

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 262**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Local Government April 21, 2005, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1320L.04C

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**AN ACT**

To repeal sections 311.070, 311.080, 311.082, 311.332, 311.485, and 311.615, RSMo, and to enact in lieu thereof seven new sections relating to Missouri wine, with penalty provisions.

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

Section A. Sections 311.070, 311.080, 311.082, 311.332, 311.485, and 311.615, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 311.070, 311.080, 311.082, 311.104, 311.332, 311.485, and 311.615, to read as follows:

311.070. 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and midnight, Monday through

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the  
13 collection of fees by cities and counties as provided in section 311.220, and all other laws and  
14 regulations relating to the sale of liquor by the drink for consumption on the premises where  
15 sold, shall apply to the holder of a license issued under the provisions of this section in the same  
16 manner as they apply to establishments licensed under the provisions of section 311.085,  
17 311.090, or 311.095.

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

21 (1) For the first offense, by a fine of one thousand dollars;

22 (2) For a second offense, by a fine of five thousand dollars; and

23 (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of  
24 such person shall be revoked.

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

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

30 (2) "Equipment and supplies", glassware (or similar containers made of other material),  
31 dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice.  
32 "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards,  
33 hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

34 (3) "Point of sale advertising materials", advertising items designed to be used within  
35 a retail business establishment to attract consumer attention to the products of a distiller,  
36 wholesaler, winemaker or brewer. Such materials include, but are not limited to: posters,  
37 placards, designs, inside signs (electric, mechanical or otherwise), window decorations, trays,  
38 coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats,  
39 thermometers, clocks, calendars and alcoholic beverage lists or menus;

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

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

44 4. Notwithstanding other provisions contained herein, the distiller, wholesaler,  
45 winemaker or brewer, or their employees, officers or agents may engage in the following  
46 activities with a retail licensee licensed pursuant to this chapter or chapter 312, RSMo:

47 (1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to

48 a retail business if all of the following requirements are met:

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

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

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

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

66 (a) The total value of all point-of-sale advertising materials and consumer advertising  
67 specialties given or sold to a retail business shall not exceed five hundred dollars per year, per  
68 brand, per retail outlet. The value of point-of-sale advertising materials and consumer  
69 advertising specialties is the actual cost to the distiller, wholesaler, winemaker or brewer who  
70 initially purchased such item. Transportation and installation costs shall be excluded;

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

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

80 (3) A malt beverage wholesaler or brewer may give a gift not to exceed a value of one  
81 thousand dollars per year, or sell something of value to a holder of a temporary permit as defined  
82 in section 311.482;

83 (4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a

84 retail business if all the following requirements are met:

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

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

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

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

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

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

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

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

118 (d) For the purpose of this subsection, the word "brand" refers to differences in brand  
119 name of product or differences in nature of product; examples of different brands would be

120 products having a difference in: brand name; class, type or kind designation; appellation of origin  
121 (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled  
122 spirits); differences in packaging such a different style, type, size of container, or differences in  
123 color or design of a label are not considered different brands;

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

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

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

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

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

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

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

142 (11) Notwithstanding any other provision of law to the contrary, distillers, winemakers,  
143 wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a  
144 licensed retail premise. However, no money or something of value may be given to the retailer  
145 for the privilege or opportunity of conducting the sweepstakes or contest;

146 (12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset  
147 the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the  
148 retail business so long as the products of any other distiller, wholesaler, winemaker or brewer  
149 are not altered or disturbed;

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

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

154 (a) Display its products at a convention or trade show;

155 (b) Rent display booth space if the rental fee is the same paid by all others renting similar

156 space at the association activity;

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

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

160 (e) Make payments for advertisements in programs or brochures issued by retail business  
161 associations at a convention or trade show if the total payments made for all such advertisements  
162 do not exceed three hundred dollars per year for any retail business association;

163 (15) The distiller, wholesaler, winemaker or brewer may sell its other merchandise which  
164 does not consist of intoxicating beverages to a retail business if the following requirements are  
165 met:

