

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 101
96TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 27, 2011, with recommendation that the Senate Committee Substitute do pass.

0059S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 311.297, RSMo, and to enact in lieu thereof two new sections relating to liquor control.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 311.297, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 311.087 and 311.297, to read as follows:

311.087. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any wine shop, as defined in this section, between the hours of 10:00 a.m. on Sunday and 10:00 p.m. on Sunday. As used in this section, the term "wine shop" means any establishment that uses automated wine dispensing equipment to dispense wine tastings by the glass at retail for consumption on the premises where sold, so long as at least fifty percent of the total sales of the wine shop are from package sales. In addition to all other fees required by law, an applicant granted a special license under this section shall pay an additional fee of two hundred dollars a year payable at the time and in the same manner as its other license fees.

311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no

4 sales transactions take place. For purposes of this section, a "sales transaction"
5 shall mean an actual and immediate exchange of monetary consideration for the
6 immediate delivery of goods at the tasting site.

7 2. Notwithstanding any other provisions of this chapter to the contrary,
8 any winery, distiller, manufacturer, wholesaler, or brewer or designated employee
9 may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for
10 customer tasting purposes on any temporary licensed retail premises as described
11 in section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt
12 organization's licensed premises as described in section 311.090.

13 **3. (1) Notwithstanding any other provisions of this chapter to**
14 **the contrary, any winery, distiller, manufacturer, wholesaler, or brewer**
15 **or designated employee may provide or furnish distilled spirits, wine,**
16 **or malt beverage samples on a licensed retail premises for customer**
17 **tasting purposes so long as the winery, distiller, manufacturer,**
18 **wholesaler, or brewer or designated employee has permission from the**
19 **person holding the retail license. The retail licensed premises where**
20 **such product tasting is provided shall maintain a special permit in**
21 **accordance with section 311.294 or hold a by-the-drink-for-**
22 **consumption-on-the-premises-where-sold retail license. No money or**
23 **anything of value shall be given to the retailers for the privilege or**
24 **opportunity of conducting the on-the-premises product tasting.**

25 **(2) Distilled spirits, wine, or malt beverage samples may be**
26 **dispensed by an employee of the retailer, winery, distiller,**
27 **manufacturer, or brewer or by a sampling service retained by the**
28 **retailer, winery, distiller, manufacturer, or brewer. All sampling**
29 **service employees that provide and pour intoxicating liquor samples on**
30 **a licensed retail premises shall be required to complete a server**
31 **training program approved by the division of alcohol and tobacco**
32 **control.**

33 **(3) Any distilled spirits, wine, or malt beverage sample provided**
34 **by the retailer, winery, distiller, manufacturer, wholesaler, or brewer**
35 **remaining after the tasting shall be returned to the retailer, winery,**
36 **distiller, manufacturer, wholesaler, or brewer.**

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