

NONINTOXICATING BEER:
ELECTION DAYS:

The sale of nonintoxicating beer on election days by persons holding licenses to sell nonintoxicating beer is legal.



September 10, 1952

9-11-52

Honorable Earl L. Veatch
Prosecuting Attorney
Lewis County
Monticello, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your opinion request:

"Would you kindly furnish us with an opinion on the following question:

"May persons holding licenses to sell nonintoxicating beer under the provisions of Chapter 312, Missouri Revised Statutes 1949, sell or otherwise dispose of such nonintoxicating beer on election days?"

Paragraph 2 of Section 312.010, RSMo 1949, states:

"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 per cent by volume and not exceeding three and two-tenths per cent by weight."

Honorable Earl L. Veatch

There is nothing in the nonintoxicating beer law of Missouri which prohibits the selling of nonintoxicating beer upon election days. Section 311.290, RSMo 1949, does prohibit the sale of intoxicating liquor upon the day of any general, special or primary election in this state, or upon any county, township, city, town or municipal election day. This, however, applies only to intoxicating liquor which, according to Section 311.020, RSMo 1949, is a beverage containing in excess of 3.2 per cent of alcohol by weight.

CONCLUSION

It is the opinion of this department that the sale of nonintoxicating beer on election days by persons holding licenses to sell nonintoxicating beer is legal.

Respectfully submitted,

HUGH P. WILLIAMSON
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General