166 (a) The distiller, wholesaler, winemaker or brewer shall also be in business as a bona fide  
167 producer or vendor of such merchandise;

168 (b) The merchandise shall be sold at its fair market value;

169 (c) The merchandise is not sold in combination with distilled spirits, wines or malt  
170 beverages except as provided in this section;

171 (d) The acquisition or production costs of the merchandise shall appear on the purchase  
172 invoices or records of the distiller, wholesaler, winemaker or brewer; and

173 (e) The individual selling prices of merchandise and intoxicating beverages sold to a  
174 retail business in a single transaction shall be determined by commercial documents covering the  
175 sales transaction;

176 (16) The distiller, wholesaler, winemaker or brewer may sell or give an outside sign to  
177 a retail business if the following requirements are met:

178 (a) The sign shall bear in a conspicuous manner substantial advertising matter about the  
179 product or the name of the distiller, wholesaler, winemaker or brewer;

180 (b) The retail business shall not be compensated, directly or indirectly, for displaying the  
181 sign; and

182 (c) The cost of the sign shall not exceed four hundred dollars;

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

187 (18) To assure and control product quality, wholesalers at the time of a regular delivery  
188 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of  
189 intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating  
190 beer in its undamaged original carton from the retailer's stock, if the wholesaler replaces the  
191 product with an equal quantity of identical product;

192 (19) In addition to withdrawals authorized pursuant to subdivision (18) of this  
193 subsection, to assure and control product quality, wholesalers at the time of a regular delivery  
194 may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of  
195 intoxicating liquor with alcohol content of less than five percent by weight and nonintoxicating  
196 beer in its undamaged original carton from the retailer's stock and give the retailer credit against  
197 outstanding indebtedness for the product if:

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

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

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

207 (20) Nothing in this section authorizes consignment sales.

208 5. All contracts entered into between distillers, brewers and winemakers, or their officers  
209 or directors, in any way concerning any of their products, obligating such retail dealers to buy  
210 or sell only the products of any such distillers, brewers or winemakers or obligating such retail  
211 dealers to buy or sell the major part of such products required by such retail vendors from any  
212 such distiller, brewer or winemaker, shall be void and unenforceable in any court in this state.

213 6. Notwithstanding any other provisions of this chapter to the contrary, a distiller or  
214 wholesaler may install dispensing accessories at the retail business establishment, which shall  
215 include for the purposes of distilled spirits, equipment to properly preserve and serve premixed  
216 distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler  
217 may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the  
218 following items or render to retail licensees any of the following services: coils and coil  
219 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves  
220 and other minor tapping equipment components, and damage caused by any delivery excluding  
221 normal wear and tear. A complete record of equipment furnished and installed and repairs or  
222 service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or  
223 rendering the same for a period of not less than one year.

224 7. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the  
225 contrary, distillers, winemakers, brewers or their employees, or officers shall be permitted to  
226 make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable  
227 or religious organization as defined in section 313.005, RSMo, or an educational institution if

228 such contributions are unrelated to such organization's retail operations.

229 8. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the  
230 contrary, a brewer or manufacturer, its employees, officers or agents may have a financial interest  
231 in the retail business for sale of intoxicating liquors and nonintoxicating beer at entertainment  
232 facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates  
233 including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting  
234 events of all kinds.

235 9. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the  
236 contrary, for the purpose of the promotion of tourism, a wine manufacturer, its employees,  
237 officers or agents located within this state may apply for and the supervisor of liquor control may  
238 issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for  
239 consumption on the premises where sold, if the premises so licensed is in close proximity to the  
240 winery. Such premises [may remain open between the hours of 6:00 a.m. and midnight, Monday  
241 through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday] **shall be closed**  
242 **during the hours specified under section 311.290 and may remain open between the hours**  
243 **of 9:00 a.m. and midnight on Sunday.**

244 10. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the  
245 contrary, for the purpose of the promotion of tourism, a person may apply for and the supervisor  
246 of liquor control may issue a license to sell intoxicating liquor by the drink at retail for  
247 consumption on the premises where sold, but [the person so licensed shall sell only  
248 Missouri-produced wines received from manufacturers licensed pursuant to section 311.190]  
249 **seventy-five percent or more of the intoxicating liquor sold by such licensed person shall**  
250 **be Missouri-produced wines received from manufacturers licensed under section 311.190.**  
251 Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through  
252 Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.

