

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2599

102ND GENERAL ASSEMBLY

5336H.03P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 311.310 and 311.328, RSMo, and to enact in lieu thereof three new sections relating to transactions involving secure identity verification, with penalty provisions.

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

Section A. Sections 311.310 and 311.328, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 311.310, 311.328, and 407.225, to read as  
3 follows:

311.310. 1. Any licensee under this chapter, or his employee, who shall sell, vend,  
2 give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any  
3 person under the age of twenty-one years, or to any person intoxicated or appearing to be in a  
4 state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent  
5 or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to  
6 any person under the age of twenty-one years, or to any intoxicated person or any person  
7 appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a  
8 misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to  
9 a person under the age of twenty-one years for medical purposes only, or to the administering  
10 of such intoxicating liquor to any person by a duly licensed physician. No person shall be  
11 denied a license or renewal of a license issued under this chapter solely due to a conviction  
12 for unlawful sale or supply to a minor when serving in the capacity as an employee of a  
13 licensed establishment.

14 2. Any owner, occupant, or other person or legal entity with a lawful right to the  
15 exclusive use and enjoyment of any property who knowingly allows a person under the age of

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.

16 twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under  
17 the age of twenty-one from drinking or possessing intoxicating liquor on such property, unless  
18 such person allowing the person under the age of twenty-one to drink or possess intoxicating  
19 liquor is his or her parent or guardian, is guilty of a class B misdemeanor. Any second or  
20 subsequent violation of this subsection is a class A misdemeanor.

21 3. It shall be a defense to prosecution under this section if:

22 (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or  
23 holds a temporary permit, or an employee thereof;

24 (2) The defendant sold the intoxicating liquor to the minor with reasonable cause to  
25 believe that the minor was twenty-one or more years of age; and

26 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a  
27 driver's license, Missouri nondriver's identification card, **secure identity verification that**  
28 **used a valid government-issued identification card verified through a secure identity**  
29 **verification provider**, or other official or apparently official document, containing a  
30 photograph of the minor and purporting to establish that such minor was twenty-one years of  
31 age and of the legal age for consumption of intoxicating liquor.

311.328. 1. A valid and unexpired operator's or chauffeur's license issued under the  
2 provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued  
3 under the laws of any state or territory of the United States to residents of those states or  
4 territories, or a valid and unexpired identification card or nondriver's license as provided for  
5 under section 302.181, or a valid and unexpired nondriver's license issued under the laws of  
6 any state or territory of the United States to residents of those states or territories, or a valid  
7 and unexpired identification card issued by any uniformed service of the United States, or a  
8 valid and unexpired passport shall be presented by the holder thereof upon request of any  
9 agent of the division of alcohol and tobacco control or any licensee or the servant, agent or  
10 employee thereof for the purpose of aiding the licensee or the servant, agent or employee to  
11 determine whether or not the person is at least twenty-one years of age when such person  
12 desires to purchase or consume alcoholic beverages procured from a licensee. Upon such  
13 presentation the licensee or the servant, agent or employee thereof shall compare the  
14 photograph and physical characteristics noted on the license, identification card or passport  
15 with the physical characteristics of the person presenting the license, identification card or  
16 passport.

17 2. **A secure identity verification system that uses an electronic scan of a unique**  
18 **physical characteristic identifiable to the individual may be used by a licensee for the**  
19 **purpose of aiding the licensee or the servant, agent, or employee to determine whether**  
20 **the person is twenty-one years of age or older when such person desires to purchase or**  
21 **consume alcoholic beverages procured from a licensee if the system demonstrates that:**

- 22           **(1) The person’s age is twenty-one years of age or older; and**  
23           **(2) The person had previously registered with the secure identity verification**  
24 **provider an acceptable form of identification as set forth in subsection 1 of this section.**  
25           **3. No retailer of alcoholic beverages shall be required to use any secure identity**  
26 **verification system.**  
27           **4. All retailers of alcoholic beverages using a secure identity verification system**  
28 **shall accept valid government-issued identification as set forth under subsection 1 of this**  
29 **section for age verification purposes.**  
30           **5. The information obtained and stored by any secure identity verification**  
31 **system shall not be sold for any purpose without consent. An individual may request to**  
32 **opt out or revoke consent for the continued storage of his or her secure identity**  
33 **verification profile maintained by the secure identity verification provider and request**  
34 **deletion from the provider’s database in such cases. The data shall be deleted subject to**  
35 **any legal requirements to maintain such data.**  
36           **6. Upon proof by the licensee of full compliance with the provisions of this section,**  
37 **no penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or**  
38 **the courts are satisfied that the licensee acted in good faith. A licensee asserting a good-**  
39 **faith defense using a secure identity verification system shall be responsible for**  
40 **obtaining and providing to the division all records necessary to establish that a secure**  
41 **identity verification device was used as age verification for the transaction in question.**  
42           ~~[3-]~~ **7. Any person who shall, without authorization from the department of revenue,**  
43 **reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's**  
44 **license or identification card shall be deemed guilty of a misdemeanor and upon conviction**  
45 **shall be subject to a fine of not more than one thousand dollars, and confinement for not more**  
46 **than one year, or by both such fine and imprisonment.**  
          **407.225. Any business that offers consumers the option to make payments**  
2 **through a secure identity verification system that uses a scan of a unique physical**  
3 **characteristic identifiable to the individual shall also accept at least one of the following**  
4 **alternative payment methods:**  
5           **(1) Cash in United States currency;**  
6           **(2) Check or money order;**  
7           **(3) Valid debit card or credit card; or**  
8           **(4) Electronic payment services.**

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