weight, is
41 hereby declared to be "nonintoxicating beer", and may
42 be lawfully manufactured and sold, or sold, in this
43 state by any holder of a permit issued by the
44 supervisor of liquor control of this state, authorizing
45 such manufacture and sale, or sale, and may be lawfully
46 transported, sold and consumed, in this state, and may
47 be lawfully shipped into, or out of, this state subject
48 to such inspection fees, and/or taxes, and under such
49 regulations as may be provided by law.

50 2. All beverages having an alcoholic content of
51 less than one-half of one percent by volume shall be

1 exempt from the provisions of this chapter but subject
2 to inspection as provided by sections 196.365 to
3 196.445, RSMo.]
4

5 [312.030. It shall be unlawful for any person in
6 this state to manufacture, or brew, or sell, any
7 nonintoxicating beer without first having applied for,
8 and secured, a permit from the supervisor of liquor
9 control authorizing such brewing, manufacture and sale,
10 or sale, thereof, and it shall be unlawful for any
11 person or any railroad company, express company, motor
12 bus company, or other transportation company to
13 transport within this state, into this state or out of
14 this state, any nonintoxicating beer without first
15 having ascertained by examination of the packages and
16 containers thereof, that such nonintoxicating beer, if
17 manufactured or brewed in this state, was so
18 manufactured or brewed under a permit of the supervisor
19 of liquor control, authorizing such manufacture or
20 brewing, or if manufactured outside this state, is
21 consigned to a dealer, distributor, or wholesaler in
22 this state holding a permit from the supervisor of
23 liquor control authorizing the sale thereof in this
24 state under the provisions of this chapter.]
25

26 [312.040. No person shall be granted a permit or
27 license hereunder unless such person is of good moral
28 character and a qualified legal voter and a taxpaying
29 citizen of the county, town, city or village nor shall
30 any corporation be granted a permit or license
31 hereunder unless the managing officer of such
32 corporation is of good moral character and a qualified
33 legal voter and taxpaying citizen of the county, town,
34 city or village; and no person shall be granted a
35 permit or license hereunder whose permit or license as
36 such dealer has been revoked, or who has been
37 convicted, since the ratification of the twenty-first
38 amendment to the Constitution of the United States, of
39 a violation of the provisions of any law applicable to
40 the manufacture or sale of intoxicating liquor or
41 nonintoxicating beer, or who employs in his business as
42 such dealer, any person whose permit or license has
43 been revoked or who has been convicted of violating
44 such law since the date aforesaid; provided, that
45 nothing in this section contained shall prevent the
46 issuance of permits or licenses to nonresidents of
47 Missouri or foreign corporations for the privilege of
48 selling to duly licensed wholesalers and soliciting
49 orders for the sale of nonintoxicating beer, to, by or
50 through a duly licensed wholesaler, within this state.]
51

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

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

25
26 [312.060. 1. Neither brewers or manufacturers of
27 nonintoxicating beer, or their employees, officers,
28 agents, subsidiaries or affiliates shall, under any
29 circumstances, directly or indirectly, have any
30 financial interest in the retail business for the sale
31 of such nonintoxicating beer, nor shall they, directly
32 or indirectly, loan, give away or furnish equipment,
33 money, credit or property of any kind, except ordinary
34 commercial credit for such beer sold to such retail
35 dealers.

36 2. All contracts entered into between such
37 brewers or manufacturers, or their officers, employees,
38 directors or agents, in any way concerning any of their
39 products, obligating such retail dealers to buy or sell
40 only the products of any such brewer or manufacturer or
41 obligating such retail dealers to buy or sell the major
42 part of such products, required by such retail vendors
43 from any such brewer or manufacturer, shall be void and
44 unenforceable in any court in this state, and proof of
45 the execution of such contract shall forfeit the
46 license of both the vendor and the vendee.]

47
48 [312.070. Before any permit authorized by this
49 chapter, other than a manufacturer's or a wholesaler's
50 permit, may be issued to any applicant therefor, such
51 applicant shall take and subscribe to an oath that he

1 will not, upon or about the premises for which such
2 license is sought, possess, keep, store, secrete,
3 consume, sell, give away or otherwise dispose of, or,
4 upon or about said premises, suffer or permit to be
5 possessed, kept, stored, secreted, consumed, sold,
6 given away or otherwise disposed of, by any person
7 whomsoever; any beer having an alcohol content in
8 excess of three and two-tenths percent by weight, or
9 any other intoxicating liquor whatsoever; and that he
10 will not violate, or, upon said premises, suffer or
11 permit any other person to violate any law of this
12 state, or knowingly allow any other person to violate
13 any law of this state while in or upon such premises.]
14

15 [312.080. Application for license to manufacture
16 or sell nonintoxicating beer, under the provisions of
17 this chapter, shall be made to the supervisor of liquor
18 control.]
19

20 [312.090. 1. Every application for any permit or
21 license authorized by this chapter and every permit or
22 license issued under authority of this chapter, shall
23 be in such form as may be prescribed by the supervisor
24 of liquor control of the state of Missouri. No such
25 permit or license shall be effective, and no right
26 granted thereby shall be exercised by the permittee or
27 licensee, unless and until he shall have obtained and
28 securely affixed to the permit or license in the space
29 provided therefor an original stamp or other form of
30 receipt, issued by the federal government evidencing
31 the payment by the permittee or licensee to the federal
32 government, for a term to expire with the expiration of
33 the permit or license, of whatever special or
34 occupational tax is, by any law of the United States
35 then in effect, required to be paid by a dealer in
36 fermented malt liquors. Within ten days from the
37 issuance of said federal stamp or receipt, the
38 permittee or licensee shall file with the supervisor of
39 liquor control a photostat copy thereof, or such
40 numbered duplicate thereof or indented stub therefrom
41 as the federal government may have issued to the
42 taxpayer with the original.

