

Answer by letter-Wieler

March 3, 1969

OPINION LETTER NO. 49

Honorable Harry Wiggins, Supervisor
State Department of Liquor Control
Broadway State Office Building
Jefferson City, Missouri 65101



Dear Mr. Wiggins:

This is in response to your request for an opinion from this office as to whether a licensee with a set-up (C.O.L.) license can suggest or require that a patron deposit his liquor with the licensee, who provides a bar and storage area for this purpose and will then mix drinks as ordered by the patron for a certain price. Also, you have asked for our opinion as to when an establishment where food, beverages, or entertainment are provided for compensation but which does not possess a set-up license can allow consumption of intoxicating liquor on the premises between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday.

As to your first question, it is our opinion that there is nothing wrong with the current practice of certain set-up licensees who store their patrons' bottles and then charge for mixing drinks. This does not violate any of the liquor laws of the State of Missouri as the licensee is not selling liquor but merely charging for his services in mixing the drink and providing the "set-up."

As to your second question, it is our opinion that an establishment where food, beverages or entertainment are sold or provided for compensation but which does not possess a set-up license can allow the consumption of intoxicating liquor on the premises between the hours of 6:00 a.m. and 10:00 p.m. on Sunday. We call your attention to paragraph 1, Section 311.480, RSMo 1959, which provides:

"1. It shall be unlawful for any person operating any premises where food, beverages or

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entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating liquor in, on or about said premises between ten P.M. and six A.M. the following day, without having a license as in this section provided."

This only prohibits consumption of intoxicating liquor on the premises between the hours of 10:00 p.m. to 6:00 a.m. daily, therefore, consumption between the hours of 6:00 a.m. to 10:00 p.m. daily is legal. See also Attorney General Opinion No. 21, issued to the Honorable Bill Davenport on April 11, 1952 (copy attached).

Therefore, it is our opinion that:

1. A licensee with a set-up (C.O.L.) license can request or require that its patrons deposit their liquor with the licensee, who will then mix drinks on demand and charge for his services.

2. An establishment where food, beverages or entertainment are sold or provided for compensation but which does not possess a liquor license can permit the consumption of intoxicating liquor on the premises between the hours of 6:00 a.m. to 10:00 p.m. on Sunday.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 21
4-11-52, Davenport