

SECOND REGULAR SESSION

# SENATE BILL NO. 725

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATORS BRAY, GRIESHEIMER, BARNITZ AND GRAHAM.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3638S.011

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## 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.

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*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Section A. Section 311.325, RSMo, is repealed and one new section  
2 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  
2 or attempts to purchase, or has in his or her possession, any intoxicating liquor  
3 as defined in section 311.020 or who is visibly intoxicated as defined in section  
4 577.001, RSMo, or has a detectable blood alcohol content of more than  
5 two-hundredths of one percent or more by weight of alcohol in such person's blood  
6 is guilty of a misdemeanor. For purposes of prosecution under this section or any  
7 other provision of this chapter involving an alleged illegal sale or transfer of  
8 intoxicating liquor to a person under twenty-one years of age, a  
9 manufacturer-sealed container describing that there is intoxicating liquor therein  
10 need not be opened or the contents therein tested to verify that there is  
11 intoxicating liquor in such container. The alleged violator may allege that there  
12 was not intoxicating liquor in such container, but the burden of proof of such  
13 allegation is on such person, as it shall be presumed that such a sealed container  
14 describing that there is intoxicating liquor therein contains intoxicating liquor.

15 2. For purposes of determining violations of any provision of this chapter,  
16 or of any rule or regulation of the supervisor of alcohol and tobacco control, a  
17 manufacturer-sealed container describing that there is intoxicating liquor therein  
18 need not be opened or the contents therein tested to verify that there is  
19 intoxicating liquor in such container. The alleged violator may allege that there

20 was not intoxicating liquor in such container, but the burden of proof of such  
21 allegation is on such person, as it shall be presumed that such a sealed container  
22 describing that there is intoxicating liquor therein contains intoxicating liquor.

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

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

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

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

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

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

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