43 2. Any licensee or permittee under this chapter,
44 having in his possession or upon the premises mentioned
45 in such license or permit a federal excise or
46 occupational tax stamp or receipt evidencing the
47 payment to the federal government of a special tax for
48 being a dealer in liquor other than malt liquor, shall
49 be guilty of a misdemeanor.

50 3. No license or permit authorized by this
51 chapter shall be issued to any person having in his

1 possession or on the premises to be licensed a federal
2 excise or occupational tax stamp or receipt,
3 designating such person or premises as a person or
4 place for dealing in intoxicating liquors other than
5 malt liquors, or evidencing the payment of a tax for
6 being a dealer in liquor other than malt liquors. The
7 license of any person licensed under this chapter, who
8 shall have in his possession or on the licensed
9 premises, a federal excise or occupational tax stamp or
10 special tax receipt, designating such person and
11 premises as the person and place for dealing in
12 intoxicating liquors, or evidencing the payment of a
13 tax for being a dealer in liquor other than malt
14 liquors, shall be revoked by the supervisor.

15 4. In any prosecution for violation of this
16 section, evidence that the defendant has in his
17 possession or on said premises a federal excise or
18 occupational tax stamp or receipt, designating such
19 person or such licensed place as the person or place
20 for dealing in intoxicating liquors other than malt
21 liquors, or evidencing, the payment of a tax for being
22 a dealer in liquors other than malt liquors, shall be
23 deemed prima facie evidence that such person has kept
24 or secreted in or about the licensed premises
25 intoxicating liquor containing alcohol in excess of
26 three and two-tenths percent by weight.]
27

28 [312.100. 1. Before any permit required by this
29 chapter shall be issued, the annual fee required
30 therefor shall be paid into the state treasury, or to
31 the director of revenue if provided by law, and the
32 receipt for such payment filed in the office of the
33 supervisor of liquor control. Annual fees required for
34 permits authorized by this chapter shall be as follows:

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

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

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

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

50 (5) For the privilege of selling to duly licensed
51 wholesalers and soliciting orders for the sale of

1 nonintoxicating beer, fifty dollars.

2 2. The provisions of this section are subject to
3 and limited by the provisions of sections 311.181 and
4 311.182, RSMo.

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

11
12 [312.110. A separate permit or license shall be
13 required for each place of business. Every permit or
14 license issued shall expire with the thirtieth day of
15 June next succeeding the date of such permit or
16 license. Applications for renewal of permits or
17 licenses must be filed with the supervisor of liquor
18 control on or before the first day of May of each
19 calendar year. Of the annual license tax required in
20 this chapter to be paid for any permit or license, the
21 applicant shall pay as many twelfths as there are
22 months (part of a month counted as one month) remaining
23 from the date of the permit or license, to, but not
24 including, the next succeeding first day of July.]

25
26 [312.120. All applications for all licenses
27 mentioned in this chapter shall be made to the
28 supervisor of liquor control and shall be accompanied
29 by a proper remittance made payable to the director of
30 revenue. The supervisor of liquor control shall have
31 the power and duty to determine whether each
32 application for such license shall be approved or
33 disapproved. Upon disapproval of any application for a
34 license, the supervisor of liquor control shall so
35 notify the applicant in writing, setting forth therein
36 the grounds and reasons for disapproval, and shall
37 return therewith the applicant's remittance. Upon
38 approval of any application for a license, the
39 supervisor of liquor control shall issue to the
40 applicant the appropriate license and contemporaneously
41 with such issuance shall file a notice of the issuance
42 of such license together with the applicant's
43 remittance in payment of the same with the director of
44 revenue. The director of revenue shall immediately
45 issue a receipt in duplicate for such payment, one copy
46 of which shall be filed with the supervisor of liquor
47 control and one copy retained by the director of
48 revenue.]

49
50 [312.130. No license issued under this chapter

1 shall be transferable or assignable.]
2

3 [312.140. The county commission in each county of
4 this state or the corresponding authority in the city
5 of St. Louis is hereby authorized to make a charge for
6 licenses issued to retail dealers in nonintoxicating
7 beer, the charge in each instance to be determined by
8 the county commission or the corresponding authority in
9 the city of St. Louis by order of record, but said
10 charge shall in no event exceed the amount provided for
11 in section 312.100 for state purposes. The board of
12 aldermen, city council or other proper authorities of
13 incorporated cities, towns and villages including the
14 city of St. Louis may charge for licenses issued to
15 manufacturers, brewers, wholesalers, and retailers of
16 nonintoxicating beer within their limits, which charge
17 for licenses shall not exceed one and one-half times
18 the amount charged for a state license, and provide for
19 the collection thereof, make and enforce ordinances for
20 the regulation and control of the sale of
21 nonintoxicating beer within their limits not
22 inconsistent with the provisions of this chapter, and
23 provide penalties for the violation thereof. No
24 municipal corporation shall increase any occupation tax
25 which it now levies upon any holder of any permit
26 required by this chapter in excess of the amount of
27 such tax imposed upon merchants and dealers in the same
28 or similar lines of business and not holding any such
29 permit.]
30

