

FIRST REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 533
101ST GENERAL ASSEMBLY

1047H.04P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 311.020, 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, and to enact in lieu thereof fifteen new sections relating to intoxicating liquor.

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

Section A. Sections 311.020, 311.070, 311.089, 311.096, 311.101, 311.174, 311.176, 2 311.178, 311.179, 311.200, 311.293, 311.480, 311.482, and 311.710, RSMo, are repealed and 3 fifteen new sections enacted in lieu thereof, to be known as sections 311.020, 311.070, 311.089, 4 311.096, 311.101, 311.174, 311.176, 311.178, 311.179, 311.200, 311.202, 311.293, 311.480, 5 311.482, and 311.710, to read as follows:

311.020. The term "intoxicating liquor" as used in this chapter shall mean and include 2 alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, 3 or combination of liquors, a part of which is spirituous, vinous, or fermented, and all 4 preparations or mixtures for beverage purposes, containing in excess of one-half of one percent 5 by volume. **The term "intoxicating liquor" shall also include "powdered alcohol", which 6 means alcohol that is prepared in a powdered, crystalline, or capsule form for direct use 7 or for reconstitution.** All beverages having an alcoholic content of less than one-half of one 8 percent by volume shall be exempt from the provisions of this chapter~~[-but subject to inspection 9 as provided by sections 196.365 to 196.445].~~

311.070. 1. Distillers, wholesalers, winemakers, brewers, or their employees, officers, 2 or agents shall not, except as provided in this section, directly or indirectly, have any financial 3 interest in the retail business for sale of intoxicating liquors, and shall not, except as provided 4 in this section, directly or indirectly, loan, give away, or furnish equipment, money, credit, or

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.

5 property of any kind, except ordinary commercial credit for liquors sold to such retail dealers.
6 However, notwithstanding any other provision of this chapter to the contrary, for the purpose of
7 the promotion of tourism, a distiller whose manufacturing establishment is located within this
8 state may apply for and the supervisor of ~~liquor~~ **alcohol and tobacco** control may issue a
9 license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for
10 consumption on the premises where sold; and provided further that the premises so licensed shall
11 be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and
12 1:30 a.m., Monday through Saturday and between the hours of 9:00 a.m. and midnight, Sunday.
13 The authority for the collection of fees by cities and counties as provided in section 311.220, and
14 all other laws and regulations relating to the sale of liquor by the drink for consumption on the
15 premises where sold, shall apply to the holder of a license issued under the provisions of this
16 section in the same manner as they apply to establishments licensed under the provisions of
17 section 311.085, 311.090, or 311.095.

18 2. Any distiller, wholesaler, winemaker, or brewer who shall violate the provisions of
19 subsection 1 of this section, or permit his **or her** employees, officers or agents to do so, shall be
20 guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

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

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

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

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

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

30 (2) "Equipment and supplies", glassware (or similar containers made of other ~~material~~
31 **materials**), ~~[dispensing accessories,]~~ carbon dioxide (and other gasses used in dispensing
32 equipment) ~~[or]~~ , ice ~~["Dispensing accessories" include standards, faucets, cold plates, rods,~~
33 ~~vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check~~
34 ~~valves]~~ , **nonrefrigerated rolling coolers, portable bars, agitating tanks, tubs, tents not to**
35 **exceed one hundred square feet in size, and any permanently inscribed or securely affixed**
36 **brand identified nonrefrigerated item that promotes intoxicating liquor;**

37 (3) "Nonrefrigeration dispensing accessories", includes regulators, gauges, vents,
38 nuts, clamps, splicers, keg stackers, washers, shanks, wall brackets, beer and air
39 distributors, beer line insulation, beer and gas hoses, faucets, taps, tap standards, couplers,
40 air pumps, draft arms, blankets or other coverings for temporary wrapping of barrels,

41 **tavern heads and their internal parts, and any other technology or parts that are not self-**
42 **refrigerating and that are necessary to preserve and serve intoxicating liquor;**

43 (4) "Permanent point-of-sale advertising materials", advertising items designed to be
44 used within a retail business establishment for an extended period of time to attract consumer
45 attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall
46 only include inside signs (electric, mechanical or otherwise), mirrors, **table umbrellas**, and
47 sweepstakes/contest prizes displayed on the licensed premises;

48 [(4)] (5) "Product display", wine racks, **portable branded nonrefrigerated coolers**,
49 bins, barrels, casks, shelving or similar items the primary function of which is to hold and display
50 consumer products;

51 [(5)] (6) "Promotion", an advertising and publicity campaign to further the acceptance
52 and sale of the merchandise or products of a distiller, wholesaler, winemaker, or brewer;

53 [(6)] (7) "Temporary point-of-sale advertising materials", advertising items designed
54 to be used for short periods of time. Such materials include, but are not limited to: banners,
55 decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters,
56 cups, **tap handles, ice buckets, condiment caddies, napkin holders, bar rail mats, shakers,**
57 **salt rimmers**, or menus.

