

FIRST REGULAR SESSION

# HOUSE BILL NO. 752

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GRIESHEIMER.

1665H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 311.101, RSMo, and to enact in lieu thereof one new section relating to alcoholic beverages.

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

Section A. Section 311.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.101, to read as follows:

311.101. 1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a **restaurant or restaurant bar** ~~[, as defined in section 311.097,]~~ to allow patrons to carry out one or more bottles of unfinished wine **or one or more containers of unfinished mixed drinks**, nor shall it be unlawful for patrons of such **restaurant or restaurant bar** to carry out one or more bottles of unfinished wine **or one or more containers of unfinished mixed drinks** under the following conditions:

- (1) The patron must have ordered a meal;
- (2) The bottle or bottles of wine **or the container or containers of mixed drinks** must have been at least partially consumed during the meal;
- (3) The **restaurant or restaurant bar** must provide a dated receipt for the unfinished bottle or bottles of wine **or the unfinished container or containers of mixed drinks**; and
- (4) The **restaurant or restaurant bar** must securely reseal the bottle or bottles of wine **or the container or containers of mixed drinks** and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine **or one or more containers of unfinished mixed drinks** which came from a **restaurant or restaurant bar** under the circumstances described in subsection 1 of this

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.

18 section, in a vehicle, shall be considered to have violated any state law or local ordinance  
19 regarding open containers in vehicles so long as such person has in his or her possession the  
20 dated receipt from the **restaurant or** restaurant bar and the bottle or bottles of wine **or the**  
21 **container or containers of mixed drinks** remain in the [~~restaurant bar-furnished,~~] one-time-use,  
22 tamperproof, transparent bags with the seals intact **that were furnished by the restaurant or**  
23 **restaurant bar.**

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

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

30 (2) The winery must provide a dated receipt for the unfinished bottle or bottles of wine;  
31 and

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

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

40 5. As used in this section "winery" means any establishment at which wine is made **and**  
41 **"mixed drink" means any beverage containing intoxicating liquor mixed with one or more**  
42 **other ingredients.**

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