

# *Missouri Revised Statutes*

## **Chapter 311 Liquor Control Law Section 311.325**

August 28, 2008

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### **Purchase or possession by minor, a misdemeanor--container need not be opened and contents verified, when--burden of proof on violator to prove not intoxicating liquor--section not applicable to certain students, requirements.**

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 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 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.

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

- (1) Is eighteen years of age or older;
- (2) Is enrolled in an accredited college or university and is a student in a culinary course;
- (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
- (4) Tastes a beverage under subdivision (3) of this subsection only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the

beverage is used only for instructional purposes during classes conducted as part of the curriculum.

(L. 1959 H.B. 248 § 1, A.L. 1994 S.B. 693, A.L. 2003 S.B. 298, A.L. 2005 S.B. 402, A.L. 2006 S.B. 725)

CROSS REFERENCE:

Nonintoxicating beer container need not be open or tested to prove nonintoxicating beer, burden of proof on offender, RSMo 312.407

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# *Missouri Revised Statutes*

## **Chapter 312**

### **Nonintoxicating Beer**

### **Section 312.010**

August 28, 2008

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#### **Definitions.**

312.010. 1. "Commissioner or supervisor" as used in this chapter shall be deemed to refer to the supervisor of liquor control of the state of Missouri, and (or) where not otherwise indicated by the context, his deputy, and (or) any of his duly appointed inspectors.

2. The phrase "nonintoxicating beer" as used in this chapter shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent by volume and not exceeding three and two-tenths percent by weight.

3. The phrase "original package" as used in this chapter shall be construed and held to refer to any package containing three, six, twelve, or twenty-four small standard beer bottles, and any package containing three, six or twelve large standard beer bottles, when such bottles contain nonintoxicating beer as defined by this chapter.

4. The word "person" as used in this chapter shall, as the case may require, be deemed to refer to, include, and apply to, any person, firm, company, association, or corporation, to whom or to which any provision of this chapter applies or may apply.

5. The phrase "transportation company" as used in this chapter shall be deemed to refer to and include any individual or individuals, or incorporated or unincorporated company, engaged in the business of transportation, for hire, of goods and merchandise, by use or means of any vessel, railroad car, motor vehicle, airplane, or other means of conveyance, whatsoever, to whom or to which any provision in this chapter applies or may apply.

(RSMo 1939 §§ 4977, 4984, 4985)

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# *Missouri Revised Statutes*

## **Chapter 312**

### **Nonintoxicating Beer**

#### **Section 312.407**

August 28, 2008

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#### **Purchase or possession by minor, a misdemeanor--sealed containers need not be opened, when.**

312.407. 1. Any person under the age of twenty-one years who purchases or attempts to purchase, or has in his possession, any nonintoxicating beer as defined in section 312.010, 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 nonintoxicating beer to a person under twenty-one years of age, a manufacturer-sealed container describing that there is nonintoxicating beer therein need not be opened or the contents therein tested to verify that there is nonintoxicating beer in such container. The alleged violator may allege that there was not nonintoxicating beer 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 nonintoxicating beer therein contains nonintoxicating beer.

2. For purposes of determining violations of any provisions of this chapter or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is nonintoxicating beer therein need not be opened or the contents therein tested to verify that there is nonintoxicating beer in such container. The alleged violator may allege that there was not nonintoxicating beer 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 nonintoxicating beer therein contains nonintoxicating beer.

(L. 1959 H.B. 248 § 2, A.L. 1963 p. 426, A.L. 1994 S.B. 693, A.L. 2003 S.B. 298)

CROSS REFERENCE:

Nonintoxicating beer container need not be opened or tested to prove nonintoxicating beer, burden of proof on offender, RSMo 311.325

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