

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 994

98TH GENERAL ASSEMBLY

2016

6218S.03T

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## AN ACT

To repeal sections 262.823, 311.060, 311.091, and 311.205, RSMo, and to enact in lieu thereof five new sections relating to alcohol.

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

Section A. Sections 262.823, 311.060, 311.091, and 311.205, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections  
3 262.823, 311.060, 311.091, 311.205, and 311.950, to read as follows:

262.823. The purpose of the board shall be to further the growth and  
2 development of the grape growing industry in the state of Missouri. The board  
3 shall have a correlate purpose of fostering the expansion of the grape market for  
4 Missouri grapes. To effectuate these goals, the board may:

5 (1) Participate in cooperation with state, regional, national, or  
6 international activities, groups, and organizations whose objectives are that of  
7 developing new and better grape varieties to determine their suitability for  
8 growing in Missouri;

9 (2) Participate in and develop research projects on improved wine-making  
10 methods utilizing the new grape varieties to be grown in Missouri;

11 (3) Utilize the individual and collective expertise of the board members  
12 as well as experts in the fields of enology and viticulture selected by the board,  
13 to update and improve the quality of grapes grown in Missouri and advanced  
14 methods of producing wines from these Missouri grapes;

15 (4) Furnish current information and associated data on research  
16 conducted by and for the board to grape growers and vintners in Missouri as well  
17 as to interested persons considering entering these fields within the state; and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 (5) Participate in subsequent studies, programs, research, and information  
19 and data dissemination in the areas of sales, promotions, and effective  
20 distribution of Missouri wines, **and to oversee and provide any professional**  
21 **or legal services to promote such marketing goals.**

311.060. 1. No person shall be granted a license hereunder unless such  
2 person is of good moral character and a qualified legal voter and a taxpaying  
3 citizen of the county, town, city or village, nor shall any corporation be granted  
4 a license hereunder unless the managing officer of such corporation is of good  
5 moral character and a qualified legal voter and taxpaying citizen of the county,  
6 town, city or village; and, **except as otherwise provided under subsection**  
7 **7 of this section,** no person shall be granted a license or permit hereunder  
8 whose license as such dealer has been revoked, or who has been convicted, since  
9 the ratification of the twenty-first amendment to the Constitution of the United  
10 States, of a violation of the provisions of any law applicable to the manufacture  
11 or sale of intoxicating liquor, or who employs in his or her business as such dealer  
12 any person whose license has been revoked **unless five years have passed**  
13 **since the revocation as provided under subsection 6 of this section,** or  
14 who has been convicted of violating such law since the date aforesaid; provided,  
15 that nothing in this section contained shall prevent the issuance of licenses to  
16 nonresidents of Missouri or foreign corporations for the privilege of selling to duly  
17 licensed wholesalers and soliciting orders for the sale of intoxicating liquors to,  
18 by or through a duly licensed wholesaler, within this state.

19 2. (1) No person, partnership or corporation shall be qualified for a  
20 license under this law if such person, any member of such partnership, or such  
21 corporation, or any officer, director, or any stockholder owning, legally or  
22 beneficially, directly or indirectly, ten percent or more of the stock of such  
23 corporation, or other financial interest therein, or ten percent or more of the  
24 interest in the business for which the person, partnership or corporation is  
25 licensed, or any person employed in the business licensed under this law shall  
26 have had a license revoked under this law **except as otherwise provided**  
27 **under subsections 6 and 7 of this section,** or shall have been convicted of  
28 violating the provisions of any law applicable to the manufacture or sale of  
29 intoxicating liquor since the ratification of the twenty-first amendment to the  
30 Constitution of the United States, or shall not be a person of good moral  
31 character.

32 (2) No license issued under this chapter shall be denied, suspended,  
33 revoked or otherwise affected based solely on the fact that an employee of the  
34 licensee has been convicted of a felony unrelated to the manufacture or sale of

35 intoxicating liquor. Each employer shall report the identity of any employee  
36 convicted of a felony to the division of liquor control. The division of liquor  
37 control shall promulgate rules to enforce the provisions of this subdivision.

38 (3) No wholesaler license shall be issued to a corporation for the sale of  
39 intoxicating liquor containing alcohol in excess of five percent by weight, except  
40 to a resident corporation as defined in this section.

