

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 101
96TH GENERAL ASSEMBLY

0059L.04T

2011

AN ACT

To repeal sections 311.297, 311.482, 311.485, and 311.486, RSMo, and to enact in lieu thereof six new sections relating to liquor control.

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

Section A. Sections 311.297, 311.482, 311.485, and 311.486, RSMo, are repealed and
2 six new sections enacted in lieu thereof, to be known as sections 311.087, 311.088, 311.297,
3 311.482, 311.485, and 311.486, to read as follows:

**311.087. Notwithstanding any other provisions of this chapter to the contrary, any
2 person who possesses the qualifications required by this chapter, and who meets the
3 requirements of and complies with the provisions of this chapter may apply for, and the
4 supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by
5 the drink at retail for consumption on the premises of any wine shop, as defined in this
6 section, between the hours of 10:00 a.m. on Sunday and 10:00 p.m. on Sunday. As used in
7 this section, the term "wine shop" means any establishment that uses automated wine
8 dispensing equipment to dispense wine tastings by the glass at retail for consumption on
9 the premises where sold, so long as at least fifty percent of the total sales of the wine shop
10 are from package sales. In addition to all other fees required by law, an applicant granted
11 a special license under this section shall pay an additional fee of two hundred dollars a year
12 payable at the time and in the same manner as its other license fees.**

**311.088. Any person possessing the qualifications and meeting the requirements of
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail for**

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

3 **consumption on the premises in a home rule city with more than four hundred thousand**
4 **inhabitants and located in more than one county may be issued a special permit by the**
5 **state and such city. Notwithstanding the provisions of section 311.089 to the contrary, the**
6 **special permit issued under this section shall allow the licensed premises to sell intoxicating**
7 **liquor from 6:00 a.m. until 3:00 a.m. on the morning of the following day within one**
8 **twenty-four hour period. Any person granted a special permit under this section shall only**
9 **be authorized to receive up to six such special permits from the city in a calendar year. For**
10 **every special permit issued under the provisions of this section, the permittee shall pay to**
11 **the director of the department of revenue the sum of fifty dollars.**

311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated
2 employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed
3 retail premises for tasting purposes provided no sales transactions take place. For purposes of
4 this section, a "sales transaction" shall mean an actual and immediate exchange of monetary
5 consideration for the immediate delivery of goods at the tasting site.

6 2. Notwithstanding any other provisions of this chapter to the contrary, any winery,
7 distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or
8 pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any
9 temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486,
10 or 311.487, or on any tax exempt organization's licensed premises as described in section
11 311.090.

12 3. (1) **Notwithstanding any other provisions of this chapter to the contrary, any**
13 **winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide**
14 **or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for**
15 **customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or**
16 **brewer or designated employee has permission from the person holding the retail license.**
17 **The retail licensed premises where such product tasting is provided shall maintain a special**
18 **permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-**
19 **premises-where-sold retail license. No money or anything of value shall be given to the**
20 **retailers for the privilege or opportunity of conducting the on-the-premises product tasting.**

21 (2) **Distilled spirits, wine, or malt beverage samples may be dispensed by an**
22 **employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling**
23 **service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling**
24 **service employees that provide and pour intoxicating liquor samples on a licensed retail**
25 **premises shall be required to complete a server training program approved by the division**
26 **of alcohol and tobacco control.**

27 **(3) Any distilled spirits, wine, or malt beverage sample provided by the retailer,**
28 **winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be**
29 **returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.**

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

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

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

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

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

311.485. 1. The supervisor of liquor control may issue a temporary permit to caterers
2 and other persons holding licenses to sell intoxicating liquor, **including intoxicating liquor in**
3 **the original package**, by the drink at retail for consumption on the premises pursuant to the
4 provisions of this chapter who furnish provisions and service for use at a particular function,
5 occasion or event at a particular location other than the licensed premises, but not including a
6 festival as defined in chapter 316. The temporary permit shall be effective for a period not to
7 exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic
8 beverages at such function, occasion or event during the hours at which alcoholic beverages may
9 lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises
10 consumption. For every permit issued pursuant to the provisions of this section, the permittee

11 shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction
12 thereof, for which the permit is issued.

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

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

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

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

13 2. The supervisor of alcohol and tobacco control may issue a special license to caterers
14 and other persons holding licenses to sell intoxicating liquor by the drink at retail for
15 consumption on the premises pursuant to the provisions of this chapter who furnish provisions
16 and service for use at a particular function, occasion, or event at a particular location other than
17 the licensed premises, but not including a festival as defined in chapter 316. The special license

18 shall be effective for an unlimited number of functions during the year, and shall authorize the
19 service of alcoholic beverages at such function, occasion, or event during the hours at which
20 alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic
21 beverages for on-premises consumption. For every special license issued pursuant to the
22 provisions of this subsection, the licensee shall pay to the director of revenue the sum of one
23 thousand dollars a year payable at the same time and in the same manner as its other license fees.

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

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

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

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

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