

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 547 & 752

101ST GENERAL ASSEMBLY

1406H.04P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 311.101, RSMo, and to enact in lieu thereof two new sections relating to alcoholic beverages.

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

Section A. Section 311.101, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 311.101 and 311.202, to read as follows:

311.101. 1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a **restaurant or** restaurant bar~~[, as defined in section 311.097,]~~ to allow patrons to carry out one or more bottles of ~~[unfinished]~~ wine **or one or more containers of other alcoholic beverages**, nor shall it be unlawful for patrons of such **restaurant or** restaurant bar to carry out one or more bottles of ~~[unfinished]~~ wine **or one or more containers of other alcoholic beverages** under the following conditions:

(1) The patron must have ordered a meal;

(2) The bottle or bottles of wine **or the container or containers of other alcoholic beverages** must have been at least partially consumed during the meal;

(3) The **restaurant or** restaurant bar must provide a dated receipt **or an electronic record** for the ~~[unfinished]~~ bottle or bottles of wine **or the container or containers of other alcoholic beverages**; and

(4) The restaurant bar must securely reseal the bottle or bottles of wine **or the container or containers of other alcoholic beverages** and place them in one or more one-time-use, tamperproof, 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.

16 2. Notwithstanding any other provision of law, no person who transports one or more
17 bottles of ~~[unfinished]~~ wine **or one or more containers of other alcoholic beverages** which
18 came from a **restaurant or** restaurant bar under the circumstances described in subsection 1 of
19 this section, in a vehicle, shall be considered to have violated any state law or local ordinance
20 regarding open containers in vehicles so long as such person has in his or her possession the
21 dated receipt **or an electronic record** from the **restaurant or** restaurant bar and the bottle or
22 bottles of wine **or the container or containers of other alcoholic beverages** remain in the
23 ~~[restaurant bar-furnished,]~~ one-time-use, tamperproof, transparent bags with the seals intact **that**
24 **were furnished by the restaurant or restaurant bar.**

25 3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator,
26 or employees of a winery to allow patrons to carry out one or more bottles of ~~[unfinished]~~ wine
27 and it shall be lawful for patrons of such winery to carry out one or more bottles of ~~[unfinished]~~
28 wine under the following conditions:

29 (1) The bottle or bottles of wine must have been at least partially consumed at the
30 winery;

31 (2) The winery must provide a dated receipt **or an electronic record** for the ~~[unfinished]~~
32 bottle or bottles of wine; and

33 (3) The winery must securely reseal the bottle or bottles of wine and place them in one
34 or more one-time-use, tamperproof, transparent bags and securely seal the bags.

35 4. Notwithstanding any other provision of law, no person who transports one or more
36 bottles of ~~[unfinished]~~ wine which came from a winery under the circumstances described under
37 subsection 3 of this section shall be considered to have violated any state law or local ordinance
38 regarding open containers in vehicles so long as such person has in his or her possession the
39 dated receipt **or an electronic record** from the winery and the bottle or bottles of wine remain
40 in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact.

41 5. As used in this section "winery" means any establishment at which wine is made.

311.202. 1. Notwithstanding any provision of law to the contrary, any person who
2 **is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption**
3 **may sell retailer-packaged alcoholic beverages to customers in containers, filled on such**
4 **premises by any employee of the retailer who is twenty-one years of age or older, for**
5 **off-premises consumption if all the following requirements are met:**

6 (1) **The container of the alcoholic beverage is rigid, durable, leak-proof, sealable,**
7 **and designed to prevent consumption without removal of the tamperproof cap or seal. A**
8 **"sealable" container does not include a container with a lid with sipping holes or openings**
9 **for straws, a cup made of plastic that is intended for one-time use, or a cup made of paper**
10 **or polystyrene foam;**

11 **(2) The contents of each container do not exceed one hundred twenty eight ounces;**

12 **(3) The patron orders and purchases a meal from the licensee simultaneous with**
13 **the alcoholic beverage purchase. For purposes of this subdivision, a "meal" is defined as**
14 **food that has been prepared;**

15 **(4) The number of alcoholic beverages sold under this section by a licensee for**
16 **off-premises consumption is limited to twice the number of meal servings sold by the**
17 **licensee for off-premises consumption;**

18 **(5) The licensee provides the patron with a dated receipt or an electronic record for**
19 **the meal and alcohol beverages; and**

20 **(6) The container is either:**

21 **(a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed;**
22 **or**

23 **(b) The container opening is sealed with tamperproof tape;**

24

25 **For purposes of this subdivision, "tamperproof" means that a lid, cap, or seal visibly**
26 **demonstrates when a bag or container has been opened.**

27 **2. Containers that are filled under subsection 1 of this section shall be affixed with**
28 **a label or a tag that contains the name and address of the business that filled the container,**
29 **in type not smaller than three millimeters in height and not more than twelve characters**
30 **per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL."**

31 **3. The filling of a container under this section shall be in compliance with Section**
32 **3-304.17(c) of the 2009 Food and Drug Administration Food Code.**

33 **4. No provision of law, or rule or regulation of the division of alcohol and tobacco**
34 **control, shall be interpreted to allow any wholesaler, distributor, or manufacturer of**
35 **intoxicating liquor to furnish containers that are filled under subsection 1 of this section**
36 **to any person who is licensed to sell intoxicating liquor at retail.**

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