58 4. Notwithstanding other provisions contained herein, the distiller, wholesaler,
59 winemaker, or brewer, or their employees, officers, or agents may engage in the following
60 activities with a retail licensee licensed pursuant to this chapter:

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

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

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

72 (c) The giving or selling of product displays may be conditioned on the purchase of
73 intoxicating beverages advertised on the displays by the retail business in a quantity necessary
74 for the initial completion of the product display. No other condition shall be imposed by the
75 distiller, wholesaler, winemaker, or brewer on the retail business in order for such retail business
76 to obtain the product display;

77 (2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler,
78 winemaker, or brewer may provide, give or sell any permanent point-of-sale advertising
79 materials, temporary point-of-sale advertising materials, and consumer advertising specialties
80 to a retail business if all the following requirements are met:

81 (a) The total value of all permanent point-of-sale advertising materials provided to a
82 retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred
83 dollars per calendar year, per brand, per retail outlet. **The replacement of similar in**
84 **appearance, type, and dollar value permanent point-of-sale advertising materials that are**
85 **damaged and nonfunctioning shall not count towards the maximum of five hundred dollars**
86 **per calendar year, per brand, per retail outlet.** The value of permanent point-of-sale
87 advertising materials is the actual cost to the distiller, wholesaler, winemaker, or brewer who
88 initially purchased such item. Transportation and installation costs shall be excluded. All
89 permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records
90 shall be maintained for a period of three years;

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

94 (c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising
95 materials, and consumer advertising specialties shall bear in a conspicuous manner substantial
96 advertising matter about the product or the name of the distiller, wholesaler, winemaker, or
97 brewer. The name, address and logos of the retail business may appear on the permanent
98 point-of-sale advertising materials, temporary point-of-sale advertising materials, or the
99 consumer advertising specialties; and

100 (d) The distiller, wholesaler, winemaker, or brewer shall not directly or indirectly pay
101 or credit the retail business for using or distributing the permanent point-of-sale advertising
102 materials, temporary point-of-sale advertising materials, or consumer advertising specialties or
103 for any incidental expenses arising from their use or distribution;

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

107 (4) The distiller, wholesaler, winemaker, or brewer may sell equipment ~~or~~ **and** supplies
108 to a retail business if all the following requirements are met:

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

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

114 (5) The ~~[distiller,]~~ wholesaler~~[-winemaker]~~ or brewer may install **nonrefrigeration**
115 dispensing accessories at the retail business establishment, which shall include for the purposes
116 of beer equipment to properly preserve and serve draught beer only and to facilitate the delivery
117 to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or
118 repair ~~[any of the following items or render to retail licensees any of the following services: beer~~
119 ~~coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and~~
120 ~~tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air~~
121 ~~distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil~~
122 ~~boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box~~
123 ~~overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons,~~
124 ~~ice box grates, floor runways;]~~ **nonrefrigeration dispensing accessories** and damage caused by
125 any beer delivery excluding normal wear and tear ~~[and a]~~ . A complete record of equipment,
126 **supplies, and nonrefrigeration dispensing accessories** furnished and installed and repairs and
127 service made or rendered must be kept by the brewer or wholesalers furnishing, making, or
128 rendering same for a period of not less than one year;

129 (6) The distiller, wholesaler, winemaker, or brewer may furnish, give, or sell ~~[eeil]~~
130 **cleaning and sanitation [service] services** to a retailer **to preserve product integrity** of distilled
131 spirits, wine, or malt beverages;

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

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

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

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

144 (d) For the purpose of this subsection, the word "brand" refers to differences in brand
145 name of product or differences in nature of product; examples of different brands would be
146 products having a difference in: brand name; class, type or kind designation; appellation of
147 origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof

148 (distilled spirits); differences in packaging such a different style, type, size of container, or
149 differences in color or design of a label are not considered different brands;

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

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

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

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

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

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

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

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

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

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

177 (12) The distiller, wholesaler, winemaker, or brewer may stock, rotate, rearrange or reset
178 the products sold by such distiller, wholesaler, winemaker, or brewer at the establishment of the
179 retail business so long as the products of any other distiller, wholesaler, winemaker, or brewer
180 are not altered or disturbed;

181 (13) The distiller, wholesaler, winemaker, or brewer may provide a recommended shelf
182 plan or shelf schematic for distilled spirits, wine, or malt beverages;

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

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

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

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

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

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

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

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

199 (h) Make contributions not to exceed one thousand dollars per calendar year for
200 transportation services that shall be used to assist patrons from retail establishments to his or her
201 residence or overnight accommodations;

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

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

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

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

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

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

216 (d) Temporary banners of a seasonal nature or promoting a specific event shall not be
217 constructed to be permanent outdoor signs and may be provided to retailers. The total cost of

218 temporary outdoor banners provided to a retailer in use at any one time shall not exceed five
219 hundred dollars per brand;

220 (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of
221 identical product or allow credit against outstanding indebtedness for intoxicating liquor with
222 alcohol content of less than five percent by weight **and malt liquor** that was delivered in a
223 damaged condition or damaged while in the possession of the retailer;

224 (17) To assure and control product quality, wholesalers at the time of a regular delivery
225 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
226 intoxicating liquor with alcohol content of less than five percent by weight **and malt liquor** in
227 its undamaged original carton from the retailer's stock, if the wholesaler replaces the product
228 with an equal quantity of identical product;

229 (18) In addition to withdrawals authorized pursuant to subdivision (17) of this
230 subsection, to assure and control product quality, wholesalers at the time of a regular delivery
231 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of
232 intoxicating liquor with alcohol content of less than five percent by weight **and malt liquor** in
233 its undamaged original carton from the retailer's stock and give the retailer credit against
234 outstanding indebtedness for the product if:

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

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

240 (c) To assure and control product quality, a wholesaler may, but not be required to, give
241 a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight
242 **and malt liquor**, in a container with a capacity of four gallons or more, delivered but not used,
243 if the wholesaler removes the product within seven days of the initial delivery; and

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

245 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona
246 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic
247 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic
248 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of
249 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in
250 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,
251 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are
252 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the
253 supervisor of alcohol and tobacco control.

