

# HOUSE BILL NO. 1629

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COOKSON.

5078H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 311.310, RSMo, and to enact in lieu thereof three new sections relating to alcohol, with penalty provisions and an emergency clause for certain sections.

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

Section A. Section 311.310, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 311.057, 311.310, and 577.180, to read as follows:

**311.057. 1. No person, firm, partnership, or corporation licensed under this chapter; public venue; or any person acting as an employee or agent thereof shall sell, offer to sell, or serve free of charge any form of powdered alcohol.**

**2. For the purposes of this section, "powdered alcohol" shall mean alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic liquid.**

311.310. 1. **This section shall be known and may be cited as "Austin's Law".**

2. Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a

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.

12 license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor  
13 when serving in the capacity as an employee of a licensed establishment.

14 [2.] **3.** Any owner, occupant, or other person or legal entity with a lawful right to the  
15 exclusive use and enjoyment of any property who knowingly allows a person under the age of  
16 twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the  
17 age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such  
18 person allowing the person under the age of twenty-one to drink or possess intoxicating liquor  
19 is his or her parent or guardian, is guilty of a class [B misdemeanor] **D felony for an offense**  
20 **committed before January 1, 2017, and is guilty of a class E felony for an offense**  
21 **committed on or after January 1, 2017.** Any second or subsequent violation of this subsection  
22 is a class [A misdemeanor] **C felony for an offense committed before January 1, 2017. Any**  
23 **subsequent violation committed on or after January 1, 2017, is a class D felony.**

24 [3.] **4.** The penalty for a violation of subsection 2 of this section is a class B felony  
25 if the person under the age of twenty-one causes death or physical injury to another person  
26 while intoxicated as a result of consuming such alcohol; except that the provisions of this  
27 subsection shall not apply to any licensee under this chapter or his or her employee.

28 **5.** It shall be a defense to prosecution under this section if:

29 (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds  
30 a temporary permit, or an employee thereof;

31 (2) The defendant sold the intoxicating liquor to the minor with reasonable cause to  
32 believe that the minor was twenty-one or more years of age; and

33 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's  
34 license, Missouri nondriver's identification card, or other official or apparently official document,  
35 containing a photograph of the minor and purporting to establish that such minor was twenty-one  
36 years of age and of the legal age for consumption of intoxicating liquor.

**577.180. 1. A person commits the offense of illegal possession of powdered alcohol**  
2 **if he or she purchases, possesses, offers for sale or use, uses, or sells powdered alcohol or**  
3 **ships any package or container that contains powdered alcohol into this state.**

4 **2. Any person who violates the provisions of this section shall be guilty of a class**  
5 **C misdemeanor.**

6 **3. For the purposes of this section, "powdered alcohol" shall mean alcohol that is**  
7 **prepared in a powdered, crystalline, or capsule form either for direct use or for**  
8 **reconstitution in a nonalcoholic liquid.**

9 **4. The provisions of this section shall not apply to the following:**

10 **(1) Any hospital that operates primarily for the purpose of scientific research;**

11 **(2) Any state institution conducting scientific research;**

- 12           **(3) Any college or university conducting scientific research; or**
- 13           **(4) Any pharmaceutical company or biotechnology company conducting research.**

Section B. Because of the need to protect minors from accidental intoxication and  
2 alcohol poisoning, the enactment of sections 311.057 and 577.180 of section A of this act are  
3 deemed necessary for the immediate preservation of public health, welfare, peace, and safety,  
4 and is hereby declared to be an emergency act within the meaning of the constitution, and the  
5 enactment of sections 311.057 and 577.180 of section A of this act shall be in full force and  
6 effect upon its passage and approval.

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