

SS HB 132 -- SALE OF LIQUOR

This bill changes the laws regarding the sale of liquor. In its main provisions, the bill:

- (1) Regulates nonintoxicating beer in the same manner as intoxicating liquor by repealing Chapter 312, RSMo, and removing all references to Chapter 312 and nonintoxicating beer;
- (2) Repeals the provision restricting a liquor licensee's employee with a felony conviction unrelated to the manufacture or sale of alcohol from directly participating in retail sales;
- (3) Allows certain charitable, fraternal, religious, service, or veterans' organizations that are exempt from federal taxes and have or are qualified to have a license to sell intoxicating liquor by the drink on their premises to open on Sundays at 9:00 a.m. instead of 11:00 a.m.;
- (4) Specifies that "wine manufacturers" will mean any person, partnership, association of persons, or corporation which obtains a license and manufactures over 200 gallons of wine per calendar year;
- (5) Allows a restaurant bar without an onsite brewery that serves 45 or more different types of draft beer to sell 32 fluid ounces or more of beer to customers for consumption off the premises;
- (6) Limits a person or business to having five liquor licenses rather than the current limit of three;
- (7) Repeals the provisions allowing certain licensed liquor and wine wholesalers to offer limited price discounts for certain quantities of any brand and type of liquor and wine and for closeout merchandise;
- (8) Repeals the provision requiring wholesalers to follow a monthly price schedule filed with the Supervisor of the Division of Alcohol and Tobacco Control within the Department of Public Safety;
- (9) Requires wholesalers to make available to retailers certain product information, including price, no later than five days prior to the first day of the month in which the pricing will be effective. Supplemental pricing information can be provided to retailers after approval by the division for new or unintentionally omitted items from the monthly item information listing, and the items can then be sold immediately;

(10) Authorizes wholesalers to offer merchandise below their cost only if it is designated as closeout merchandise in the monthly pricing information for at least six consecutive months and prohibits them from purchasing new liquor and wine while it is designated as closeout merchandise;

(11) Requires delivery orders to be invoiced at the price in effect when the delivery is made, except for delayed shipments which can be invoiced at the price in effect when the order is placed. Currently, delayed shipment orders are those received during the last three business days of a month and delivered during the first three business days of the following month. The bill changes those time periods from three to five business days;

(12) Specifies that no person holding a license or permit will be guilty of a misdemeanor for offering for sale wine or brandy if the manufacturer has provided the division supervisor a copy of the certificate label approval issued by the Alcohol and Tobacco Tax and Trade Bureau and, if required, has properly registered the label or name with the appropriate state agency; and

(13) Allows a Kansas City festival district's promotional association to obtain a permit from the division to sell intoxicating liquor for consumption at the businesses and common areas within the festival district. The city must conduct a public hearing on the promotional association's proposed plan regarding the festival and obtain written approval for the event from 50% of the property owners, business owners, and residents within the district and within 185 feet of the district's borders. No minors will be allowed to enter the festival district during a festival event that serves liquor, and no one will be allowed to take an alcoholic beverage outside the festival district boundaries. The district is limited to 25 events per year and two events per month. No event can last longer than 48 hours. The association may be assessed a civil fine of up to \$5,000 for an alcohol violation and its permit may be revoked if there are alcohol violations at three separate events.

The provisions regarding the Kansas City festival district will expire two years from the effective date.