254 (2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler,
255 winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by
256 the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of
257 alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures,
258 equipment, or furnishings shall be identified by the retail licensee as being furnished by a
259 licensed distiller, wholesaler, winemaker, or brewer.

260 6. Distillers, wholesalers, brewers, and winemakers, or their officers or directors shall
261 not require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from
262 such distillers, wholesalers, brewers, or winemakers to the exclusion in whole or in part of
263 intoxicating liquor sold or offered for sale by other distillers, wholesalers, brewers, or
264 winemakers.

265 7. Notwithstanding any other provisions of this chapter to the contrary, a distiller,
266 **winemaker**, or wholesaler may install **nonrefrigeration** dispensing accessories at the retail
267 business establishment, which shall include for the purposes of distilled spirits **and wine**
268 equipment to properly preserve and serve premixed distilled spirit **and wine** beverages only. To
269 facilitate delivery to the retailer, ~~the~~ a distiller, **winemaker**, or wholesaler may lend, give, rent,
270 or sell and ~~the~~ a distiller, **winemaker**, or wholesaler may install or repair ~~any of the following~~
271 ~~items or render to retail licensees any of the following services: coils and coil cleaning, draft~~
272 ~~arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor~~
273 ~~tapping equipment components,] **nonrefrigeration dispensing accessories** and damage caused~~
274 by any delivery excluding normal wear and tear. A complete record of ~~equipment]~~
275 **nonrefrigeration dispensing accessories** furnished and installed and repairs or service made
276 or rendered shall be kept by the distiller, **winemaker**, or wholesaler furnishing, making, or
277 rendering the same for a period of not less than one year.

278 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be
279 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that
280 is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section
281 313.005, or an educational institution if such contributions are unrelated to such organization's
282 retail operations.

283 9. Distillers, brewers, wholesalers, and winemakers may make payments for
284 advertisements in programs or brochures of tax-exempt organizations licensed under section
285 311.090 if the total payments made for all such advertisements are the same as those paid by
286 other vendors.

287 10. A brewer or manufacturer, its employees, officers or agents may have a financial
288 interest in the retail business for sale of intoxicating liquors at entertainment facilities owned,
289 in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not

290 limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all
291 kinds.

292 11. For the purpose of the promotion of tourism, a wine manufacturer, its employees,
293 officers or agents located within this state may apply for and the supervisor of ~~liquor~~ **alcohol**
294 **and tobacco** control may issue a license to sell intoxicating liquor, as defined in this chapter, by
295 the drink at retail for consumption on the premises where sold, if the premises so licensed is in
296 close proximity to the winery. Such premises shall be closed during the hours specified under
297 section 311.290 and may remain open between the hours of 9:00 a.m. and midnight on Sunday.

298 12. For the purpose of the promotion of tourism, a person may apply for and the
299 supervisor of ~~liquor~~ **alcohol and tobacco** control may issue a license to sell intoxicating liquor
300 by the drink at retail for consumption on the premises where sold, but seventy-five percent or
301 more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines
302 received from manufacturers licensed under section 311.190. Such premises may remain open
303 between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours
304 of 11:00 a.m. and 9:00 p.m. on Sundays.

311.089. Any establishment possessing or qualifying for a license to sell intoxicating
2 liquor by the drink at retail in any city not within a county, any home rule city with more than
3 four hundred thousand inhabitants and located in more than one county and if such establishment
4 is also located in a resort area, convention trade area, or enterprise zone area, the establishment
5 may apply for a Sunday by-the-drink license between the hours of ~~9:00~~ **6:00** a.m. ~~and~~
6 ~~midnight~~ on ~~Sunday~~ **Sundays and 1:30 a.m. on Mondays**. The license fee for such Sunday
7 by-the-drink license shall be six hundred dollars per year. The license fee shall be prorated for
8 the period of the license based on the cost of the annual license for the establishment.

311.096. 1. As used in this section, the term "common eating and drinking area" means
2 an area or areas within a building or group of buildings designated for the eating of food and
3 drinking of liquor sold at retail by establishments which do not provide areas within their
4 premises for the consumption of food and liquor; where the costs of maintaining such area or
5 areas are shared by the payment of common area maintenance charges, as provided in the
6 respective leases permitting the use of such areas, or otherwise; and where the annual gross
7 income from the sale of prepared meals or food consumed in such common eating and drinking
8 area is, or is projected to be, at least two hundred seventy-five thousand dollars.

9 2. Notwithstanding any other provisions of this chapter to the contrary, any person who
10 possesses the qualifications required by this chapter, or who now or hereafter meets the
11 requirements of and complies with the provisions of this chapter, may apply for, and the
12 supervisor of ~~liquor~~ **alcohol and tobacco** control may issue, a license to sell intoxicating
13 liquor, as defined in this chapter, by the drink at retail not for consumption on the premises

14 where sold but for consumption in a common eating and drinking area, as described in the
15 application for such license. In addition to all other fees required by law, each establishment in
16 a common eating and drinking area licensed under this subsection shall pay to the director of
17 revenue the sum of three hundred dollars per year. The times for selling intoxicating liquor as
18 fixed in section 311.290, the authority for the collection of fees by counties and cities as provided
19 in section 311.220, and all other laws and regulations of this state relating to the sale of
20 intoxicating liquor by the drink shall apply to each establishment licensed under this subsection
21 in the same manner as they apply to establishments licensed under sections 311.085 and 311.090.

