

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 725

93RD GENERAL ASSEMBLY

2006

3638L.03T

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## AN ACT

To repeal sections 311.325, 311.490, and 312.200, RSMo, and to enact in lieu thereof three new sections relating to alcoholic beverages, with penalty provisions.

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

Section A. Sections 311.325, 311.490, and 312.200, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 311.325,  
3 311.490, and 312.200, 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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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.**

311.490. No person, partnership or corporation engaged in the brewing,  
2 manufacture or sale of beer as defined, in this chapter, or other intoxicating malt  
3 liquor, shall use in the manufacture or brewing thereof, or shall sell any such  
4 beer or other intoxicating malt liquor which contains [any substance, material or  
5 chemical other than pure hops, or pure extract of hops, or pure barley malt, or  
6 other wholesome grains or cereals, or wholesome yeast and pure water]  
7 **ingredients not in compliance with the following standards:**

8 **(1) Beer shall be brewed from malt or a malt substitute, which**  
9 **only includes rice, grain of any kind, bean, glucose, sugar, and**  
10 **molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and**  
11 **other food materials may be used as adjuncts in fermenting beer;**

12 **(2) Flavor and other nonbeverage ingredients containing alcohol**  
13 **may be used in producing beer, but may contribute to no more than**  
14 **forty-nine percent of the overall alcohol content of the finished beer.**

15 In the case of beer with an alcohol content of more than six percent by  
16 volume, no more than one and one-half percent of the volume of the  
17 beer may consist of alcohol derived from added flavors and other  
18 nonbeverage ingredients containing alcohol; and

19 (3) Beer, intoxicating malt liquor, and malt beverages, as defined  
20 in this section, shall not be subject to the requirements of subsections  
21 1, 2, and 3 of section 311.332 and sections 311.334 to 311.338.

312.200. It shall be unlawful for any person in this state, engaged in the  
2 brewing or manufacture of nonintoxicating beer, to use any [substance, material  
3 or chemical in the brewing or manufacture thereof, other than pure hops or pure  
4 extract of hops, and pure barley malt or other wholesome grains or cereals, and  
5 wholesome yeast and pure water] ingredients not in compliance with the  
6 following standards:

7 (1) Nonintoxicating beer shall be brewed from malt or a malt  
8 substitute, which only includes rice, grain of any kind, bean, glucose,  
9 sugar, and molasses. Honey, fruit, fruit juice, fruit concentrate, herbs,  
10 spices, and other food materials may be used as adjuncts in fermenting  
11 nonintoxicating beer; and

12 (2) Flavors and nonbeverage ingredients containing alcohol may  
13 be used in producing nonintoxicating beer, but may contribute to no  
14 more than forty-nine percent of the overall alcohol content of the  
15 finished nonintoxicating beer.

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