

November 4, 1965



Honorable Glennon T. Moran
Supervisor
Department of Liquor Control
State of Missouri
Jefferson City, Missouri 65102

Dear Mr. Moran:

This is in response to your request for an opinion on the question of whether it is a violation of the State Statutes for minors in their employment to sack and carry out groceries containing alcoholic beverages.

The applicable statute is Section 311.300, RSMo 1959, which reads as follows:

"No person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor."

Enclosed is Attorney General Opinion, dated August 14, 1943, to Michael W. O'Hern. This opinion held that minors may not be employed to make deliveries of liquor because there would be a dispensing of liquor. This opinion was given on the situation where liquor was purchased from drug stores over the telephone and minors would then deliver the liquor.

In your situation you advised us that the vendee would select the liquor, carry it to the checkout counter and an adult clerk would ring up the sale. Then, the minor would, along with groceries, put the liquor in a bag and carry the bag to the vendee's car. Also, of course, the vendor is a grocery store with an original package license.

As in the O'Hern opinion, there would be no sale or assisting in the sale by a minor because when the minor first comes in contact with the liquor the sale has been completed.

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The question, then, is whether the minor was assisting in the dispensing of intoxicating liquor. The O'Hern opinion broadly construes the word "dispense" as used in the liquor laws to include delivery by the minor. We recognize that under the facts stated it does not present a situation where there is likely to be any harm flow from minors carrying liquor along with groceries. Yet if the word "dispense" is given a restricted meaning in its application to these facts, then where to draw the line or give a realistic restricted meaning to the word "dispense" under other facts becomes very difficult if not impossible. It is our opinion that the O'Hern opinion applies to your situation and the minor would be assisting in dispensing intoxicating liquor by carrying any intoxicating liquor to a customer's car.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

Enclosure: 1

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