

FIRST REGULAR SESSION

# HOUSE BILL NO. 799

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

1710H.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Section A. Section 311.101, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.101, to read as follows: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 bar, as defined in section 311.097, to allow patrons to carry out one or more bottles of unfinished wine **or wine-based products, including original packaged products or otherwise prepared products**, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine **or wine-based products** under the following conditions:

(1) The patron must have ordered a meal;

(2) The bottle or bottles of wine must have been at least partially consumed during the meal;

(3) The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine **or wine-based products**; and

(4) The restaurant bar must securely reseal the bottle or bottles of wine **or wine-based products** 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 wine-based products** which came from a restaurant bar under the circumstances described in subsection 1 of this section, in a vehicle, shall be considered to have

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 violated any state law or local ordinance regarding open containers in vehicles so long as such  
19 person has in his or her possession the dated receipt from the restaurant bar and the bottle or  
20 bottles of wine **or wine-based products** remain in the restaurant bar-furnished, one-time-use,  
21 tamperproof, transparent bags with the seals intact.

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

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

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

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

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

38 5. As used in this section "winery" means any establishment at which wine is made **and**  
39 **"wine-based product" means any product containing at least fifty-percent wine.**

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