31 [312.150. A permit to brew or manufacture and
32 sell nonintoxicating beer in this state shall be
33 construed to authorize the sale, by the holder of such
34 permit, of nonintoxicating beer to distributors or
35 wholesalers for resale to retailers only, and/or the
36 sale of nonintoxicating beer by the holders of such
37 permits, direct to retailers. A permit authorizing any
38 distributor or wholesaler to sell nonintoxicating beer
39 in this state shall be construed to authorize the sale
40 thereof only to holders of permits authorizing the sale
41 of nonintoxicating beer to consumers, not for resale,
42 but shall not be construed to authorize the sale by any
43 such distributor or wholesaler of nonintoxicating beer
44 direct to consumers.]
45

46 [312.160. No person, except a duly licensed
47 manufacturer or wholesaler, shall possess
48 nonintoxicating beer within the state of Missouri
49 unless the same has been acquired from some person
50 holding a duly authorized license to sell the same

1 under this chapter, or unless the nonintoxicating beer
2 is had or kept with the written or printed permission
3 of the supervisor of liquor control.]
4

5 [312.170. It shall be the duty of each holder of
6 a permit authorizing the manufacture and sale, or the
7 sale, of nonintoxicating beer, on or before the fifth
8 day of each calendar month, to file in the office of
9 the supervisor of liquor control, a sworn statement
10 showing the amount of nonintoxicating beer manufactured
11 and sold, or sold, and to whom sold, during the next
12 preceding calendar month, and it shall be the duty of
13 each holder of a permit authorizing the sale of
14 nonintoxicating beer for consumption and not for
15 resale, on or before the fifth day of each month, to
16 file in the office of the supervisor of liquor control,
17 a sworn statement showing the amount of nonintoxicating
18 beer purchased and from whom purchased, and the amount
19 of nonintoxicating beer sold, during the next preceding
20 calendar month. Every such statement shall be signed
21 and sworn to by the holder of such permit if an
22 individual, or by some authorized officer of the holder
23 if a corporation.]
24

25 [312.180. 1. Every railroad company, express
26 company, airplane company, motor transportation
27 company, steamboat company, or other transportation
28 company who shall transport into, out of, or within
29 this state any nonintoxicating beer, whether brewed or
30 manufactured within this state or outside this state,
31 shall, when requested by the supervisor of liquor
32 control furnish such supervisor a duplicate of the bill
33 of lading covering or receipt for such nonintoxicating
34 beer, showing the name of the brewer or manufacturer,
35 and the name and address of the consignor and
36 consignee, and the date and place received, and the
37 destination and quantity of nonintoxicating beer
38 received from such manufacturer, or brewer, or other
39 consignor, for shipment from any point within or
40 without this state, to any point within this state.

41 2. Any such railroad company, express company,
42 airplane company, motor transportation company,
43 steamboat company, or other transportation company
44 failing to comply with the requirements of this
45 chapter, shall forfeit and pay to the state of
46 Missouri, the sum of fifty dollars for each and every
47 such failure, to be recovered in any court of competent
48 jurisdiction, and the supervisor of liquor control and
49 the director of revenue are each hereby authorized and
50 empowered to call upon the prosecuting attorneys of the
51 respective counties or the circuit attorneys or the

1 attorney general to bring any proceeding hereunder at
2 the relation of the supervisor of liquor control or the
3 director of revenue, as the case may be, to the use of
4 the state of Missouri, for such recovery.]
5

6 [312.190. The supervisor of liquor control shall
7 keep a record of the names and places of business of
8 all persons engaged in the brewing or manufacturing and
9 (or) in the sale of nonintoxicating beer. He shall
10 also keep a record of all nonintoxicating beer brewed
11 or manufactured and sold, and the amount thereof, by
12 each brewer or manufacturer, or sold by each dealer
13 other than a brewer or manufacturer, and a record of
14 all inspection fees, permit fees and forfeitures
15 collected, and of all expenses incurred in the
16 collection thereof and shall make a full, true and
17 complete report of the same to the governor, and the
18 general assembly on or before the fifteenth day of
19 January of each odd numbered year.]
20

21 [312.200. It shall be unlawful for any person in
22 this state, engaged in the brewing or manufacture of
23 nonintoxicating beer, to use any ingredients not in
24 compliance with the following standards:

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

31 (2) Flavors and nonbeverage ingredients
32 containing alcohol may be used in producing
33 nonintoxicating beer, but may contribute to no more
34 than forty-nine percent of the overall alcohol content
35 of the finished nonintoxicating beer.]
36

37 [312.210. 1. It shall be the duty of the
38 supervisor of liquor control to inspect, or to cause to
39 be inspected, all nonintoxicating beer brewed or
40 manufactured and sold, or sold, in this state, and he
41 shall determine whether such nonintoxicating beer has
42 been made from pure hops or pure extract of hops and
43 pure barley malt, or other wholesome grains or cereals,
44 and wholesome yeast and pure water, and whether the
45 package or packages containing such nonintoxicating
46 beer have been correctly stamped to show that the same
47 has been made from pure hops or pure extract of hops
48 and pure barley malt, or other wholesome grains or
49 cereals, and wholesome yeast and pure water.