311.080. 1. No license shall be granted for the sale of intoxicating liquor, as defined in  
2 this chapter, within one hundred feet of any school, church or other building regularly used as  
3 a place of religious worship, **unless the applicant for the license shall first obtain the consent**  
4 **in writing of the board of alderman, city council, or other proper authorities of any**  
5 **incorporated city, town, or village,** except that when a school, church or place of worship shall  
6 hereafter be established within one hundred feet of any place of business licensed to sell  
7 intoxicating liquor, the license shall not be denied for this reason.

8 2. The board of aldermen, city council or other proper authorities of any incorporated  
9 city, town or village may by ordinance prohibit the granting of a license for the sale of  
10 intoxicating liquor within a distance as great as three hundred feet of any school, church, or other  
11 building regularly used as a place of religious worship. In such cases, and where the ordinance



12 has been lawfully enacted, no license of any character shall be issued in conflict with the  
13 ordinance while it is in effect; except, that when a school, church or place of worship is  
14 established within the prohibited distance from any place of business licensed to sell intoxicating  
15 liquor, the license shall not be denied for this reason.

16 3. Subsection 1 of this section shall not apply to [a holder of] a license issued [pursuant  
17 to section 311.090, 311.218, or 311.482, or to any premises holding a license issued before  
18 January 1, 2004,] by the supervisor of alcohol and tobacco control for the sale of intoxicating  
19 liquor **pursuant to section 311.218 or to a license issued to any church, school, civic, service,  
20 fraternal, veteran, political, or charitable club or organization which has obtained an  
21 exemption from the payment of federal taxes.**

22 4. **Subsection 1 of this section shall not apply to any premises holding a license  
23 issued before January 1, 2004, by the supervisor of alcohol and tobacco control for the sale  
24 of intoxicating liquor. To retain a license under this subsection, the licensed premises shall  
25 not change license type, amend the legal description, or be without a liquor license for more  
26 than ninety days.**

311.082. 1. As used in this section, the following terms shall mean:

2 (1) "Keg", any container capable of holding four gallons or more of beer, wine, or  
3 intoxicating liquor and which is designed to dispense beer, wine, or intoxicating liquor directly  
4 from the container for purposes of consumption. **Any nonreturnable container with a  
5 capacity of less than six gallons shall not be considered a keg under this section;**

6 (2) "Supervisor of alcohol and tobacco control", the person appointed pursuant to section  
7 311.610.

8 2. Each keg sold at retail for off-premise consumption shall be labeled with [the name  
9 and address of the retail licensee and an] **a numbered** identification [number] **tag**. The division  
10 of alcohol and tobacco control may prescribe the [form of the labels] **numbered identification  
11 tags** to be used for this purpose. The [label] **recyclable numbered identification tag** shall be  
12 affixed to [a recyclable tag that is attached to] the handle on the top chime of the keg. The [label  
13 and] recyclable **numbered identification tag** shall be supplied by the division of alcohol and  
14 tobacco control without fee and securely affixed to the keg by the licensee making the sale.

15 3. Each retail licensee shall require each keg purchaser to present [positive] **valid  
16 identification and a minimum deposit of fifty dollars per keg** at the time of purchase. **On the  
17 identification form provided by the division of alcohol and tobacco control** the licensee shall  
18 record for each keg sale the date of sale, the size of keg, [any applicable] keg **tag** identification  
19 number [if available], the amount of container deposit, the name, address, and date of birth of  
20 the purchaser, and the form of identification presented by such purchaser. The purchaser shall  
21 sign a statement at the time of purchase attesting to the accuracy of the purchaser's name and

22 address and acknowledging that misuse of the keg or its contents may result in civil liability,  
23 criminal prosecution, or both. The licensee shall retain the identification form for a minimum  
24 of three months following the sale of the keg.