41 3. A "resident corporation" is defined to be a corporation incorporated  
42 under the laws of this state, all the officers and directors of which, and all the  
43 stockholders, who legally and beneficially own or control sixty percent or more of  
44 the stock in amount and in voting rights, shall be qualified legal voters and  
45 taxpaying citizens of the county and municipality in which they reside and who  
46 shall have been bona fide residents of the state for a period of three years  
47 continuously immediately prior to the date of filing of application for a license,  
48 provided that a stockholder need not be a voter or a taxpayer, and all the resident  
49 stockholders of which shall own, legally and beneficially, at least sixty percent of  
50 all the financial interest in the business to be licensed under this law; provided,  
51 that no corporation, licensed under the provisions of this law on January 1, 1947,  
52 nor any corporation succeeding to the business of a corporation licensed on  
53 January 1, 1947, as a result of a tax-free reorganization coming within the  
54 provisions of Section 112, United States Internal Revenue Code, shall be  
55 disqualified by reason of the new requirements herein, except corporations  
56 engaged in the manufacture of alcoholic beverages containing alcohol in excess  
57 of five percent by weight, or owned or controlled, directly or indirectly, by  
58 nonresident persons, partnerships or corporations engaged in the manufacture of  
59 alcoholic beverages containing alcohol in excess of five percent by weight.

60 4. The term "financial interest" as used in this chapter is defined to mean  
61 all interest, legal or beneficial, direct or indirect, in the capital devoted to the  
62 licensed enterprise and all such interest in the net profits of the enterprise, after  
63 the payment of reasonable and necessary operating business expenses and taxes,  
64 including interest in dividends, preferred dividends, interest and profits, directly  
65 or indirectly paid as compensation for, or in consideration of interest in, or for use  
66 of, the capital devoted to the enterprise, or for property or money advanced,  
67 loaned or otherwise made available to the enterprise, except by way of ordinary  
68 commercial credit or bona fide bank credit not in excess of credit customarily  
69 granted by banking institutions, whether paid as dividends, interest or profits,  
70 or in the guise of royalties, commissions, salaries, or any other form whatsoever.

71 5. The supervisor shall by regulation require all applicants for licenses to  
72 file written statements, under oath, containing the information reasonably

73 required to administer this section. Statements by applicants for licenses as  
74 wholesalers and retailers shall set out, with other information required, full  
75 information concerning the residence of all persons financially interested in the  
76 business to be licensed as required by regulation. All material changes in the  
77 information filed shall be promptly reported to the supervisor.

78 **6. Any person whose license or permit issued under this chapter**  
79 **has been revoked shall be automatically eligible to work as an**  
80 **employee of an establishment holding a license or permit under this**  
81 **chapter five years after the date of the revocation.**

82 **7. Any person whose license or permit issued under this chapter**  
83 **has been revoked shall be eligible to apply and be qualified for a new**  
84 **license or permit five years after the date of the revocation. The**  
85 **person may be issued a new license or permit at the discretion of the**  
86 **division of alcohol and tobacco control. If the division denies the**  
87 **request for a new permit or license, the person may not submit a new**  
88 **application for five years from the date of the denial. If the application**  
89 **is approved, the person shall pay all fees required by law for the**  
90 **license or permit. Any person whose request for a new license or**  
91 **permit is denied may seek a determination by the administrative**  
92 **hearing commission as provided under section 311.691.**

311.091. 1. Except as provided under subsection 2 of this section and  
2 notwithstanding any other provisions of this chapter to the contrary, any person  
3 who possesses the qualifications required by this chapter and who meets the  
4 requirements of and complies with the provisions of this chapter may apply for  
5 and the supervisor of alcohol and tobacco control may issue a license to sell  
6 intoxicating liquor, as defined in this chapter, by the drink at retail for  
7 consumption on the premises of any boat, or other vessel licensed by the United  
8 States Coast Guard to carry [one hundred] **thirty** or more passengers for hire on  
9 navigable waters in or adjacent to this state, which has a regular place of  
10 mooring in a location in this state or within two hundred yards of a location  
11 which would otherwise be licensable under this chapter. The license shall be  
12 valid even though the boat, or other vessel, leaves its regular place of mooring  
13 during the course of its operation.