22 3. Notwithstanding any other provisions of this chapter to the contrary, any person who
23 possesses the qualifications required by this chapter, and who now or hereafter meets the
24 requirements of and complies with the provisions of this chapter, may apply for, and the
25 supervisor of ~~[liquor]~~ **alcohol and tobacco** control may issue, a license to sell intoxicating
26 liquor, as defined in this chapter, between the hours of ~~[11:00]~~ **6:00** a.m. on ~~[Sunday]~~ **Sundays**
27 and ~~[12:00 midnight]~~ **1:30 a.m.** on ~~[Sunday]~~ **Mondays** by the drink at retail not for consumption
28 on the premises where sold but for consumption in a common eating and drinking area, as
29 described in the application for such license. In addition to all other fees required by law, each
30 establishment in a common eating and drinking area licensed under this subsection shall pay an
31 additional fee of two hundred dollars a year payable at the same time and in the same manner as
32 its other license fees.

33 4. Any person possessing the qualifications and meeting the requirements of this chapter,
34 who is licensed to sell intoxicating liquor by the drink at retail not for consumption on the
35 premises where sold but for consumption in a common eating and drinking area, may apply to
36 the supervisor of ~~[liquor]~~ **alcohol and tobacco** control for a special permit to remain open on
37 all days of the week ~~[except Sunday]~~ between the hours of 1:30 a.m. to 3:00 a.m. ~~[The~~
38 ~~provisions of subsection 3 of this section shall apply to the sale of intoxicating liquor by the~~
39 ~~drink at retail not for consumption on the premises where sold but for consumption in a common~~
40 ~~eating and drinking area on Sunday.]~~ To qualify for such a permit, the premises of such an
41 applicant must be located in an area which has been designated as a convention trade area by the
42 governing body of the county or city. An applicant granted a special permit under this section
43 shall pay, in addition to all other fees required by this chapter, an additional fee of three hundred
44 dollars a year payable at the time and in the same manner as its other license fees.

311.101. 1. Notwithstanding any other provision of law, it shall not be unlawful for the
2 owner, operator, or employees of a **restaurant or** restaurant bar, as defined in section ~~[311.097]~~
3 **311.196**, to allow patrons to carry out one or more bottles of ~~[unfinished]~~ wine **or one or more**
4 **containers of other alcoholic beverages**, nor shall it be unlawful for patrons of such **restaurant**

5 **or** restaurant bar to carry out one or more bottles of ~~[unfinished]~~ wine **or one or more**
6 **containers of other alcoholic beverages** under the following conditions:

7 (1) The patron must have ordered a meal;

8 (2) The bottle or bottles of wine **or the container or containers of other alcoholic**
9 **beverages** must have been at least partially consumed during the meal;

10 (3) The **restaurant or** restaurant bar must provide a dated receipt **or an electronic**
11 **record** for the ~~[unfinished]~~ bottle or bottles of wine **or the container or containers of other**
12 **alcoholic beverages**; and

13 (4) The **restaurant or** restaurant bar must securely reseal the bottle or bottles of wine
14 **or the container or containers of other alcoholic beverages** and place them in one or more
15 one-time-use, tamperproof, transparent bags and securely seal the bags.

16 2. Notwithstanding any other provision of law, no person who transports one or more
17 bottles of ~~[unfinished]~~ wine **or one or more containers of other alcoholic beverages** which
18 came from a **restaurant or** restaurant bar under the circumstances described in subsection 1 of
19 this section, in a vehicle, shall be considered to have violated any state law or local ordinance
20 regarding open containers in vehicles so long as such person has in his or her possession the
21 dated receipt **or an electronic record** from the **restaurant or** restaurant bar and the bottle or
22 bottles of wine **or the container or containers of other alcoholic beverages** remain in the
23 ~~[restaurant bar-furnished,]~~ one-time-use, tamperproof, transparent bags with the seals intact **that**
24 **were furnished by the restaurant or restaurant bar.**

25 3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator,
26 or employees of a winery to allow patrons to carry out one or more bottles of ~~[unfinished]~~ wine
27 and it shall be lawful for patrons of such winery to carry out one or more bottles of ~~[unfinished]~~
28 wine under the following conditions:

29 (1) The bottle or bottles of wine must have been at least partially consumed at the
30 winery;

31 (2) The winery must provide a dated receipt **or an electronic record** for the ~~[unfinished]~~
32 bottle or bottles of wine; and

33 (3) The winery must securely reseal the bottle or bottles of wine and place them in one
34 or more one-time-use, tamperproof, transparent bags and securely seal the bags.

35 4. Notwithstanding any other provision of law, no person who transports one or more
36 bottles of ~~[unfinished]~~ wine which came from a winery under the circumstances described under
37 subsection 3 of this section shall be considered to have violated any state law or local ordinance
38 regarding open containers in vehicles so long as such person has in his or her possession the
39 dated receipt **or an electronic record** from the winery and the bottle or bottles of wine remain
40 in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

41 5. As used in this section "winery" means any establishment at which wine is made.

