

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1489
101ST GENERAL ASSEMBLY

3808H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 311.280, 311.300, and 311.332, RSMo, and to enact in lieu thereof three new sections relating to alcoholic beverages.

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

Section A. Sections 311.280, 311.300, and 311.332, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 311.280, 311.300, and 311.332,
3 to read as follows:

311.280. 1. It shall be unlawful for any person in this state holding a retail liquor
2 license to purchase any intoxicating liquor except from, by or through a duly licensed
3 wholesale liquor dealer in this state. It shall be unlawful for such retail liquor dealer to sell or
4 offer for sale any intoxicating liquor purchased in violation of the provisions of this section.
5 Any person violating any provision of this section shall be deemed guilty of a misdemeanor.
6 2. Any retailer licensed pursuant to this chapter shall not:

7 (1) Sell intoxicating liquor with an alcohol content of less than five percent by weight
8 to the consumer in an original carton received from the wholesaler that has been mutilated,
9 torn apart, or cut apart; ~~[or]~~

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

13 (3) **Require any seal that has been affixed to a bottle or package of intoxicating**
14 **liquor to be broken or torn before a consumer who purchases the intoxicating liquor is**
15 **permitted to carry out the intoxicating liquor from the premises of the retailer.**

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.

311.300. 1. Except as provided in this section, no person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor.

2. In any place of business licensed in accordance with section 311.200, persons at least eighteen years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. **Persons at least eighteen years of age may carry out intoxicating liquor to a purchaser's vehicle in a parking lot adjacent to the licensed premises, so long as the sale was made inside the licensed business premises in compliance with this chapter to ensure the purchaser is at least the age of twenty-one years or older.** Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one years. Any licensee who employs any person under the age of twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one years of age or older on the licensed premises during all hours of operation.

3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

4. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen years of age to:

(1) Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor; and

(2) Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one years of age or older.

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

311.332. 1. It shall be unlawful for any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and wine at retail, to discriminate between retailers or in favor of or against any retailer or group of retailers, directly or indirectly, in price, in discounts for time of payment, or in discounts on quantity of merchandise sold, or to grant directly or indirectly any discount, rebate, free goods, allowance or other inducement, excepting a

7 discount not in excess of one percent for quantity of liquor and wine, and a discount not in
8 excess of one percent for payment on or before a certain date. The delivery of manufacturer
9 rebate coupons by wholesalers to retailers shall not be a violation of this subsection.

10 2. Manufacturers or wholesalers shall be permitted to donate or deliver or cause to be
11 delivered beer, wine, **distilled spirits**, or brandy for nonresale purposes to any unlicensed
12 person or any licensed retail dealer who is a charitable or religious organization as defined in
13 section 313.005 or educational institution, at any location or licensed premises, provided,
14 such beer, wine, **distilled spirits**, or brandy is unrelated to the organization's or institution's
15 licensed retail operation. A charge for admission to an event or activity at which beer, wine,
16 **distilled spirits**, or brandy is available without separate charge shall not constitute resale for
17 the purposes of this subsection. Wine used in religious ceremonies may be sold by
18 wholesalers to a religious organization as defined in section 313.005. Any manufacturer or
19 wholesaler providing nonresale items shall keep a record of any deliveries made pursuant to
20 this subsection.

21 3. Manufacturers, wholesalers, retailers and unlicensed persons may donate **beer**,
22 wine, **distilled spirits**, or **brandy** in the original package to a charitable or religious
23 organization as defined in section 313.005 or educational institution for the sole purpose of
24 being auctioned by the organization or institution for fund-raising purposes, provided the
25 ~~[auction takes place on a retail-licensed premises and all]~~ proceeds from the sale go into a
26 fund of an organization or institution that is unrelated to any licensed retail operation.

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