

Missouri Revised Statutes

Chapter 311 Liquor Control Law Section 311.325

August 28, 2007

Purchase or possession by minor, a misdemeanor--container need not be opened and contents verified, when--burden of proof on violator to prove not intoxicating liquor--section not applicable to certain students, requirements.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or who is visibly intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

3. The provisions of this section shall not apply to a student who:

(1) Is eighteen years of age or older;

(2) Is enrolled in an accredited college or university and is a student in a culinary course;

(3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

(4) Tastes a beverage under subdivision (3) of this subsection only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.



Stories

Missouri's New Minor in Possession "Possession by Consumption" Law Passes!

It is certainly time to celebrate in Missouri! Missouri's new Minor in Possession (MIP) "possession by consumption" law became effective on August 28, 2005. The new MIP "possession by consumption" law expands the old MIP law's definition of "possession" to include "consumption" of alcohol and being "visibly intoxicated." Under the new law, minors (16 to 20 years old) who plead guilty to or are convicted of MIP will have their driver's license suspended for 30 days for the first offense and 90 days for the second offense. For a third offense or subsequent offense, their driver's license will be revoked for a year.

Several aspects contributed to passage of this law:

- First was the grassroots effort of local community prevention coalitions that worked on the passage of local and county ordinances. Communities worked under the umbrella of the Northland Coalition (Clay, Platte, and Ray Counties – Kansas City north area), Youth With Vision and the Missouri Youth/Adult Alliance to Reduce Underage Drinking to change social norms of acceptance through a social marketing campaign. After passage, the results were made public and elected officials were advised of those local accomplishments.

- Second was a joint resolution in 2004 to create a bipartisan Joint Senate/House Interim Committee, which was chaired by Senator Gibbons. That study committee convened a series of public hearings across the State during the second half of 2004. Many of the local efforts were recommended during those public hearings.
- Third was the bill's passage as a result of those recommendations. The lead underage drinking bill ultimately became the new MIP law. It was Senator Gibbons, President Pro Tem (Senate Leader) of the Missouri State Senate, who championed the issue and moved the bill through both the Senate and the House to be signed into law.

Perseverance and the work of prevention coalitions can and do have a major influence on social policies. Community activists have significant influence over the decisions of their elected officials. Addressing policy at the lowest levels, partnered with social marketing, is often the easiest path for change.

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The views expressed in this document do not necessarily represent the views of the Office of Juvenile Justice for Delinquency Prevention (OJJDP) or the Underage Drinking Enforcement Training Center (UDETC) and are solely of the author/source.

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St. Louis DWI Attorney | Minor In Possession (MIP)**Minors Possessing Alcohol in Missouri**

The **Missouri Minor In Possession (MIP)** law was revised and made effective August 28, 2005. The revised law expands the previous statute by defining "possession" to include "consumption" of alcohol and being "visibly intoxicated". The prosecution no longer needs to demonstrate that an alcoholic beverage existed or that the minor had physical possession the alcoholic beverage. If the prosecution can demonstrate the minor has consumed alcohol, the minor can be convicted of MIP.



Minors, defined as people between 16 and 20 years old, who plead guilty to or are convicted of MIP face the following punishments:

- **1st Offense** – Driver's License suspended for 30 days.
- **2nd Offense** – Driver's License suspended for 90 days.
- **3rd or Subsequent Offense** – Driver's License revoked for one year.

A conviction of any criminal charge can have serious consequences, both now and in the future. Many courts are becoming stricter and sentencing significant jail time and fines, especially for repeat offenders. Future consequences include the ability to gain employment as many employers conduct a criminal records check as a part of the hiring process. Many employers, including the military, the government, most banks and medium/large businesses, will not hire someone who has a criminal record.

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