50 2. Notwithstanding the provisions of subsection 1

1 of this section, the supervisor of liquor control shall
2 not require product samples and shall not require the
3 testing of product samples to determine alcohol content
4 prior to granting approval for the sale of any such
5 nonintoxicating beer product in the state of Missouri
6 if the supervisor of liquor control is provided with a
7 copy of a certificate of label approval issued by the
8 Federal Bureau of Alcohol, Tobacco and Firearms which
9 verifies the alcohol content of the product.]

10
11 [312.220. 1. Inspection of nonintoxicating beer
12 may be made by samples of quantities in the original
13 vats before such nonintoxicating beer is placed in
14 bottles, barrels or kegs, or, in the case of
15 nonintoxicating beer manufactured or brewed in another
16 state and shipped into this state, from samples taken
17 from each shipment thereof.

18 2. Any manufacturer or brewer who, after the
19 inspection of any nonintoxicating beer in bulk, shall
20 change the ingredients thereof, or increase the
21 alcoholic content thereof, or any distributor or
22 wholesaler who shall substitute, in any shipment of
23 nonintoxicating beer, any beer or other liquid for sale
24 as nonintoxicating beer, having any other ingredients
25 therein than those contained in the samples submitted
26 for inspection, or having an alcoholic content in
27 excess of three and two-tenths percent by weight, shall
28 be deemed guilty of a misdemeanor and upon conviction
29 thereof shall be punished by imprisonment in the county
30 jail for a term of not more than one year or by a fine
31 of not less than fifty dollars nor more than one
32 thousand dollars or by both such fine and jail
33 sentence.]

34
35 [312.230. As a charge for the inspection of
36 nonintoxicating beer, the director of revenue shall
37 collect one dollar and eighty-six cents per barrel of
38 nonintoxicating beer manufactured or brewed in this
39 state for sale in this state, or manufactured or brewed
40 in another state and shipped or transported into this
41 state for sale subject to the provisions of this
42 chapter.]

43
44 [312.233. 1. Payment of the charges provided by
45 section 312.230 shall be made by the manufacturer
46 (including one who bottles nonintoxicating beer) as to
47 all nonintoxicating beer produced or imported by the
48 manufacturer for sale or use for beverage purposes
49 within this state, by the out-state solicitor who
50 imports into this state nonintoxicating beer

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

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

31 3. In case of failure to pay any charges as
32 required under section 312.230 on or before the date
33 prescribed therefor, there shall be added to the amount
34 of charge an amount equal to one percent per business
35 day of the deficiency, not to exceed twenty-five
36 percent of the deficiency, and in addition interest on
37 the deficient charge and penalty at the rate of one
38 percent a month or fraction of a month from the date
39 the deficient charge became due until paid.]
40

41 [312.235. Every manufacturer, including one who
42 bottles nonintoxicating beer, as to all nonintoxicating
43 beer produced or imported by the manufacturer for sale
44 or use for beverage purposes within this state, and the
45 out-state solicitor who imports into this state
46 nonintoxicating beer manufactured or produced outside
47 this state for sale or use for beverage purposes within
48 this state, and the wholesale dealer who imports or
49 receives nonintoxicating beer manufactured or produced
50 without the United States for sale or use for beverage
51 purposes within this state and who, therefore, shall be

1 liable for payment of charges as provided by section
2 312.233, shall also file with the supervisor of liquor
3 control a bond in an amount not less than one thousand
4 dollars and not to exceed one hundred thousand dollars
5 on a form to be approved by, and with a surety
6 satisfactory to, the supervisor of liquor control.
7 Such bond shall be conditioned upon the manufacturer,
8 out-state solicitor or wholesale dealer paying to the
9 director of revenue all moneys becoming due from such
10 manufacturer, out-state solicitor or wholesale dealer
11 under this law. The supervisor of liquor control shall
12 fix the penalty of the bond in each case, taking into
13 consideration the amount of nonintoxicating beer
14 expected to be sold and used by such manufacturer,
15 out-state solicitor or wholesale dealer, and the
16 penalty fixed by the supervisor shall be sufficient in
17 the supervisor's opinion, to protect the state of
18 Missouri against failure to pay any amount due under
19 this law, but the amount of the penalty fixed by the
20 supervisor shall not exceed twice the amount of tax
21 liability of a monthly return. In no event shall the
22 amount of such penalty be less than one thousand
23 dollars. Failure by any licensed manufacturer,
24 out-state solicitor or wholesale dealer to keep a
25 satisfactory bond in effect with the supervisor or to
26 furnish additional bond to the supervisor when required
27 hereunder by the supervisor to do so shall be grounds
28 for the revocation or suspension of such
29 manufacturer's, out-state solicitor's or wholesale
30 dealer's license by the supervisor. If a manufacturer,
31 out-state solicitor or wholesale dealer fails to pay
32 any amount due under this law, his bond with the
33 supervisor shall be deemed forfeited, and the
34 department of revenue may institute a suit in its own
35 name on such bond.]

