

FIRST REGULAR SESSION

# HOUSE BILL NO. 509

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), SMITH (118), ROORDA, DOUGHERTY, VOGT, DAUS, MUNZLINGER, HUNTER, RUESTMAN, JOHNSON (47), MEINERS, MOORE, SCHLOTTACH, WRIGHT-JONES, SCHNEIDER, PARKER, MEADOWS AND LOWE (44) (Co-sponsors).

Read 1<sup>st</sup> time February 10, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1427L.011

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### AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to unfinished bottles of wine.

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

Section A. Chapter 311, RSMo, is amended by adding thereto one new section, to be known as section 311.101, to read as follows:

- 311.101. 1. Notwithstanding any other provision of law, it shall be lawful 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, and it shall be lawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine 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; and**
  - (4) The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamper-proof, transparent bags and securely seal the bags.**

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           **2. Notwithstanding any other provision of law, it shall be lawful for the owner,**  
15 **operator, or employees of a winery to allow patrons to carry out one or more bottles of**  
16 **unfinished wine and it shall be lawful for patrons of such winery to carry out one or more**  
17 **bottles of unfinished wine under the following conditions:**

18           **(1) The bottle or bottles of wine must have been at least partially consumed at the**  
19 **winery;**

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

22           **(3) The winery must securely reseal the bottle or bottles of wine and place them in**  
23 **one or more one-time-use, tamper-proof, transparent bags and securely seal the bags.**

24           **3. Notwithstanding any other provision of law, no person who transports one or**  
25 **more bottles of unfinished wine which came from a restaurant bar under the circumstances**  
26 **described in subsection 1 of this section, in a vehicle or from a winery under the**  
27 **circumstances described under subsection 2 of this section, shall be considered to have**  
28 **violated any state law or local ordinance regarding open containers in vehicles so long as**  
29 **such person has in his or her possession the dated receipt from the restaurant bar or**  
30 **winery and the bottle or bottles of wine remain in the restaurant bar or winery furnished,**  
31 **one-time-use, tamper-proof, transparent bags with the seals intact.**

32           **4. As used in this section "winery" means any establishment at which wine is made.**