311.174. 1. 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 consumption on
3 the premises in a city with a population of at least four thousand inhabitants which borders the
4 Missouri River and also borders a city with a population of over three hundred thousand
5 inhabitants located in at least three counties, in a city with a population of over three hundred
6 thousand which is located in whole or in part within a first class county having a charter form
7 of government or in a first class county having a charter form of government which contains all
8 or part of a city with a population of over three hundred thousand inhabitants, may apply to the
9 supervisor of alcohol and tobacco control for a special permit to remain open on each day of the
10 week until 3:00 a.m. of the morning of the following day; except that, an entity exempt from
11 federal income taxes under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended,
12 and located in a building designated as a National Historic Landmark by the United States
13 Department of the Interior may apply for a license to remain open until 6:00 a.m. of the
14 following day. The time of opening on Sunday may be ~~9:00~~ 6:00 a.m. The provisions of this
15 section and not those of section ~~311.097~~ 311.293 regarding the time of closing shall apply to
16 the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday.
17 When the premises of such an applicant is located in a city as defined in this section, then the
18 premises must be located in an area which has been designated as a convention trade area by the
19 governing body of the city. When the premises of such an applicant is located in a county as
20 defined in this section, then the premises must be located in an area which has been designated
21 as a convention trade area by the governing body of the county.

22 2. An applicant granted a special permit under this section shall in addition to all other
23 fees required by this chapter pay an additional fee of three hundred dollars a year payable at the
24 time and in the same manner as its other license fees.

25 3. The provisions of this section allowing for extended hours of business shall not apply
26 in any incorporated area wholly located in any first class county having a charter form of
27 government which contains all or part of a city with a population of over three hundred thousand
28 inhabitants until the governing body of such incorporated area shall have by ordinance or order
29 adopted the extended hours authorized by this section.

311.176. 1. 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 consumption on
3 the premises in a city not located within a county, may apply to the supervisor of alcohol and
4 tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of
5 the morning of the following day. The time of opening on Sunday may be ~~9:00~~ 6:00 a.m. The
6 provisions of this section and not those of section ~~311.097~~ 311.293 regarding the time of

7 closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the
8 premises on Sunday. To qualify for such a permit, the premises of such an applicant must be
9 located in an area which has been designated as a convention trade area by the governing body
10 of the city and the applicant must meet at least one of the following conditions:

11 (1) The business establishment's annual gross sales for the year immediately preceding
12 the application for extended hours equals one hundred fifty thousand dollars or more; or

13 (2) The business is a resort. For purposes of this section, a "resort" is defined as any
14 establishment having at least sixty rooms for the overnight accommodation of transient guests
15 and having a restaurant located on the premises.

16 2. An applicant granted a special permit pursuant to this section shall, in addition to all
17 other fees required by this chapter, pay an additional fee of three hundred dollars a year payable
18 at the time and in the same manner as its other license fees.

311.178. 1. 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 consumption on
3 the premises in a county of the first classification having a charter form of government and not
4 containing all or part of a city with a population of over three hundred thousand may apply to the
5 supervisor of alcohol and tobacco control for a special permit to remain open on each day of the
6 week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may
7 be ~~[9:00]~~ **6:00** a.m. The provisions of this section and not those of section ~~[311.097]~~ **311.293**
8 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail
9 for consumption on the premises on Sunday. The premises of such an applicant shall be located
10 in an area which has been designated as a convention trade area by the governing body of the
11 county and the applicant shall meet at least one of the following conditions:

12 (1) The business establishment's annual gross sales for the year immediately preceding
13 the application for extended hours equals one hundred fifty thousand dollars or more; or

14 (2) The business is a resort. For purposes of this subsection, a "resort" is defined as any
15 establishment having at least sixty rooms for the overnight accommodation of transient guests
16 and having a restaurant located on the premises.

17 2. Any person possessing the qualifications and meeting the requirements of this chapter
18 who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises
19 in a county of the third classification without a township form of government having a
20 population of more than twenty-three thousand five hundred but less than twenty-three thousand
21 six hundred inhabitants, a county of the third classification without a township form of
22 government having a population of more than nineteen thousand three hundred but less than
23 nineteen thousand four hundred inhabitants or a county of the first classification without a charter
24 form of government with a population of at least thirty-seven thousand inhabitants but not more

25 than thirty-seven thousand one hundred inhabitants may apply to the supervisor of alcohol and
26 tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of
27 the morning of the following day. The time of opening on Sunday may be [~~9:00~~] **6:00** a.m. The
28 provisions of this section and not those of section [~~311.097~~] **311.293** regarding the time of
29 closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the
30 premises on Sunday. The applicant shall meet all of the following conditions:

31 (1) The business establishment's annual gross sales for the year immediately preceding
32 the application for extended hours equals one hundred thousand dollars or more;

33 (2) The business is a resort. For purposes of this subsection, a "resort" is defined as any
34 establishment having at least seventy-five rooms for the overnight accommodation of transient
35 guests, having at least three thousand square feet of meeting space and having a restaurant
36 located on the premises; and

37 (3) The applicant shall develop, and if granted a special permit shall implement, a plan
38 ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall
39 be made except to guests with overnight accommodations at the licensee's resort. The plan shall
40 be subject to approval by the supervisor of alcohol and tobacco control and shall provide a
41 practical method for the division of alcohol and tobacco control and other law enforcement
42 agencies to enforce the provisions of subsection 3 of this section.