36
37 [312.237. After notice and opportunity for a
38 hearing, the supervisor may revoke or suspend the
39 license of any manufacturer, out-state solicitor or
40 wholesale dealer who fails to comply with the
41 provisions of sections 312.233 and 312.235. No new or
42 renewal license shall be granted to a person who fails
43 to comply with sections 312.233 and 312.235.]

44
45 [312.270. Any person who sells, or offers for
46 sale, any nonintoxicating beer within this state, which
47 has not first been inspected and labeled as required by
48 the provisions of this chapter is guilty of a
49 misdemeanor and upon conviction thereof shall be
50 punished by imprisonment in the county jail for a term
51 of not more than one year, or by a fine of not less

1 than fifty dollars nor more than one thousand dollars
2 or by both the fine and jail sentence.]
3

4 [312.280. Nonintoxicating beer brewed or
5 manufactured in this state for shipment and sale
6 outside of this state shall be exempt from the
7 inspection fees by this chapter required to be
8 collected for the inspection of nonintoxicating beer
9 brewed or manufactured for sale in this state, but
10 shall be inspected by the supervisor of liquor control
11 as required by this chapter.]
12

13 [312.290. The supervisor of liquor control, his
14 assistants, deputies, special agents, agents and
15 inspectors, shall have the authority to inspect all
16 premises covered by permit or license issued under this
17 chapter to see that provisions of this chapter are
18 being obeyed.]
19

20 [312.300. It shall be unlawful for any person to
21 sell, or offer for sale, in this state, any
22 nonintoxicating beer except the same shall be sold or
23 offered for sale in the original bottle, or in the
24 original package containing bottles, bearing the
25 original label and full name of the brewer or
26 manufacturer thereof, both upon the label on the
27 bottle, and upon the cap or cork of such bottle, or in
28 the case of the sale of nonintoxicating beer on
29 draught, except the same be drawn from the original keg
30 or barrel having stamped on the ends thereof the full
31 name of the manufacturer or brewer of the
32 nonintoxicating beer therein contained.]
33

34 [312.310. 1. It shall be the duty of every
35 manufacturer or brewer manufacturing or brewing any
36 nonintoxicating beer in this state, and of every
37 manufacturer or brewer, distributor or wholesaler,
38 outside of this state shipping any nonintoxicating beer
39 into this state for sale in this state at wholesale or
40 retail, to cause every bottle, barrel, keg, and other
41 container of such nonintoxicating beer to have on the
42 label thereon in plain letters and figures "alcoholic
43 content not in excess of 3.2% by weight", or "alcoholic
44 content not in excess of 4% of volume"; provided,
45 however, that any container of nonintoxicating beer
46 which has an alcoholic content not in excess of 2.5% of
47 volume shall be labeled as follows: "alcoholic content
48 not in excess of 2.0% by weight", or "alcoholic content
49 not in excess of 2.5% of volume"; or "alcohol content
50 less than 2% by weight".

1 2. Any beer not so labeled shall be deemed to
2 have an alcoholic content in excess of three and
3 two-tenths percent by weight, and the sale thereof in
4 this state shall be subject to all the regulations and
5 penalties provided by law for the sale of beer having
6 an alcoholic content in excess of three and two-tenths
7 percent by weight. Any person who shall sell any beer,
8 regardless of the alcoholic content thereof, as
9 nonintoxicating beer in, or out of, any bottle, barrel,
10 keg or other container, not so labeled as required by
11 this section shall be deemed guilty of a misdemeanor.]
12

13 [312.320. 1. For the purpose of enforcing the
14 provisions of this chapter and acts amendatory thereto,
15 the prosecuting attorneys of the respective counties
16 and the circuit attorneys, or at the request of the
17 governor the attorney general, shall investigate and
18 prosecute all violations of any provision of this
19 chapter; and shall represent the supervisor of liquor
20 control in any and all legal matters arising under this
21 chapter. When requested by the governor, the attorney
22 general, or his assistants, shall in the enforcement of
23 this chapter, have the power to sign indictments or
24 information and conduct prosecutions in any county or
25 city within this state.

26 2. Whenever any tax, fee or other charge, as
27 authorized by this chapter shall be due, suit may be
28 instituted in any court of competent jurisdiction by
29 the prosecuting attorney of the county, or at the
30 request of the director of revenue, by the attorney
31 general, in the name of the state at the relation of
32 the director of revenue, to recover such tax, fee or
33 other charge, and in any such suit all persons,
34 associations or corporations interested may be made
35 parties and service may be had on both residents and
36 nonresidents in the same manner as provided by law in
37 civil actions.]
38

39 [312.330. The fees, taxes, and forfeitures
40 collected by the director of revenue under the
41 provisions of this chapter, shall be paid into the
42 state treasury and become a part of the ordinary
43 revenue fund.]
44

45 [312.340. 1. Whenever requested to carry out any
46 of the duties as required by the laws relating to the
47 manufacturing, transportation, sale and inspection of
48 nonintoxicating beer the attorney general may, in his
49 discretion, direct the circuit attorney of the city of
50 St. Louis or the prosecuting attorney of any county in

1 which any violation of the laws relating to the
2 manufacturing, transportation, sale and inspection of
3 nonintoxicating beer shall have been violated to
4 conduct prosecutions and institute suits as required by
5 the laws pertaining thereto.

