

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 433, Page 1, Section 311.020, Line 9, by  
2 inserting immediately after all of said section and line the following:

3  
4 "311.070. 1. Distillers, wholesalers, winemakers, brewers, or their employees, officers, or  
5 agents shall not, except as provided in this section, directly or indirectly, have any financial interest  
6 in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section,  
7 directly or indirectly, loan, give away, or furnish equipment, money, credit, or property of any kind,  
8 except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding  
9 any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a  
10 distiller whose manufacturing establishment is located within this state may apply for and the  
11 supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined,  
12 by the drink at retail for consumption on the premises where sold; and provided further that the  
13 premises so licensed shall be in close proximity to the distillery and may remain open between the  
14 hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m.  
15 and 9:00 p.m., Sunday. The authority for the collection of fees by cities and counties as provided in  
16 section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for  
17 consumption on the premises where sold, shall apply to the holder of a license issued under the  
18 provisions of this section in the same manner as they apply to establishments licensed under the  
19 provisions of section 311.085, 311.090, or 311.095.

20 2. Any distiller, wholesaler, winemaker, or brewer who shall violate the provisions of  
21 subsection 1 of this section, or permit his or her employees, officers, or agents to do so, shall be  
22 guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

- 23 (1) For the first offense, by a fine of one thousand dollars;  
24 (2) For a second offense, by a fine of five thousand dollars; and  
25 (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such  
26 person shall be revoked.

27 3. As used in this section, the following terms mean:

28 (1) "Consumer advertising specialties", advertising items that are designed to be carried  
29 away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic  
30 mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed  
31 recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps, and visors;

32 (2) "Equipment and supplies", glassware (or similar containers made of other material),  
33 dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment), or ice.  
34 "Dispensing accessories" include, but are not limited to, items such as standards, faucets, cold  
35 plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks,  
36 and check valves;

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

(3) "Permanent point-of-sale advertising materials", advertising items designed to be used within a retail business establishment for an extended period of time to attract consumer attention to the products of a distiller, wholesaler, winemaker, or brewer. Such materials shall only include inside signs (electric, mechanical or otherwise), mirrors, and sweepstakes/contest prizes displayed on the licensed premises;

(4) "Product display", wine racks, bins, barrels, casks, shelving, or similar items the primary function of which is to hold and display consumer products;

(5) "Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker, or brewer;

(6) "Temporary point-of-sale advertising materials", advertising items designed to be used for short periods of time. Such materials include, but are not limited to: banners, decorations reflecting a particular season or a limited-time promotion, ~~or~~ paper napkins, coasters, cups, ice buckets, condiment caddies, napkin holders, bar rail mats, shakers, salt rimmers, or menus.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker, or brewer, or their employees, officers, or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter:

(1) The distiller, wholesaler, winemaker, or brewer may give or sell product displays to a retail business if all of the following requirements are met:

(a) The total value of all product displays given or sold to a retail business shall not exceed ~~[three]~~ five hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the ~~[three]~~ five hundred dollar limits to provide a retail business a product display in excess of ~~[three]~~ five hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker, or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker, or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker, or brewer may provide, give, or sell any permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all permanent point-of-sale advertising materials provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed ~~[five]~~ eight hundred dollars per calendar year, per brand, per retail outlet. The replacement of similar in appearance, type, and dollar value permanent point-of-sale advertising materials shall not count towards the maximum of eight hundred dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale advertising materials is the actual cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such item. Transportation and installation costs shall be excluded. All permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records shall be maintained for a period of ~~[three]~~ two years;

(b) The provider of permanent point-of-sale advertising materials shall own and otherwise control the use of permanent point-of-sale advertising materials that are provided by any distiller, wholesaler, winemaker, or brewer;

(c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker, or brewer. The name, address and logos of the retail business may appear on the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer advertising specialties; and

(d) The distiller, wholesaler, winemaker, or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value of one thousand dollars per year to a holder of a temporary permit as defined in section 311.482;

(4) The distiller, wholesaler, winemaker, or brewer may sell equipment ~~or~~ and supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the code of state regulations;

(5) The ~~[distiller,]~~ wholesaler~~[-winemaker]~~ or brewer may install non-refrigeration beer dispensing accessories at the retail business establishment, [which shall include for the purposes of beer equipment to properly preserve and serve draught beer only] and to facilitate the [delivery to the retailer] dispensing of draft beer, the brewers and wholesalers may lend, give, rent, or sell and they may install or repair any of the following items or render to retail licensees any of the following services: ~~[beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year]~~ tap markers, regulators, gauges, vents, nuts, clamps, splicers, keg stackers, washers, couplings, shanks, faucets, non-insulated beer and air hoses, and wall brackets;