43 3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit
44 issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee
45 of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any
46 person except a guest with overnight accommodations at the licensee's resort.

47 4. An applicant granted a special permit pursuant to this section shall, in addition to all
48 other fees required by this chapter, pay an additional fee of three hundred dollars a year payable
49 at the time and in the same manner as its other license fees.

50 5. The provisions of this section allowing for extended hours of business shall not apply
51 in any incorporated area wholly located in any county of the first classification having a charter
52 form of government which does not contain all or part of a city with a population of over three
53 hundred thousand inhabitants until the governing body of such incorporated area shall have by
54 ordinance or order adopted the extended hours authorized by this section.

311.179. 1. 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 in an international
3 airport located in a county with a charter form of government and with more than nine hundred
4 fifty thousand inhabitants or in a county of the first classification with more than eighty-three
5 thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth
6 classification with more than four thousand five hundred but fewer than five thousand

7 inhabitants as the county seat may apply to the supervisor of alcohol and tobacco control for a
8 special permit which:

9 (1) Allows the premises located in the international airport in such county to open at 4
10 a.m. and sell intoxicating liquor by the drink at retail for consumption. The provisions of this
11 section and not those of section ~~[311.097]~~ **311.293** regarding the time of opening shall apply to
12 the sale of intoxicating liquor by the drink at retail for consumption on Sunday;

13 (2) Allows persons to leave licensed establishments with an alcoholic beverage and enter
14 other airport designated areas located within such airport. No person shall take any alcoholic
15 beverage or beverages outside such designated areas, including onto any airplane; and

16 (3) Requires every licensee within such international airport to serve alcoholic beverages
17 in containers that display and contain the licensee's trade name or logo or some other mark that
18 is unique to that license and licensee.

19 2. An applicant granted a special permit pursuant to this section shall, in addition to all
20 other fees required by this chapter, pay an additional fee of three hundred dollars a year payable
21 at the time and in the same manner as its other license fees.

311.200. 1. No license shall be issued for the sale of intoxicating liquor in the original
2 package, not to be consumed upon the premises where sold, except to a person engaged in, and
3 to be used in connection with, the operation of one or more of the following businesses: a drug
4 store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or
5 delicatessen store, nor to any such person who does not have and keep in his **or her** store a stock
6 of goods having a value according to invoices of at least one thousand dollars, exclusive of
7 fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed
8 on the premises where sold nor shall any original package be opened on the premises of the
9 vendor except as otherwise provided in this law. For every license for sale at retail in the
10 original package, the licensee shall pay to the director of revenue the sum of one hundred dollars
11 per year.

12 2. For a permit authorizing the sale of malt liquor, as defined in section 311.490, by
13 grocers and other merchants and dealers in the original package direct to consumers but not for
14 resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be
15 required. The phrase "original package" shall be construed and held to refer to any package
16 containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the
17 provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt
18 liquor at retail between the hours of ~~[9:00]~~ **6:00** a.m. ~~[and midnight]~~ on ~~[Sunday]~~ **Sundays to**
19 **1:30 a.m. on Mondays.**

20 3. For every license issued for the sale of malt liquor, as defined in section 311.490, at
21 retail by drink for consumption on the premises where sold, the licensee shall pay to the director

22 of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290,
23 any person licensed pursuant to this subsection may also sell malt liquor at retail between the
24 hours of 9:00 a.m. and midnight on Sunday.

25 4. For every license issued for the sale of malt liquor, as defined in section 311.490, and
26 light wines containing not in excess of fourteen percent of alcohol by weight made exclusively
27 from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the
28 premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per
29 year.

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

34 6. For every license issued to any railroad company, railway sleeping car company
35 operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at
36 retail for consumption on its dining cars, buffet cars and observation cars, the sum of one
37 hundred dollars per year. A duplicate of such license shall be posted in every car where such
38 beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate
39 license.

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

**311.202. 1. Notwithstanding any provision of law to the contrary, any person who
2 is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption
3 may sell retailer-packaged alcoholic beverages to customers in containers, filled on such
4 premises by any employee of the retailer who is twenty-one years of age or older, for
5 off-premises consumption if all the following requirements are met:**

6 **(1) The container of the alcoholic beverage is rigid, durable, leak-proof, sealable,
7 and designed to prevent consumption without removal of the tamperproof cap or seal. A
8 "sealable" container does not include a container with a lid with sipping holes or openings
9 for straws, a cup made of plastic that is intended for one-time use, or a cup made of paper
10 or polystyrene foam;**

11 **(2) The contents of each container do not exceed one hundred twenty eight ounces;**

12 **(3) The patron orders and purchases a meal from the licensee simultaneous with
13 the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is defined as
14 food that has been prepared on the licensee's premises;**

15 **(4) The number of alcoholic beverages sold under this section by a licensee for**
 16 **off-premises consumption is limited to twice the number of meal servings sold by the**
 17 **licensee for off-premises consumption, and the total amount of such alcoholic beverages**
 18 **sold by the licensee shall not exceed one hundred twenty-eight ounces per transaction;**

19 **(5) The licensee provides the patron with a dated receipt or an electronic record for**
 20 **the meal and alcohol beverages; and**

21 **(6) The container is either:**

22 **(a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed;**
 23 **or**

24 **(b) The container opening is sealed with tamperproof tape;**
 25

26 **For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly**
 27 **demonstrates when a bag or container has been opened.**