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

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

33
34 [312.350. If the supervisor of liquor control,
35 his deputy, or any inspector appointed by him and
36 assigned thereto, shall fail to perform any of the
37 duties required of him by this chapter, or shall in any
38 manner violate any of the provisions of this chapter,
39 for which no other punishment is prescribed he shall be
40 deemed guilty of a misdemeanor, and in addition to such
41 punishment, shall forfeit his office or position and
42 shall not thereafter for a period of four years, be
43 eligible to reappointment or to appointment to any
44 other office in this state.]

45
46 [312.360. The supervisor of liquor control shall
47 have the authority to suspend or revoke for cause all
48 such licenses and to make the following regulations,
49 without limiting the generality of provisions
50 empowering the supervisor of liquor control as in this
51 chapter set forth, as to the following matters, acts,

1 and things:

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

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

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

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

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

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

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

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

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

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

41
42 [312.370. Whenever it shall be shown, or whenever
43 the supervisor of liquor control has knowledge that a
44 dealer licensed hereunder, has not at all times kept an
45 orderly place or house, or has violated any of the
46 provisions of this chapter, said supervisor of liquor
47 control shall revoke or suspend the license of said
48 dealer, but the dealer must have ten days' notice of
49 the application to revoke or suspend his license prior
50 to the order of revocation or suspension issuing, with
51 full right to have counsel to produce witnesses in his

1 behalf in such hearing and to be advised in writing of
2 the grounds upon which his license is sought to be
3 revoked or suspended.]
4

5 [312.380. 1. In addition to the penalties and
6 proceedings for revocation of licenses provided for in
7 nonintoxicating beer law, and without limiting them,
8 proceedings for the suspension or revocation of any
9 license authorizing the sale of nonintoxicating beer at
10 retail may be brought in the circuit court of any
11 county in this state or in the city of St. Louis, in
12 which the licensed premises are located and such
13 proceedings may be brought by the sheriff or any peace
14 officer of that county or by any eight or more persons
15 who are taxpaying resident citizens of the county or
16 city, for any of the following offenses:

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

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

23 (3) Permitting on the licensed premises any
24 disorderly conduct, breach of the peace, or any lewd,
25 immoral or improper entertainment, conduct or
26 practices;

27 (4) Selling, offering for sale, possessing or
28 permitting the consumption on the licensed premises of
29 any kind of alcoholic liquors, the sale, possession or
30 consumption of which is not authorized under his
31 license; provided, that said taxpaying citizens shall
32 submit in writing, under oath, by registered United
33 States mail to the supervisor of liquor control a joint
34 complaint, stating the name of the licensee, the name
35 under which the licensee's business is conducted and
36 the address of the licensed premises, setting out in
37 general the character and nature of the offense or
38 offenses charged, together with the names and addresses
39 of the witnesses by whom proof thereof is expected to
40 be made; and provided, that after a period of thirty
41 days after the mailing of such complaint to the
42 supervisor of liquor control the person therein
43 complained of shall not have been cited by the
44 supervisor to appear and show cause why his license
45 should not be suspended or revoked then they shall file
46 with the circuit clerk of the county or city in which
47 the premises are located a copy of the complaint on
48 file with the supervisor of liquor control.

49 2. If, pursuant to the receipt of such complaint
50 by the supervisor of liquor control, the licensee
51 appears and shows cause why his license should not be

1 suspended or revoked at a hearing held for that purpose
2 by the supervisor and either the complainants or the
3 licensee consider themselves aggrieved with the order
4 of the supervisor then, after a request in writing by
5 either the complainants or the licensee, the supervisor
6 shall certify to the circuit clerk of the county or
7 city in which the licensed premises are located a copy
8 of the original complaint filed with him, together with
9 a copy of the transcript of the evidence adduced at the
10 hearing held by him. Such certification by the
11 supervisor shall not act as a supersedeas of any order
12 made by him. Upon receipt of such complaint, whether
13 from the complainant directly or from the supervisor of
14 liquor control, the court shall set a date for an early
15 hearing thereon and it shall be the duty of the circuit
16 clerk to cause to be delivered by registered United
17 States mail to the prosecuting attorney of the county
18 or to the circuit attorney of the city of St. Louis and
19 to the licensee copies of the complaint and he shall,
20 at the same time, give notice of the time and place of
21 the hearing. Such notice shall be delivered to the
22 prosecuting attorney or to the circuit attorney and to
23 the licensee at least fifteen days prior to the date of
24 the hearing.

25 3. The complaint shall be heard by the court
26 without a jury and if there has been a prior hearing
27 thereon by the supervisor of liquor control then the
28 case shall be heard de novo and both the complainant
29 and the licensee may produce new and additional
30 evidence material to the issues. If the court shall
31 find upon the hearing that the offense or offenses
32 charged in the complaint have been established by the
33 evidence, the court shall order the suspension or
34 revocation of the license but, in so doing, shall take
35 into consideration whatever order, if any, may have
36 been made in the premises by the supervisor of liquor
37 control. If the court finds that to revoke the license
38 would be unduly severe, then the court may suspend the
39 license for such period of time as the court deems
40 proper.