25 4. The licensee shall not refund a deposit for a keg that is returned without the [required  
26 label and] **numbered** identification [number] **tag** intact and legible. The licensee shall record  
27 the date of return of the keg and the condition of the [label and] **numbered** identification  
28 [number] **tag** on the identification form required pursuant to subsection [2] **3** of this section. The  
29 licensee may retain any deposit not refunded for this reason. Upon the return of a properly  
30 [labeled] **tagged** keg from a consumer, the licensee shall remove the tag from the keg and retain  
31 such tag with the identification form as required pursuant to subsection [2] **3** of this section.  
32 [This requirement shall not apply to permanent identification numbers or other forms of  
33 identification placed on the keg by a manufacturer.]

34 5. The supervisor shall promulgate rules and regulations for the administration of this  
35 section and shall design all necessary forms. No rule, regulation, or portion of a rule or  
36 regulation promulgated pursuant to the authority of this section shall become effective unless it  
37 has been promulgated pursuant to chapter 536, RSMo.

38 6. The provisions of this section shall become effective on July 1, 2004.

39 7. This section shall fully preempt and supersede any ordinances, rules, or regulations  
40 made by any city, county, or other political subdivision of the state of Missouri which regulate  
41 the selling, labeling, or registering of kegs. This section shall not impose any new or additional  
42 civil or criminal liability upon the retail licensee.

**311.104. 1. Notwithstanding any other provisions of this chapter to the contrary,  
2 any person who possesses the qualifications required by this chapter, and who meets the  
3 requirements of and complies with the provisions of this chapter may apply for, and the  
4 supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor by  
5 the drink at retail for consumption on the premises of any place of entertainment, as  
6 defined in this section, between the hours of 9:00 a.m. on Sunday and midnight on Sunday.  
7 As used in this section, the term "place of entertainment" means any establishment located  
8 in a county with a charter form of government and with more than two hundred fifty  
9 thousand but fewer than three hundred fifty thousand inhabitants which has gross annual  
10 sales in excess of one hundred fifty thousand dollars and the establishment has been in  
11 operation for at least one year.**

12 **2. The authority for the collection of fees by cities and counties as provided in  
13 section 311.220, and all other laws and regulations of the state relating to the sale of liquor  
14 by the drink for consumption on the premises where sold, shall apply to a place of  
15 entertainment in the same manner as they apply to establishments licensed pursuant to**

16 sections 311.085, 311.090, and 311.095, and in addition to all other fees required by law,  
17 a place of entertainment shall pay an additional fee of two hundred dollars a year payable  
18 at the same time and in the same manner as its other license fees.

311.332. 1. Except as provided in subsections 2 and 3 of this section, it shall be  
2 unlawful for any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in  
3 excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and  
4 wine at retail, to discriminate between retailers or in favor of or against any retailer or group of  
5 retailers, directly or indirectly, in price, in discounts for time of payment, or in discounts on  
6 quantity of merchandise sold, or to grant directly or indirectly, any discount, rebate, free goods,  
7 allowance or other inducement, excepting a discount not in excess of one percent for quantity  
8 of liquor and wine, and a discount not in excess of one percent for payment on or before a certain  
9 date. The delivery of manufacturer rebate coupons by wholesalers to retailers shall not be a  
10 violation of this subsection.

11 2. Except as provided in subsection 3 of this section, any wholesaler licensed to sell  
12 intoxicating liquor and wine containing alcohol in excess of five percent by weight to persons  
13 duly licensed to sell such intoxicating liquor and wine at retail may offer a price reduction of not  
14 more than four percent of [his] **the wholesaler's** price schedule for any brand, age, proof, and  
15 size bottle or package. Such price reduction shall apply for a thirty-day period, shall not be  
16 offered by any wholesaler more than three times in any calendar year, and shall not be offered  
17 during successive months.