14 **2. [Any person who possesses the qualifications required by this chapter**  
15 **and who meets the requirements of, and complies with the provisions of, this**  
16 **chapter may apply for, and the supervisor of alcohol and tobacco control may**  
17 **issue, a license to sell intoxicating liquor by the drink at retail for consumption**  
18 **on the premises of any boat or other vessel licensed by the United States Coast**

19 Guard to carry forty-five to ninety-nine passengers for hire on a lake with a  
20 shoreline that is in three counties, one of which is any county of the third  
21 classification without a township form of government and with more than thirty-  
22 three thousand but fewer than thirty-seven thousand inhabitants and with a city  
23 of the fourth classification with more than three thousand but fewer than three  
24 thousand seven hundred inhabitants as the county seat, one of which is any  
25 county of the third classification without a township form of government and with  
26 more than twenty-nine thousand but fewer than thirty-three thousand  
27 inhabitants and with a city of the fourth classification with more than four  
28 hundred but fewer than four hundred fifty inhabitants as the county seat, and  
29 one of which is any county of the first classification with more than fifty thousand  
30 but fewer than seventy thousand inhabitants. The boat must have a regular  
31 place of mooring in a location in this state or within two hundred yards of a  
32 location which would otherwise be licensable under this chapter. The license  
33 shall be valid even though the boat, or other vessel, leaves its regular place of  
34 mooring during the course of its operation.

35 3.] For every license for sale of liquor by the drink at retail for  
36 consumption on the premises of any boat or other vessel issued under the  
37 provisions of this section, the licensee shall pay to the director of revenue the sum  
38 of three hundred dollars per year.

311.205. 1. Any person licensed to sell liquor at retail by the drink for  
2 consumption on the premises where sold may use a [table tap dispensing] **self-**  
3 **dispensing** system [to allow], **which is monitored and controlled by the**  
4 **licensee and allows** patrons of the licensee to [dispense] **self-dispense** beer  
5 [at a table] **or wine**. Before a patron may dispense beer **or wine**, an employee  
6 of the licensee must first authorize an amount of beer **or wine**, not to exceed  
7 thirty-two ounces **of beer or sixteen ounces of wine** per patron per  
8 authorization, to be dispensed by the [table tap dispensing] **self-dispensing**  
9 system.

10 2. No provision of law or rule or regulation of the supervisor shall be  
11 interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating  
12 liquor to furnish [table tap dispensing] **self-dispensing** or cooling equipment or  
13 provide services for the maintenance, sanitation, or repair of [table tap  
14 dispensing] **self-dispensing** systems.

311.950. 1. **Notwithstanding any provision of law to the contrary,**  
2 **entertainment facilities including, but not limited to, arenas and**  
3 **stadiums used primarily for concerts, shows, and sporting events of any**  
4 **kind and entities selling concessions at such facilities that possess all**

5 necessary and valid licenses and permits to allow for the sale of  
6 alcoholic beverages shall not be prohibited from selling and delivering  
7 alcoholic beverages purchased through the use of mobile applications  
8 to individuals attending events on the premises of such facilities if the  
9 facilities are in compliance with all applicable state laws and  
10 regulations regarding the sale of alcoholic beverages.

11       2. For purposes of this section, the term “mobile application”  
12 shall mean a computer program or software designed to be used on  
13 hand-held mobile devices such as cellular phones and tablet computers.

14       3. Any employee of a facility or entity selling concessions at a  
15 facility who delivers an alcoholic beverage purchased through a mobile  
16 application to an individual shall require the individual to show a  
17 valid, government-issued identification document that includes the  
18 photograph and birth date of the individual, such as a driver's license,  
19 and shall verify that the individual is twenty-one years of age or older  
20 before the individual is allowed possession of the alcoholic beverage.

21       4. The division of alcohol and tobacco control may promulgate  
22 rules to implement the provisions of this section. Any rule or portion  
23 of a rule, as that term is defined in section 536.010, that is created  
24 under the authority delegated in this section shall become effective  
25 only if it complies with and is subject to all of the provisions of chapter  
26 536 and, if applicable, section 536.028. This section and chapter 536 are  
27 nonseverable, and if any of the powers vested with the general  
28 assembly pursuant to chapter 536 to review, to delay the effective date,  
29 or to disapprove and annul a rule are subsequently held  
30 unconstitutional, then the grant of rulemaking authority and any rule  
31 proposed or adopted after August 28, 2016, shall be invalid and void.