

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2028

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS.

5079H.02P

D. ADAM CRUMBLISS, ChiefClerk

AN ACT

To repeal sections 311.060, 311.205, and 311.735 RSMo, and to enact in lieu thereof four new sections relating to liquor control.

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

Section A. Sections 311.060, 311.205, and 311.735 RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 311.060, 311.205, 311.735, and 311.950 to read as follows:

311.060. 1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, **except as otherwise provided under subsection 7 of this section**, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked **unless five years have passed since the revocation as provided under subsection 6 of this section**, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign

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.

14 corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the
15 sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state.

16 2. (1) No person, partnership or corporation shall be qualified for a license under this
17 law if such person, any member of such partnership, or such corporation, or any officer, director,
18 or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of
19 the stock of such corporation, or other financial interest therein, or ten percent or more of the
20 interest in the business for which the person, partnership or corporation is licensed, or any person
21 employed in the business licensed under this law shall have had a license revoked under this law
22 **except as otherwise provided under subsections 6 and 7 of this section**, or shall have been
23 convicted of violating the provisions of any law applicable to the manufacture or sale of
24 intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the
25 United States, or shall not be a person of good moral character.

26 (2) No license issued under this chapter shall be denied, suspended, revoked or otherwise
27 affected based solely on the fact that an employee of the licensee has been convicted of a felony
28 unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the
29 identity of any employee convicted of a felony to the division of liquor control. The division of
30 liquor control shall promulgate rules to enforce the provisions of this subdivision.

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

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

50 4. The term "financial interest" as used in this chapter is defined to mean all interest,
51 legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such
52 interest in the net profits of the enterprise, after the payment of reasonable and necessary
53 operating business expenses and taxes, including interest in dividends, preferred dividends,
54 interest and profits, directly or indirectly paid as compensation for, or in consideration of interest
55 in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned
56 or otherwise made available to the enterprise, except by way of ordinary commercial credit or
57 bona fide bank credit not in excess of credit customarily granted by banking institutions, whether
58 paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any
59 other form whatsoever.

60 5. The supervisor shall by regulation require all applicants for licenses to file written
61 statements, under oath, containing the information reasonably required to administer this section.
62 Statements by applicants for licenses as wholesalers and retailers shall set out, with other
63 information required, full information concerning the residence of all persons financially
64 interested in the business to be licensed as required by regulation. All material changes in the
65 information filed shall be promptly reported to the supervisor.

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

69 **7. Any person whose license or permit issued under this chapter has been revoked**
70 **shall be eligible to apply and be qualified for a new license or permit five years after the**
71 **date of the revocation. The person may be issued a new license or permit at the discretion**
72 **of the division of alcohol and tobacco control. If the division denies the request for a new**
73 **permit or license, the person may not submit a new application for five years from the date**
74 **of the denial. If the application is approved, the person shall pay all fees required by law**
75 **for the license or permit. Any person whose request for a new license or permit is denied**
76 **may seek a determination by the administrative hearing commission as provided under**
77 **section 311.691.**

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

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

 311.735. 1. There is hereby created in the state treasury the "Division of Alcohol and
2 Tobacco Control Fund". The state treasurer shall be custodian of the fund. In accordance with
3 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be
4 a dedicated fund and, upon appropriation, money in the fund shall be used solely by the division
5 of alcohol and tobacco control for the administration, [of this chapter and] **implementation, and**
6 **enforcement of sections 311.010 to 311.880 and sections 407.925 to 407.934**, and any duties
7 under such [chapter and] sections relating to licensing, training, technical assistance, and
8 regulations **needed for administering, implementing, and enforcing such sections**.

9 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
10 remaining in the fund at the end of the biennium shall not revert to the credit of the general
11 revenue fund.

12 3. Appropriation of funds by the general assembly from the fund shall be used to support
13 the division of alcohol and tobacco control for the purposes provided under subsection 1 of this
14 section.

311.950. 1. Notwithstanding any provision of law to the contrary, entertainment
2 **facilities including, but not limited to, arenas and stadiums used primarily for concerts,**
3 **shows, and sporting events of any kind and entities selling concessions at such facilities that**
4 **possess all necessary and valid licenses and permits to allow for the sale of alcoholic**
5 **beverages shall not be prohibited from selling and delivering alcoholic beverages**
6 **purchased through the use of mobile applications to individuals attending events on the**
7 **premises of such facilities if the facilities are in compliance with all applicable state laws**
8 **and regulations regarding the sale of alcoholic beverages.**

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

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

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

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