

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 180
98TH GENERAL ASSEMBLY

0655H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 311.310, RSMo, and to enact in lieu thereof one new section relating to penalties for allowing minors to possess intoxicating liquor, with penalty provisions.

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

Section A. Section 311.310, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.310, to read as follows:

311.310. 1. **This section shall be known and may be cited as "Austin's Law".**

2 **2.** Any licensee under this chapter, or his employee, who shall sell, vend, give away or
3 otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age
4 of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or
5 to a habitual drunkard, and any person whomsoever except his parent or guardian who shall
6 procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age
7 of twenty-one years, or to any intoxicated person or any person appearing to be in a state of
8 intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this
9 section shall not apply to the supplying of intoxicating liquor to a person under the age of
10 twenty-one years for medical purposes only, or to the administering of such intoxicating liquor
11 to any person by a duly licensed physician. No person shall be denied a license or renewal of a
12 license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor
13 when serving in the capacity as an employee of a licensed establishment.

14 [2.] **3.** Any owner, occupant, or other person or legal entity with a lawful right to the
15 exclusive use and enjoyment of any property who knowingly allows a person under the age of
16 twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the
17 age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such
18 person allowing the person under the age of twenty-one to drink or possess intoxicating liquor

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.

19 is his or her parent or guardian, is guilty of a class [B misdemeanor] **D felony for an offense**
20 **committed before January 1, 2017, and is guilty of a class E felony for an offense**
21 **committed on or after January 1, 2017.** Any second or subsequent violation of this subsection
22 is a class [A misdemeanor] **C felony for an offense committed before January 1, 2017. Any**
23 **subsequent violation committed on or after January 1, 2017, is a class D felony.**

24 [3.] **4. The penalty for a violation of subsection 2 of this section is a class B felony**
25 **if the person under the age of twenty-one causes death or physical injury to another person**
26 **while intoxicated as a result of consuming such alcohol; except that the provisions of this**
27 **subsection shall not apply to any licensee under this chapter or his or her employee.**

28 **5.** It shall be a defense to prosecution under this section if:

29 (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds
30 a temporary permit, or an employee thereof;

31 (2) The defendant sold the intoxicating liquor to the minor with reasonable cause to
32 believe that the minor was twenty-one or more years of age; and

33 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's
34 license, Missouri nondriver's identification card, or other official or apparently official document,
35 containing a photograph of the minor and purporting to establish that such minor was twenty-one
36 years of age and of the legal age for consumption of intoxicating liquor.

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