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

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

48 6. The jurisdiction herein conferred upon the
49 circuit courts to hear and determine complaints for the
50 suspension or revocation of licenses in the manner
51 provided in this section shall not be exclusive and any

1 authority conferred upon the supervisor of liquor
2 control to revoke or suspend licenses shall remain in
3 full force and effect, and the suspension or revocation
4 of a license as herein provided shall be in addition to
5 and not in lieu of any other revocation or suspension
6 provided by this chapter.

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

10
11 [312.390. It shall be unlawful for any person
12 holding a permit authorizing the sale of
13 nonintoxicating beer in the original package to allow
14 such original package to be broken, or to allow any of
15 such nonintoxicating beer to be consumed, in or upon
16 the premises described in such permit.]

17
18 [312.400. No person or his employee shall sell or
19 supply nonintoxicating beer or permit same to be sold
20 or supplied to a habitual drunkard or to any person who
21 is under or apparently under the influence of alcoholic
22 beverages. Nonintoxicating beer shall not be given,
23 sold or otherwise supplied to any person under the age
24 of twenty-one years, but this shall not apply to the
25 supplying of nonintoxicating beer to a person under
26 said age for medicinal purposes only, or by the parent
27 or guardian of such person or to the administering of
28 said nonintoxicating beer to said person by a
29 physician.]

30
31 [312.405. 1. Any person of the age of seventeen
32 years and under the age of twenty-one years who
33 represents that he has attained the age of twenty-one
34 for the purpose of purchasing, asking for or in any way
35 receiving nonintoxicating beer, shall, upon conviction
36 be deemed guilty of a misdemeanor.

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

43
44 [312.407. 1. Any person under the age of
45 twenty-one years who purchases or attempts to purchase,
46 or has in his possession, any nonintoxicating beer as
47 defined in section 312.010, is guilty of a misdemeanor.
48 For purposes of prosecution under this section or any
49 other provision of this chapter involving an alleged
50 illegal sale or transfer of nonintoxicating beer to a

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

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

25
26 [312.410. No person having a license under the
27 provisions of this chapter shall sell, give away or
28 permit the consumption of any nonintoxicating beer in
29 any quantity between the hours of 1:30 a.m. and 6:00
30 a.m., upon or about his or her premises, and any person
31 violating any provision of this section shall be deemed
32 guilty of a misdemeanor and shall be punished by
33 imprisonment in the county jail for a term of not more
34 than one year, or by a fine of not less than fifty
35 dollars nor more than one thousand dollars or by both
36 such fine and jail sentence.]

37
38 [312.420. Any permit issued under the provisions
39 of this chapter authorizing the sale of nonintoxicating
40 beer for consumption on the premises described in such
41 permit, shall be construed to authorize the sale of
42 such nonintoxicating beer by the bottle, by the glass,
43 on draught, and in the original package.]

44
45 [312.430. Any person holding a permit under this
46 chapter to sell nonintoxicating beer at retail, who
47 shall have or keep or secrete in or about the premises
48 described in and covered by his permit any intoxicating
49 liquor of any kind or character, or any manufacturer or
50 wholesale distributor who shall sell intoxicating

1 liquor containing alcohol in excess of three and
2 two-tenths percent by weight to any retail distributor
3 holding a license or permit for the sale of
4 nonintoxicating beer only, shall be deemed guilty of a
5 misdemeanor and upon conviction thereof shall be
6 punished by imprisonment in the county jail for a term
7 of not more than one year or by a fine of not less than
8 fifty dollars nor more than one thousand dollars or by
9 both such fine and jail sentence.]

10
11 [312.440. It shall be the duty of every holder of
12 a permit to manufacture and sell, or to sell,
13 nonintoxicating beer, to use every precaution to
14 prevent any person on the premises described in such
15 permit, from pouring into, mixing with, or adding to,
16 such nonintoxicating beer, any alcohol or other liquid,
17 or any alcohol cube or cubes, or other ingredient or
18 ingredients, that will increase, or tend to increase,
19 the alcoholic content of such nonintoxicating beer.
20 And any such permit holder who shall knowingly permit
21 any person on the premises described in such permit, to
22 pour into, mix with, or add to, such nonintoxicating
23 beer, any alcohol, or other liquid, or any alcohol cube
24 or cubes, or other ingredient or ingredients, that will
25 increase, or tend to increase, the alcoholic content of
26 such nonintoxicating beer, shall be deemed guilty of a
27 misdemeanor, and in addition thereto, shall forfeit
28 such permit and shall not thereafter, for a period of
29 one year, be entitled to hold a permit authorizing the
30 manufacture and sale, or the sale, of nonintoxicating
31 beer in this state.]

32
33 [312.450. Any person who shall, in this state,
34 brew or manufacture, or who shall sell, any
35 nonintoxicating beer as defined in this chapter,
36 without first having obtained a permit or license from
37 the supervisor of liquor control authorizing the
38 brewing or manufacturing and sale, or the sale, of
39 nonintoxicating beer; or who, having obtained such
40 permit or license, shall fail or refuse to promptly
41 thereafter obtain and securely affix to such permit or
42 license the federal excise or special tax stamp or
43 receipt, as in this chapter required, shall upon
44 conviction thereof, be adjudged guilty of a
45 misdemeanor, and punished by a fine of not less than
46 fifty dollars, nor more than one thousand dollars, or
47 by imprisonment in the county jail for a term not
48 exceeding one year, or by both such fine and jail
49 sentence.]

