

INTOXICATING LIQUORS: Sales of intoxicating liquor made before prohibited hour or delivery after prohibited hour would be unlawful.

June 19, 1935.



Tavern Talk
910-12 Central Street
Kansas City, Missouri

Gentlemen:

This will acknowledge receipt of your request for an opinion which reads as follows:

"I have before me a copy of the story which appeared in the Kansas City Journal Post, Thursday, June 6.

"Could we have:

(1) A copy of the Attorney-General's opinion interpreting the newly enacted liquor and beer laws.

(2) May a guest in a hotel order and pay for drinks at 11:55 p.m. Saturday night or 1:25 a.m. Tuesday morning and then have those drinks served by the hotel after 12:01 a.m. Sunday morning or 1:31 a.m. Tuesday morning.

(3) It is our understanding that drinks purchased before the legal closing hour may be consumed on the premises after the legal closing hour."

As soon as copies of the opinion, interpreting the newly enacted liquor laws are available, we shall be glad to send you a copy of the same.

We direct your attention to Section 15-a of the Liquor Control Act regarding the hours of sale which reads as follows:

"No person having a license under the provisions of this act shall sell, give away, or otherwise dispose of, or suffer the same to be done, upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 o'clock A. M. and 6:00 o'clock A.M., and any person violating any provision of this section shall be deemed guilty of a misdemeanor."

It is plain from reading the above section that the sale of intoxicating liquors is prohibited between hours of 1:30 o'clock and 6:00 o'clock A. M., and that said liquors shall not be given away or otherwise disposed of on or about the premises between those hours.

In light of the foregoing, it is the opinion of this department that if a person order and pay for intoxicating liquor at 11:55 P.M., Saturday night or 1:25 A. M., Tuesday morning for delivery after 12:01 o'clock Sunday morning or 1:31 o'clock Tuesday morning, and if the licensee supply said person intoxicating liquors by delivery after the hours aforementioned, that it would be in violation of Section 15-a, supra. Inasmuch as the delivery of intoxicating liquor is necessary to consummate the sale thereof, if the delivery be made after the prohibited hour, the sale would come within the purview of the Act and therefore would be unlawful.

Respectfully submitted,

APPROVED:

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(Acting) Attorney-General.

RCS/afj