

SS SCS SB 126 -- INTOXICATING LIQUOR

SPONSOR: Brown (Trent)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 11 to 1.

ADVERTISING MATERIALS (Section 311.070.3(7) and 311.070.4(2), RSMo)

Currently, the amount of permanent point-of-sale advertising materials that may be sold or given to a retailer by a distiller, wholesaler, winemaker, or brewer shall not exceed \$500 per year, per brand, per retail outlet.

This bill provides that the replacement of similar permanent point-of-sale advertising materials that are damaged and non-functioning shall not apply toward the maximum of \$500. Additionally, this bill modifies the definitions of "equipment and supplies", "temporary point-of-sale advertising materials", "permanent point-of-sale advertising materials", and "product display."

These provisions are the same as provisions in SS SCS SB 283 and to SCS SB 299 (2021).

NON-REFRIGERATION DISPENSING ACCESSORIES (Section 311.070.3(3), 311.070.4(5), 311.070.4(6), and 311.070.7)

This bill adds the definition of "nonrefrigeration dispensing accessories" which includes beer and gas hoses, faucets, taps, and other accessories necessary to preserve and serve intoxicating liquor that are not self-refrigerating.

Under this bill, a wholesaler or brewer may install non-refrigeration dispensing accessories at the retail business establishment for the purposes of beer equipment to properly preserve and serve draught beer or premixed distilled spirit beverages. A wholesaler or brewer may also lend, give, rent, sell, install, or repair nonrefrigeration dispensing accessories in order to facilitate the delivery to the retailers. A complete record of non-refrigeration dispensing accessories given, rented, sold, installed, and loaned, and repairs and services made to a retailer shall be retained for a period of not less than one year by the wholesaler, brewer, distiller, or winemaker.

Under this bill, a distiller, wholesaler, winemaker, or brewer may furnish, give, or sell cleaning and sanitation services to a retailer to preserve product integrity of distilled spirits, wine, or malt beverages.

These provisions are the same as provisions in SS SCS SB 283 and to SCS SB 299 (2021).

DELIVERY OF CERTAIN LIQUORS BY WHOLESALER (Section 311.070.4(16) to 311.070.4(18))

Currently, a wholesaler may exchange for an equal quantity or allow a credit for certain intoxicating liquor that was delivered in a damaged condition. A wholesaler may also withdraw at the time of delivery certain intoxicating liquor if the wholesaler replaces or provides a credit for the retailer. This bill adds malt liquor to these provisions. Additionally, this bill provides that wholesalers shall distribute consumer advertising specialties, nonrefrigeration dispensing accessories, and other advertising materials to their retailers in a fair and reasonable manner.

These provisions are the same as provisions in SS SCS SB 283 and to SCS SB 299 (2021) and similar to SB 947 (2020), SB 340, HB 634 (2019), and HCS HB 1924 (2018).

SUNDAY LIQUOR SALES BY THE DRINK (Sections 311.070, 311.086, 311.089, 311.293, and 311.218)

Currently, establishments may apply for a Sunday by-the-drink license to sell intoxicating liquor by the drink at retail in resort areas and for tourism purposes in St. Louis and Kansas City as well as other cities and counties from the hours of 9 A.M. to 12:00 A.M. This bill modifies the hours that establishments may apply for a Sunday by the drink license to 6 A.M. on Sundays and 1:30 A.M. on Mondays.

These provisions are similar to provisions in SS SCS SB 283 (2021). SUNDAY LIQUOR SALES FOR OFF PREMISE CONSUMPTION (Section 311.096) Currently, a person may obtain a license to sell intoxicating liquor by the drink at retail not for consumption on the premises but for consumption in a common eating and drinking area between the hours of 11:00 A.M. and 12:00 A.M. on Sundays.

This bill modifies the hours to 6:00 A.M. on Sundays and 1:30 A.M. on Mondays. This bill also allows such persons to apply for a special permit to remain open between the hours of 1:30 A.M. to 3:00 A.M. on Sundays.

