

SECOND REGULAR SESSION

HOUSE BILL NO. 1813

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MEINERS.

Read 1st time February 16, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5079L.01I

AN ACT

To repeal section 311.325, RSMo, and to enact in lieu thereof one new section relating to culinary students who taste, but do not consume, certain alcoholic beverages for instructional purposes, with penalty provisions.

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

Section A. Section 311.325, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.325, to read as follows:

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or who is [visibly intoxicated] **in an intoxicated condition** as defined in section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container

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.

15 describing that there is intoxicating liquor therein need not be opened or the contents therein
16 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
17 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
18 is on such person, as it shall be presumed that such a sealed container describing that there is
19 intoxicating liquor therein contains intoxicating liquor.

20 **3. The provisions of this section shall not apply to a student who:**

21 **(1) Is eighteen years of age or older;**

22 **(2) Is enrolled in an accredited college or university and is a student in a culinary**
23 **course;**

24 **(3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or**
25 **other similar malt or fermented beverage as part of the required curriculum; and**

26 **(4) Tastes a beverage under subdivision (3) of this subsection only for instructional**
27 **purposes during classes that are part of the curriculum of the accredited college or**
28 **university.**

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30 **The beverage shall at all times remain in the possession and control of an authorized**
31 **instructor of the college or university, who shall be twenty-one years of age or older.**
32 **Nothing in this subsection shall be construed to allow a student under the age of twenty-one**
33 **to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless**
34 **the beverage is delivered as part of the student's required curriculum and the beverage is**
35 **used only for instructional purposes during classes conducted as part of the curriculum.**

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