

✓
BEER BILL: House Bill Number 23 does not provide a punishment for sale of beer outside of the premises described in the permit. A person having a permit under Subdivision C of Section 13139e may also have a permit under Subdivision D of Section 13139e, otherwise one person is not entitled to two permits. License can not be transferred from town to town.

August 3, 1933



Honorable William E. Stewart
Prosecuting Attorney
Edina, Missouri

Dear Mr. Stewart:

This Department acknowledges receipt of your letter dated July 11, 1933, as follows:

"I have a few questions I would like to ask you in reference to the new beer law.

First, can a retail malt liquor dealer sell beer to be taken away from the premises? If a car drives in front of one's place of business can he serve the occupant of the car at that place and would that be considered on the premises?

Second, Can one person have two licenses, that is, a retail and a wholesale license?

Third, Can one transfer license from one town to another in the State? That is, John Doe has a license to sell beer at Joe's Place in Hurdland, Mo. and wishes to move to Edina, Mo., can he operate under the same license?

Thanking you very much, I am,"

As of July 28, 1933, this Department issued an opinion to Dr. M. O. Raine, Food and Drug Supervisor, Jefferson City, Missouri, holding;

1. That while House Bill Number 23, known as the Beer Bill, contemplates the sale of beer on the premises where

Honorable William E. Stewart

-2-

August 3, 1933

sold and that ordinarily the premises would be within the four walls of the part of the building occupied by the permittee, yet the bill does not contain any provision making it a violation of the law to sell beer in a glass or in the open bottle to persons seated in cars at the curbing in front of the building occupied by the permittee who is entitled to sell for consumption.

2. A person having a permit under Subdivision C of Section 13139e to sell for consumption on the premises may also have a permit to sell in the original package under Subdivision D of Section 13139e, otherwise one person can not have two licenses.

3. Licenses can not be transferred from town to town. A license only authorizes the licensee to sell at the place described in the permit.

We are inclosing you a copy of the above opinion herewith.

Very truly yours,

GILBERT LAMB
Assistant Attorney General,

APPROVED:

ROY McKITTRICK
Attorney General.

GL:LC

Inclosure