These provisions are the same as provisions in SS SCS SB 283 (2021).

SUNDAY BY-THE-DRINK LICENSES IN CONVENTION TRADE AREAS (Sections 311.174, 311.176, and 311.178)

This bill modifies the time of opening for those licensed to sell intoxicating liquor for consumption on the premises in convention trade areas in Kansas City, North Kansas City, Jackson County, St. Louis County, and St. Louis on Sundays to 6:00 A.M.

These provisions are the same as provisions in SS SCS SB 283 (2021).

SALE OF WINE AND BRANDY (Section 311.190)

This bill modifies the hours a person may sell wine and brandy at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

SALE OF MALT LIQUOR (Section 311.200)

This bill modifies the hours a person may sell malt liquor at retail to 6:00 A.M. on Sundays to 1:30 A.M. on Mondays.

These provisions are similar to provisions in SS SCS SB 283 (2021).
TO-GO ALCOHOL (Section 311.202)

This bill provides that the holder of a valid license to sell intoxicating liquor at retail may sell retailer-packaged liquor to a consumer in a container, filled on such premises by any employee who is 21 years of age or older, for off-premises consumption if the:

- (1) Container is rigid, durable, leakproof, sealable, and has no openings for straws and contains a certain amount of liquor as provided in the bill;
- (2) Consumer orders and purchases a meal prepared on the premises at the same time as the consumer purchases the liquor;
- (3) Holder of the license provides the consumer with a dated receipt for the purchase of the intoxicating liquor;
- (4) Number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee; and
- (5) Sealed container is placed in a one-time-use transparent bag that is sealed or the container has been sealed with tamperproof tape.

Additionally, containers shall have a label with the name and address of the business and another label that states, "THIS BEVERAGE CONTAINS ALCOHOL". This bill does not apply to any wholesaler, distributor, or manufacturer of intoxicating liquors.

These provisions are the same as provisions in SS SCS SB 283 (2021) and similar to HBs 547 & 752 (2021) and similar to provisions in HCS SS SB 600 (2020).

LIQUOR PERMITS TO NON-PROFIT ORGANIZATIONS (Section 311.482)

This bill modifies the provisions that if a religious, civic, fraternal, or other non-profit organizations holds an event in which liquor is sold, the sale of liquor on the day of the event may begin at 6:00 A.M.

These provisions are the same as provisions in SS SCS SB 283 (2021) and similar to SB 835 (2020).

LIQUOR CONTROL AGENTS (Section 311.620)

Currently, no person shall be appointed as an agent or inspector for the Department of Liquor Control who is not a resident taxpaying citizen of Missouri for a period of three years previous to his or her appointment and who is not able to pass a physical and mental examination prescribed by a board consisting of the Governor, Lieutenant Governor, Attorney General, and the Supervisor of Liquor Control.

This bill modifies this provision to provide that a person shall not be appointed as an agent if he or she is not a resident taxpaying citizen of the state at the time of his or her appointment. Additionally, the person must pass a physical and mental examination prescribed by the Supervisor of Alcohol and Tobacco. Finally, this bill changes "Supervisor of Liquor Control" and "Department of Liquor" to "Supervisor of Alcohol and Tobacco Control" and "Division of Alcohol and Tobacco Control".

These provisions are the same as SB 372 (2021).

PROPONENTS: Supporters say that the provisions in this bill will be good for Missouri restaurants, especially those that were hit hard by the pandemic.

Testifying for the bill were Senator Brown; Anheuser-Busch; National Restaurant Association; Wine Institute; Missouri Beer Wholesalers Associates; and Southern Glazer's Wine and Spirits.

OPPONENTS: Those who oppose the bill submitted written testimony.

Testifying against the bill was Paul Leykamp.

Written testimony has been submitted for this bill. The full

written testimony can be found under Testimony on the bill page on the House website.