(a) All other dispensing accessories as defined in this section that are installed by a wholesaler or brewer to a retailer shall be sold in the same manner as other equipment and supplies;

(b) Portable coil boxes, air pumps, tubs, blankets, coolers, rolling coolers, carbon dioxide and nitrogen-driven cold plans or jockey boxes, tents not to exceed ten square feet in size, or other coverings for temporary wrappings of barrels may be loaned by a wholesaler or brewer to a retailer only if a deposit is given by the retailer in an amount that covers the cost of such equipment, and the deposit shall not be refunded to the retailer until such loaned equipment is returned to the wholesaler or brewer. An actual deposit payment, other than a charge to a retailer's account, shall be received if an equipment item is loaned for more than ten days within a thirty day period; and

(c) A complete record of equipment given, rented, sold, installed, and loaned, and repairs and services made to a retailer shall be retained for a period of not less than two years by the wholesaler or brewer;

(6) The distiller, wholesaler, winemaker, or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt ~~[beverages]~~ liquor;

1 (7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a  
2 sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from  
3 that wholesaler, if all the following requirements are met:

4 (a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any  
5 brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a  
6 particular product is not available in a size within the quantity limitations of this subsection, a  
7 wholesaler may furnish or give to a retailer the next larger size;

8 (b) The wholesaler shall keep a record of the name of the retailer and the quantity of each  
9 brand furnished or given to such retailer;

10 (c) For the purposes of this subsection, no samples of intoxicating liquor provided to  
11 retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on  
12 the premises of the retailer except as provided by the retail license;

13 (d) For the purpose of this subsection, the word "brand" refers to differences in brand name  
14 of product or differences in nature of product; examples of different brands would be products  
15 having a difference in: brand name; class, type or kind designation; appellation of origin (wine);  
16 viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits);  
17 differences in packaging such a different style, type, size of container, or differences in color or  
18 design of a label are not considered different brands;

19 (8) The distiller, wholesaler, winemaker, or brewer may package and distribute intoxicating  
20 beverages in combination with other nonalcoholic items as originally packaged by the supplier for  
21 sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose  
22 of this subsection, intoxicating liquor and wine wholesalers are not required to charge for  
23 nonalcoholic items any more than the actual cost of purchasing such nonalcoholic items from the  
24 supplier;

25 (9) The distiller, wholesaler, winemaker, or brewer may sell or give the retail business  
26 newspaper cuts, mats, or engraved blocks for use in the advertisements of the retail business;

27 (10) The distiller, wholesaler, winemaker, or brewer may in an advertisement list the names  
28 and addresses of two or more unaffiliated retail businesses selling its product if all of the following  
29 requirements are met:

30 (a) The advertisement shall not contain the retail price of the product;

31 (b) The listing of the retail businesses shall be the only reference to such retail businesses in  
32 the advertisement;

33 (c) The listing of the retail businesses shall be relatively inconspicuous in relation to the  
34 advertisement as a whole; and

35 (d) The advertisement shall not refer only to one retail business or only to a retail business  
36 controlled directly or indirectly by the same retail business;

37 (11) Distillers, winemakers, wholesalers, brewers, or retailers may conduct a local or  
38 national sweepstakes/contest upon a licensed retail premise. The sweepstakes/contest prize dollar  
39 amount shall not be limited and can be displayed in a photo, banner, or other temporary point-of-  
40 sale advertising materials on a licensed premises, if the following requirements are met:

41 (a) No money or something of value is given to the retailer for the privilege or opportunity  
42 of conducting the sweepstakes or contest; and

43 (b) The actual sweepstakes/contest prize is not displayed on the licensed premises if the  
44 prize value exceeds the permanent point-of-sale advertising materials dollar limit provided in this  
45 section;

46 (12) The distiller, wholesaler, winemaker, or brewer may stock, rotate, rearrange, or reset  
47 the products sold by such distiller, wholesaler, winemaker, or brewer at the establishment of the  
48 retail business so long as the products of any other distiller, wholesaler, winemaker, or brewer are

1 not altered or disturbed;

2 (13) The distiller, wholesaler, winemaker, or brewer may provide a recommended shelf plan  
3 or shelf schematic for distilled spirits, wine, or malt beverages;

4 (14) The distiller, wholesaler, winemaker, or brewer participating in the activities of a retail  
5 business association may do any of the following:

6 (a) Display, serve, or donate its products at or to a convention or trade show;

7 (b) Rent display booth space if the rental fee is the same paid by all others renting similar  
8 space at the association activity;

9 (c) Provide its own hospitality which is independent from the association activity;

10 (d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase or  
11 payment is the same as that paid by all attendees, participants or exhibitors at the association  
12 activity;

13 (e) Make payments for advertisements in programs or brochures issued by retail business  
14 associations if the total payments made for all such advertisements are fair and reasonable;

15 (f) Pay dues to the retail business association if such dues or payments are fair and  
16 reasonable;

17 (g) Make payments or donations for retail employee training on preventive sales to minors  
18 and intoxicated persons, checking identifications, age verification devices, and the liquor control  
19 laws;

20 (h) Make contributions not to exceed one thousand dollars per calendar year for  
21 transportation services that shall be used to assist patrons from retail establishments to his or her  
22 residence or overnight accommodations;

23 (i) Donate or serve up to five hundred dollars per event of alcoholic products at retail  
24 business association activities; and

25 (j) Any retail business association that receives payments or donations shall, upon written  
26 request, provide the division of alcohol and tobacco control with copies of relevant financial records  
27 and documents to ensure compliance with this subsection;

28 (15) The distiller, wholesaler, winemaker, or brewer may sell or give a permanent outside  
29 sign to a retail business if the following requirements are met:

30 (a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable,  
31 rigid material, with or without illumination, or painted or otherwise printed onto a rigid material or  
32 structure, shall bear in a conspicuous manner substantial advertising matter about the product or the  
33 name of the distiller, wholesaler, winemaker, or brewer;

34 (b) The retail business shall not be compensated, directly or indirectly, for displaying the  
35 permanent sign or a temporary banner;

36 (c) The cost of the permanent sign shall not exceed five hundred dollars; and

37 (d) Temporary banners of a seasonal nature or promoting a specific event shall not be  
38 constructed to be permanent outdoor signs and may be provided to retailers. The total cost of  
39 temporary outdoor banners provided to a retailer in use at any one time shall not exceed five  
40 hundred dollars per brand;

41 (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of  
42 identical product or allow credit against outstanding indebtedness for intoxicating liquor with  
43 alcohol content of less than five percent by weight that was delivered in a damaged condition or  
44 damaged while in the possession of the retailer;

45 (17) To assure and control product quality, wholesalers at the time of a regular delivery  
46 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of  
47 intoxicating liquor with alcohol content of less than five percent by weight and malt liquor in its  
48 undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an

1 equal quantity of identical product;

2 (18) In addition to withdrawals authorized pursuant to subdivision (17) of this subsection, to  
3 assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be  
4 required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with  
5 alcohol content of less than five percent by weight and malt liquor in its undamaged original carton  
6 from the retailer's stock and give the retailer credit against outstanding indebtedness for the product  
7 if:

8 (a) The product is withdrawn at least thirty days after initial delivery and within twenty-one  
9 days of the date considered by the manufacturer of the product to be the date the product becomes  
10 inappropriate for sale to a consumer; and

11 (b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases  
12 of twenty-four twelve-ounce containers; and

13 (c) To assure and control product quality, a wholesaler may, but not be required to, give a  
14 retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight and  
15 malt liquor, in a container with a capacity of four gallons or more, delivered but not used, if the  
16 wholesaler removes the product within seven days of the initial delivery; and

17 (19) Nothing in this section authorizes consignment sales.

18 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide  
19 producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic beverages  
20 on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic beverages with the  
21 sale of its nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of this  
22 section. The distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide  
23 producer or vendor of nonalcoholic beverages may sell, credit, market, and promote nonalcoholic  
24 beverages in the same manner in which the nonalcoholic products are sold, credited, marketed, or  
25 promoted by a manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco  
26 control;

27 (2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler,  
28 winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by the  
29 retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of alcoholic  
30 products regulated by the supervisor of alcohol and tobacco control. All such fixtures, equipment,  
31 or furnishings shall be identified by the retail licensee as being furnished by a licensed distiller,  
32 wholesaler, winemaker, or brewer.

33 6. Distillers, wholesalers, brewers and winemakers, or their officers or directors shall not  
34 require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such  
35 distillers, wholesalers, brewers, or winemakers to the exclusion in whole or in part of intoxicating  
36 liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers.