28 **2. Containers that are filled under subsection 1 of this section shall be affixed with**
 29 **a label or a tag that contains the name and address of the business that filled the container,**
 30 **in type not smaller than three millimeters in height and not more than twelve characters**
 31 **per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL."**

32 **3. The filling of a container under this section shall be in compliance with Section**
 33 **3-304.17(c) of the 2009 Food and Drug Administration Food Code.**

34 **4. No provision of law, or rule or regulation of the division of alcohol and tobacco**
 35 **control, shall be interpreted to allow any wholesaler, distributor, or manufacturer of**
 36 **intoxicating liquor to furnish containers that are filled under subsection 1 of this section**
 37 **to any person who is licensed to sell intoxicating liquor at retail.**

311.293. 1. Except for any establishment that may apply for a license under section
 2 311.089, any person possessing the qualifications and meeting the requirements of this chapter,
 3 who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and
 4 tobacco control for a special license to sell intoxicating liquor at retail between the hours of
 5 ~~[9:00]~~ **6:00** a.m. ~~[and midnight]~~ on Sundays **and 1:30 a.m. on Mondays**. A licensee under this
 6 section shall pay to the director of revenue an additional fee of two hundred dollars a year
 7 payable at the same time and in the same manner as its other license fees.

8 2. In addition to any fee collected pursuant to section 311.220, a city or county may
 9 charge and collect an additional fee not to exceed three hundred dollars from any licensee under
 10 this section for the privilege of selling intoxicating liquor at retail between the hours of ~~[9:00]~~
 11 **6:00** a.m. ~~[and midnight]~~ on Sundays **and 1:30 a.m. on Mondays** in such city or county;
 12 however the additional fee shall not exceed the fee charged by that city or county for a special

13 license issued pursuant to any provision of this chapter which allows a licensee to sell
14 intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays.

15 3. The provisions of this section regarding the time of closing shall not apply to any
16 person who possesses a special permit issued under section 311.174, 311.176, or 311.178.

311.480. 1. It shall be unlawful for any person operating any premises where food,
2 beverages or entertainment are sold or provided for compensation, who does not possess a
3 license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating
4 liquor in the premises, without having a license as in this section provided.

5 2. Application for such license shall be made to the supervisor of alcohol and tobacco
6 control on forms to be prescribed by him **or her**, describing the premises to be licensed and
7 giving all other reasonable information required by the form. The license shall be issued upon
8 the payment of the fee required in this section. A license shall be required for each separate
9 premises and shall expire on the thirtieth day of June next succeeding the date of such license.
10 The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each
11 month or part thereof remaining from the date of the license to the next succeeding first of July.
12 Applications for renewals of licenses shall be filed on or before the first of May of each year.

13 3. The drinking or consumption of intoxicating liquor shall not be permitted in or upon
14 the licensed premises by any person under twenty-one years of age, or by any other person
15 between the hours of 1:30 a.m. and 6:00 a.m. on any [~~weekday, and between the hours of 1:30~~
16 ~~a.m. Sunday and 6:00 a.m. Monday~~] **day of the week**. Licenses issued hereunder shall be
17 conditioned upon the observance of the provisions of this section and the regulations
18 promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating
19 liquor by the drink. The provision of this section regulating the drinking or consumption of
20 intoxicating liquor between certain hours and on Sunday shall apply also to premises licensed
21 under this chapter to sell intoxicating liquor by the drink. In any incorporated city having a
22 population of more than twenty thousand inhabitants, the board of aldermen, city council, or
23 other proper authorities of incorporated cities may, in addition to the license fee required in this
24 section, require a license fee not exceeding three hundred dollars per annum, payable to the
25 incorporated cities, and provide for the collection thereof; make and enforce ordinances
26 regulating the hours of consumption of intoxicating liquors on premises licensed hereunder, not
27 inconsistent with the other provisions of this law, and provide penalties for the violation thereof.
28 No person shall be granted a license hereunder unless such person is of good moral character and
29 a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any
30 corporation be granted a license hereunder unless the managing officer of such corporation is of
31 good moral character and a qualified legal voter and taxpaying citizen of the county, town, city
32 or village.

33 4. Any premises operated in violation of the provisions of this section, or where
34 intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and
35 common nuisance, and it shall be the duty of the supervisor of alcohol and tobacco control and
36 of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the
37 county in which the premises are located, to enjoin such nuisance.

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

42 6. The supervisor of alcohol and tobacco control is hereby empowered to promulgate
43 regulations necessary or reasonably designed to enforce or construe the provisions of this section,
44 and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter,
45 for violation of this section or any of the laws or regulations herein made applicable to the
46 conduct of premises licensed hereunder.

47 7. Nothing in this section shall be construed to prohibit the sale or delivery of any
48 intoxicating liquor during any of the hours or on any of the days specified in this section by a
49 wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the
50 intoxicating liquor at retail.

51 8. No intoxicating liquor may be served or sold on any premises used as a polling place
52 on election day.

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

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

11 3. If the event will be held on a Sunday, the permit shall authorize the sale of
12 intoxicating liquor on that day beginning at [~~11:00~~] 6:00 a.m.