1 [312.460. Any person in this state holding a
2 license under the provisions of this chapter who shall
3 pour into, mix with, or add to, any nonintoxicating
4 beer, as in this chapter defined, any alcohol or other
5 liquid, or any alcohol cube or cubes, or any other
6 ingredient or ingredients, that will increase, or tend
7 to increase, the alcoholic content of such
8 nonintoxicating beer on the licensed premises where his
9 business is conducted or suffer the same to be done or
10 who shall possess any such mixture on said premises,
11 shall be deemed guilty of a misdemeanor and upon
12 conviction thereof shall be punished by imprisonment in
13 the county jail for a term of not more than one year or
14 by a fine of not less than fifty dollars nor more than
15 one thousand dollars or by both such fine and jail
16 sentence.]

17
18 [312.470. Any person in this state who shall sell
19 or offer for sale any nonintoxicating beer in the
20 original package without a permit as authorized by this
21 chapter; or who shall open any original package
22 containing nonintoxicating beer on the premises where
23 purchased; or who shall drink any nonintoxicating beer
24 purchased in the original package on the premises where
25 purchased; or who shall in any place of business in
26 this state where goods, wares and merchandise,
27 including articles of food and drink served for
28 consumption at the place of sale, are kept or offered
29 for sale, drink any nonintoxicating beer purchased in
30 the original package, shall be deemed guilty of a
31 misdemeanor and upon conviction thereof shall be
32 punished by imprisonment in the county jail for a term
33 of not more than one year or by a fine of not less than
34 fifty dollars nor more than one thousand dollars or by
35 both such fine and jail sentence.]

36
37 [312.480. Any person who shall evade, or attempt
38 to evade, the payment of any permit or inspection fee,
39 required by this chapter, shall be deemed guilty of a
40 misdemeanor and upon conviction thereof shall be
41 punished by imprisonment in the county jail for a term
42 of not more than one year or by a fine of not less than
43 fifty dollars nor more than one thousand dollars or by
44 both such fine and jail sentence.]

45
46 [312.484. 1. Notwithstanding the provisions of
47 section 312.060, 312.480, 312.500, or 312.510, or any
48 other provision within this chapter containing a
49 penalty provision of law, any person paying the fee
50 imposed by section 312.230 shall be subject to the

1 penalty provision of subsection 2 of this section with
2 regard only to its manufacturer's license rather than
3 the general or specific penalty provisions of the other
4 provisions within this chapter, or any rule or
5 regulation promulgated pursuant thereto. Such
6 manufacturer shall not be subject to any other form of
7 punishment with regard to its manufacturer's license.

8 2. Any person as defined by subsection 1 of this
9 section violating a provision of law contained in this
10 chapter, or any rule or regulation promulgated pursuant
11 thereto, shall be fined for the first offense, ten
12 thousand dollars; for the second offense, twenty-five
13 thousand dollars; and for the third and subsequent
14 offenses, fifty thousand dollars.]

15
16 [312.490. It shall be unlawful for any officer,
17 agent, or employee of any incorporated company, or
18 association, acting for such corporation or
19 association, to authorize or permit such corporation to
20 violate any of the provisions of this chapter, and any
21 such officer, agent, or employee so offending shall be
22 deemed guilty of a misdemeanor and upon conviction
23 thereof shall be punished by imprisonment in the county
24 jail for a term of not more than one year or by a fine
25 of not less than fifty dollars nor more than one
26 thousand dollars or by both such fine and jail
27 sentence.]

28
29 [312.500. Any person violating any of the
30 provisions of this chapter shall be deemed guilty of a
31 misdemeanor, except where the punishment is
32 specifically prescribed by this chapter, and shall be
33 punished by imprisonment in the county jail for a term
34 of not more than one year, or by a fine of not less
35 than fifty dollars nor more than one thousand dollars
36 or by both such fine and jail sentence.]

37
38 [312.510. 1. Any violation of any of the
39 provisions of this chapter not otherwise defined, shall
40 be a misdemeanor, and any person guilty of violating
41 any of said provisions, and for which violation no
42 other penalty is by this chapter imposed, shall, upon
43 conviction thereof be adjudged guilty of a misdemeanor
44 and punished by a fine of not less than fifty dollars,
45 nor more than one thousand dollars, or by imprisonment
46 in the county jail for a term not exceeding one year,
47 or by both such fine and jail sentence.

48 2. If the person so convicted shall be the holder
49 of any permit or license issued pursuant to the
50 provisions of this chapter, such conviction by any

1 court of competent jurisdiction shall, without further
2 proceeding, action or order by any court or by the
3 supervisor of liquor control, operate to revoke and
4 forfeit as of the date of such conviction such permit
5 and all rights and privileges granted thereby, and the
6 holder of such permit shall not thereafter, for a
7 period of one year after the date of such conviction,
8 be entitled to any permit for any person authorized in
9 this chapter.

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