37 7. ~~[Notwithstanding any other provisions of this chapter to the contrary, a distiller or~~  
38 ~~wholesaler may install dispensing accessories at the retail business establishment, which shall~~  
39 ~~include for the purposes of distilled spirits equipment to properly preserve and serve premixed~~  
40 ~~distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler may~~  
41 ~~lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items~~  
42 ~~or render to retail licensees any of the following services: coils and coil cleaning, draft arms,~~  
43 ~~faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping~~  
44 ~~equipment components, and damage caused by any delivery excluding normal wear and tear. A~~  
45 ~~complete record of equipment furnished and installed and repairs or service made or rendered shall~~  
46 ~~be kept by the distiller or wholesaler furnishing, making or rendering the same for a period of not~~  
47 ~~less than one year]~~ The distiller, wholesaler, or winemaker may install non-refrigeration distilled  
48 spirits and wine dispensing accessories at the retail business establishment and, to facilitate the

1 dispensing of distilled spirits and wine, the distiller, wholesaler, or winemaker may lend, give, rent,  
2 sell, install, or repair, or render to retail licensees, any of the following items or services: tap  
3 markers, regulators, gauges, vents, nuts, clamps, spicers, keg stackers, washers, couplings, shanks,  
4 faucets, non-insulated spirits and wine hoses, air hoses, and wall brackets;

5 (1) All other dispensing accessories as defined in this section that are installed by a distiller,  
6 wholesaler, or winemaker to a retailer shall be sold in the same manner as other equipment and  
7 supplies;

8 (2) Portable coil boxes, air pumps, tubs, blankets, coolers, rolling coolers, portable bars,  
9 agitating tanks, carbon dioxide and nitrogen-driven cold plates or jockey boxes, tents not to exceed  
10 ten square feet, or other coverings for temporary wrappings of barrels may be loaned by a distiller,  
11 wholesaler, or winemaker to a retailer only if a deposit is given by the retailer in an amount that  
12 covers the cost of such equipment, and the deposit shall not be refunded to the retailer until such  
13 loaned equipment is returned to the distiller, wholesaler, or winemaker. An actual deposit payment,  
14 other than a charge to a retailer's account, shall be received if an equipment item is loaned for more  
15 than ten days within a thirty day period; and

16 (3) A complete record of equipment given, rented, sold, installed, and loaned, and repairs  
17 and services made to a retailer, shall be retained for a period of not less than two years by the  
18 distiller, wholesaler, or winemaker.

19 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be  
20 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a  
21 charitable, fraternal, civic, service, veterans', or religious organization as defined in section 313.005,  
22 or an educational institution if such contributions are unrelated to such organization's retail  
23 operations.

24 9. Distillers, brewers, wholesalers, and winemakers may make payments for advertisements  
25 in programs or brochures of tax-exempt organizations licensed under section 311.090 if the total  
26 payments made for all such advertisements are the same as those paid by other vendors.

27 10. A brewer or manufacturer, its employees, officers or agents may have a financial  
28 interest in the retail business for sale of intoxicating liquors at entertainment facilities owned, in  
29 whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not  
30 limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

31 11. For the purpose of the promotion of tourism, a wine manufacturer, its employees,  
32 officers or agents located within this state may apply for and the supervisor of liquor control may  
33 issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for  
34 consumption on the premises where sold, if the premises so licensed is in close proximity to the  
35 winery. Such premises shall be closed during the hours specified under section 311.290 and may  
36 remain open between the hours of 9:00 a.m. and midnight on Sunday.

37 12. For the purpose of the promotion of tourism, a person may apply for and the supervisor  
38 of liquor control may issue a license to sell intoxicating liquor by the drink at retail for consumption  
39 on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such  
40 licensed person shall be Missouri-produced wines received from manufacturers licensed under  
41 section 311.190. Such premises may remain open between the hours of 6:00 a.m. and midnight,  
42 Monday through Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.

43 13. Notwithstanding any other provision of law to the contrary, an act by a distiller,  
44 wholesaler, winemaker, or brewer of selling non-refrigeration merchandise with a logo to a retailer  
45 is not in violation of this section, provided:

46 (1) The merchandise bears in a conspicuous manner substantial advertising matter about the  
47 product or the name of the distiller, wholesaler, winemaker, or brewer;

48 (2) The merchandise is sold at a price not less than the cost to the distiller, wholesaler,

1 winemaker, or brewer who initially purchased such merchandise; and

2 (3) The price charged for the merchandise is collected in accordance with credit regulations  
3 as established in the state code of regulations."; and

4  
5 Further amend said bill by amending the title, enacting clause, and intersectional references  
6 accordingly.