13 4. At the same time that an applicant applies for a permit under the provisions of this
14 section, the applicant shall notify the director of revenue of the holding of the event and by such
15 notification, by certified mail, shall accept responsibility for the collection and payment of any
16 applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days

17 after the close of the event, and failure to do so shall result in a liability of triple the amount of
18 the tax due plus payment of the tax, and denial of any other permit for a period of three years.
19 Under no circumstances shall a bond be required from the applicant.

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

311.710. 1. In addition to the penalties and proceedings for suspension or revocation of
2 licenses provided for in this chapter, and without limiting them, proceedings for the suspension
3 or revocation of any license authorizing the sale of intoxicating liquor at retail may be brought
4 in the circuit court of any county in this state, or in the city of St. Louis, in which the licensed
5 premises are located and such proceedings may be brought by the sheriff or any peace officer of
6 that county or by any eight or more persons who are taxpaying citizens of the county or city for
7 any of the following offenses:

8 (1) Selling, giving or otherwise supplying intoxicating liquor to a habitual drunkard or
9 to any person who is under or apparently under the influence of intoxicating liquor;

10 (2) Knowingly permitting any prostitute, degenerate, or dissolute person to frequent the
11 licensed premises;

12 (3) Permitting on the licensed premises any disorderly conduct, breach of the peace, or
13 any lewd, immoral or improper entertainment, conduct or practices;

14 (4) Selling, offering for sale, possessing or knowingly permitting the consumption on
15 the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of
16 which is not authorized under his **or her** license;

17 (5) Selling, giving, or otherwise supplying intoxicating liquor to any person under the
18 age of twenty-one years;

19 (6) Selling, giving or otherwise supplying intoxicating liquors between the hours of
20 [~~12:00 midnight Saturday night and 12:00 midnight Sunday night~~] **1:30 a.m. and 6:00 a.m. any**
21 **day of the week.**

22 2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered
23 United States mail to the supervisor of [~~liquor~~] **alcohol and tobacco** control a joint complaint,
24 stating the name of the licensee, the name under which the licensee's business is conducted and
25 the address of the licensed premises, setting out in general the character and nature of the offense
26 or offenses charged, together with the names and addresses of the witnesses by whom proof
27 thereof is expected to be made; and provided, that after a period of thirty days after the mailing
28 of such complaint to the supervisor of [~~liquor~~] **alcohol and tobacco** control the person therein
29 complained of shall not have been cited by the supervisor to appear and show cause why his **or**
30 **her** license should not be suspended or revoked then they shall file with the circuit clerk of the

31 county or city in which the premises are located a copy of the complaint on file with the
32 supervisor of ~~[liquor]~~ **alcohol and tobacco** control.

33 3. If, pursuant to the receipt of such complaint by the supervisor of ~~[liquor]~~ **alcohol and**
34 **tobacco** control, the licensee appears and shows cause why his **or her** license should not be
35 suspended or revoked at a hearing held for that purpose by the supervisor and either the
36 complainants or the licensee consider themselves aggrieved with the order of the supervisor then,
37 after a request in writing by either the complainants or the licensee, the supervisor shall certify
38 to the circuit clerk of the county or city in which the licensed premises are located a copy of the
39 original complaint filed with him **or her**, together with a copy of the transcript of the evidence
40 adduced at the hearing held by him **or her**. Such certification by the supervisor shall not act as
41 a supersedeas of any order made by him **or her**.

42 4. Upon receipt of such complaint, whether from the complainant directly or from the
43 supervisor of ~~[liquor]~~ **alcohol and tobacco** control, the court shall set a date for an early hearing
44 thereon and it shall be the duty of the circuit clerk to cause to be delivered by registered United
45 States mail to the prosecuting attorney of the county or to the circuit attorney of the city of St.
46 Louis and to the licensee copies of the complaint and he **or she** shall, at the same time, give
47 notice of the time and place of the hearing. Such notice shall be delivered to the prosecuting
48 attorney or to the circuit attorney and to the licensee at least fifteen days prior to the date of the
49 hearing.

50 5. The complaint shall be heard by the court without a jury and if there has been a prior
51 hearing thereon by the supervisor of ~~[liquor]~~ **alcohol and tobacco** control then the case shall be
52 heard de novo and both the complainants and the licensee may produce new and additional
53 evidence material to the issues.

54 6. If the court shall find upon the hearing that the offense or offenses charged in the
55 complaint have been established by the evidence, the court shall order the suspension or
56 revocation of the license but, in so doing, shall take into consideration whatever order, if any,
57 may have been made in the premises by the supervisor of ~~[liquor]~~ **alcohol and tobacco** control.
58 If the court finds that to revoke the license would be unduly severe, then the court may suspend
59 the license for such period of time as the court deems proper.

60 7. The judgment of the court in no event shall be superseded or stayed during pendency
61 of any appeal therefrom.

62 8. It shall be the duty of the prosecuting attorney or circuit attorney to prosecute
63 diligently and without delay any such complaints coming to him **or her** by virtue of this section.

64 9. The jurisdiction herein conferred upon the circuit courts to hear and determine
65 complaints for the suspension or revocation of licenses in the manner provided in this section
66 shall not be exclusive and any authority conferred upon the supervisor of ~~[liquor]~~ **alcohol and**

67 **tobacco** control to revoke or suspend licenses shall remain in full force and effect, and the
68 suspension or revocation of a license as provided in this section shall be in addition to and not
69 in lieu of any other revocation or suspension provided by this chapter.

70 10. Costs accruing because of such hearings in the circuit court shall be taxed in the
71 same manner as criminal costs.

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