



Jeff Grim

*Bill Analysis*  
*Legislative Service Commission*

**Sub. S.B. 164**  
125th General Assembly  
(As Reported by S. Agriculture)

**Sens. Schuler, Blessing, Dann, Robert Gardner, Fingerhut, Hagan**

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**BILL SUMMARY**

- Provides that spirituous liquor may be sold on Sunday by state liquor agency stores if the agency contract authorizes the sale of spirituous liquor on Sunday and if the sale of spirituous liquor on Sunday is authorized in the applicable precinct as the result of an election on specified Sunday liquor sales questions.

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**CONTENT AND OPERATION**

Current law prohibits any liquor permit holder or a state liquor agency store from selling intoxicating liquor after 2:30 a.m. on Sunday unless the holder's permit authorizes the Sunday sale of intoxicating liquor (see **COMMENT**).<sup>1</sup> The bill adds that any state liquor agency store may sell spirituous liquor on Sunday if the agency contract authorizes the sale of spirituous liquor on Sunday and if the sale of spirituous liquor is authorized in the applicable precinct as the result of an election on either of the following questions:

(1) The question that governs the sale of intoxicating liquor for consumption on the premises where sold between 1 p.m. and midnight on Sunday; or

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<sup>1</sup> *Intoxicating liquor is wine, mixed beverages, and spirituous liquor. "Spirituous liquor" is defined to include all intoxicating liquors containing more than 21% of alcohol by volume (sec. 4301.01(B)(5), not in the bill).*

*The D-6 liquor permit authorizes the Sunday sale of intoxicating liquor and is normally only issued to a permit holder if Sunday liquor sales have been approved in a local option election held on sales at the permit holder's premises or in the election precinct where the premises are located.*

(2) The question that governs the sale of intoxicating liquor for consumption on the premises where sold between 1 p.m. and midnight on Sunday at premises where the sale of food and other goods and services exceeds 50% of the total gross receipts of the permit holder at the premises. (Sec. 4301.22(D).)

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## COMMENT

The operator of a state liquor agency store is authorized under a contract with the Division of Liquor Control in the Department of Commerce to sell spirituous liquor on behalf of the Division. A state liquor agency store thus sells spirituous liquor under the authority of a contract with the Division, not under a permit issued by the Division.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-16-03	p. 1291
Reported, S. Agriculture	02-12-04	p. 1525

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