18 3. Any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in  
19 excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and  
20 wine at retail may offer a price reduction of more than four percent of the scheduled price on  
21 close-out merchandise. "Close-out merchandise" is any item which has been in the wholesaler's  
22 inventory for more than six months. The price of close out merchandise may be decreased, but  
23 shall not be increased, monthly for up to and including twelve consecutive months. A wholesaler  
24 shall not purchase any item of intoxicating liquor or wine of the same year and vintage [he] **the**  
25 **wholesaler** has classified as close-out merchandise during the period of such classification. A  
26 wholesaler shall not purchase, sell, or offer to sell any item of intoxicating liquor or wine of the  
27 same year and vintage [he] **the wholesaler** has classified as close-out merchandise until  
28 twenty-four months have elapsed since the wholesaler's last offer to sell the item as close-out  
29 merchandise.

30 4. Manufacturers or wholesalers shall be permitted to **donate or** deliver or cause to be  
31 delivered beer, wine, **brandy**, or nonintoxicating beer for nonresale purposes to any unlicensed  
32 person or any licensed retail dealer who is a charitable or religious organization as defined in  
33 section 313.005, RSMo, or educational institution, at any location or licensed premises,

34 provided, such beer, wine, **brandy**, or nonintoxicating beer is unrelated to the organization's or  
35 institution's licensed retail operation. **A charge for admission to an event or activity at which**  
36 **beer, wine, brandy, or nonintoxicating beer is available without separate charge shall not**  
37 **constitute resale for the purposes of this subsection.** Wine used in religious ceremonies may  
38 be sold by wholesalers to a religious organization as defined in section 313.005, RSMo. Any  
39 manufacturer or wholesaler providing nonresale items shall keep a record of any deliveries made  
40 pursuant to this subsection.

311.485. 1. The supervisor of liquor control may issue a temporary permit to caterers  
2 and other persons holding licenses to sell intoxicating liquor by the drink at retail for  
3 consumption on the premises pursuant to the provisions of this chapter who furnish provisions  
4 and service for use at a particular function, occasion or event at a particular location other than  
5 the licensed premises, but not including a "festival" as defined in chapter 316, RSMo. The  
6 temporary permit shall be effective for a period not to exceed one hundred [twenty] **sixty-eight**  
7 consecutive hours, and shall authorize the service of alcoholic beverages at such function,  
8 occasion or event during the hours at which alcoholic beverages may lawfully be sold or served  
9 upon premises licensed to sell alcoholic beverages for on-premises consumption. For every  
10 permit issued pursuant to the provisions of this section, the permittee shall pay to the director of  
11 revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is  
12 issued.

13 2. Except as provided in subsection 3 of this section, all provisions of the liquor control  
14 law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area  
15 of any county, in which is located the premises in which such function, occasion or event is held  
16 shall extend to such premises and shall be in force and enforceable during all the time that the  
17 permittee, its agents, servants, employees, or stock are in such premises. Except for  
18 Missouri-produced wines in the original package, the provisions of this section shall not include  
19 the sale of packaged goods covered by this temporary permit.

20 3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state  
21 and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering  
22 business. A caterer who possesses a valid state and valid local liquor license need not obtain a  
23 separate license for each city the caterer delivers in, so long as such city permits any caterer to  
24 deliver alcoholic beverages within the city.

25 4. To assure and control product quality, wholesalers may, but shall not be required to,  
26 give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by  
27 weight or nonintoxicating beer delivered and invoiced under the catering permit number, but not  
28 used, if the wholesaler removes the product within seventy-two hours of the expiration of the  
29 catering permit issued pursuant to this section.

311.615. There shall be a division within the department of public safety known as the  
2 "Division of Alcohol and Tobacco Control", which shall have as its chief executive officer the  
3 supervisor of alcohol and tobacco control appointed pursuant to section 311.610. All references  
4 to the division of [alcohol and tobacco] **liquor** control and the supervisor of [alcohol and  
5 tobacco] **liquor** control in the statutes shall mean the division of alcohol and tobacco control and  
6 **the** supervisor of alcohol and tobacco control.