

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2155, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3
4 "311.020. The term "intoxicating liquor" as used in this chapter shall mean and include
5 alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or
6 combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or
7 mixtures for beverage purposes, containing in excess of one-half of one percent by volume. The
8 term "intoxicating liquor" shall include "powdered alcohol", which means alcohol that is prepared in
9 a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic
10 liquid; "powdered alcohol" shall also include gum or candy infused with powdered or other alcohol.
11 All beverages having an alcoholic content of less than one-half of one percent by volume shall be
12 exempt from the provisions of this chapter, but subject to inspection as provided by sections
13 196.365 to 196.445.

14 311.070. 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or
15 agents shall not, except as provided in this section, directly or indirectly, have any financial interest
16 in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section,
17 directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind,
18 except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding
19 any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a
20 distiller whose manufacturing establishment is located within this state may apply for and the
21 supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined,
22 by the drink at retail for consumption on the premises where sold; and provided further that the
23 premises so licensed shall be in close proximity to the distillery and may remain open between the
24 hours of 6:00 a.m. and 1:30 a.m., Monday through Saturday and between the hours of 9:00 a.m. and
25 midnight, Sunday. The authority for the collection of fees by cities and counties as provided in
26 section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for
27 consumption on the premises where sold, shall apply to the holder of a license issued under the
28 provisions of this section in the same manner as they apply to establishments licensed under the
29 provisions of section 311.085, 311.090, or 311.095.

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

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

Action Taken _____ Date _____

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

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

6 (2) "Equipment and supplies", glassware (or similar containers made of other material),
7 table umbrellas, dispensing accessories, carbon dioxide (and other gasses used in dispensing
8 equipment), or ice. "Dispensing accessories" include, but are not limited to, items such as
9 standards, [faucets, cold plates,] rods, [vents,] taps, tap standards, [hoses, washers, couplings, gas
10 gauges,] vent tongues, [shanks, and] check valves, portable coil boxes, air pumps, tubs, blankets,
11 coolers, rolling coolers, portable bars, agitating tanks, carbon dioxide and nitrogen-driven cold
12 plates or jockey boxes, tents not to exceed ten square feet in size, or other coverings for the
13 temporary wrapping of barrels;

14 (3) "Nonrefrigeration keg flow accessories" include, tap markers, regulators, gauges, vents,
15 nuts, clamps, splicers, keg stickers, washers, couplings, shanks, faucets, non-insulated intoxicating
16 liquor hoses, air hoses, and wall brackets;

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

22 [(4)] (5) "Product display", wine racks, bins, barrels, casks, shelving, or similar items the
23 primary function of which is to hold and display consumer products;

24 [(5)] (6) "Promotion", an advertising and publicity campaign to further the acceptance and
25 sale of the merchandise or products of a distiller, wholesaler, winemaker, or brewer;

26 [(6)] (7) "Temporary point-of-sale advertising materials", advertising items designed to be
27 used for short periods of time. Such materials include, but are not limited to: banners, decorations
28 reflecting a particular season or a limited-time promotion, or paper napkins, coasters, cups, ice
29 buckets, condiment caddies, napkin holders, bar rail mats, shakers, salt rimmers, or menus.

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

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

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

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

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

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

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

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

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

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

28 (3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value of
29 one thousand dollars per year to a holder of a temporary permit as ~~[defined]~~ described in section
30 311.482;

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

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

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

37 (5) The ~~[distiller,]~~ wholesaler~~[- winemaker]~~ or brewer may lend, give, rent or sell, and they
38 may install [dispensing] or repair nonrefrigeration keg flow accessories at the retail business
39 establishment~~[- which shall include for the purposes of beer equipment to properly preserve and~~
40 ~~serve draught beer only and]~~ to facilitate the ~~[delivery to the retailer the brewers and wholesalers~~
41 ~~may lend, give, rent or sell and they may install or repair any of the following items or render to~~
42 ~~retail licensees any of the following services: beer coils and coil cleaning, sleeves and wrappings,~~
43 ~~box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and~~
44 ~~washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose,~~
45 ~~couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for~~
46 ~~temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids,~~
47 ~~cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer~~
48 ~~delivery excluding normal wear and tear and a complete record of equipment furnished and installed~~

1 ~~and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing,~~
2 ~~making or rendering same for a period of not less than one year] dispensing of draft beer;~~

3 (a) All other dispensing accessories as described in this section that are installed by a
4 wholesaler or brewer to a retailer shall be sold in the same manner as other equipment and supplies,
5 or may be loaned by a wholesaler or brewer to a retailer only if a deposit is given by the retailer in
6 an amount that covers the cost of such dispensing accessories, and the deposit shall not be refunded
7 to the retailer until such loaned dispensing accessories are returned to the wholesaler or brewer. An
8 actual deposit payment, other than a charge to a retailer's account, shall be received if the dispensing
9 accessories are loaned for more than ten days within a thirty day period; and

10 (b) A complete record of dispensing accessories and nonrefrigeration keg flow accessories
11 given, rented, sold, installed, and loaned, and repairs and services made to a retailer shall be retained
12 for a period of not less than two years by the wholesaler or brewer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (12) The distiller, wholesaler, winemaker₂ or brewer may stock, rotate, rearrange or reset the
13 products sold by such distiller, wholesaler, winemaker₂ or brewer at the establishment of the retail
14 business so long as the products of any other distiller, wholesaler, winemaker or brewer are not
15 altered or disturbed;

16 (13) The distiller, wholesaler, winemaker₂ or brewer may provide a recommended shelf plan
17 or shelf schematic for distilled spirits, wine₂ or malt beverages;

18 (14) The distiller, wholesaler, winemaker₂ or brewer participating in the activities of a retail
19 business association may do any of the following:

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

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

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

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

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

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

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

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

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

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

42 (15) The distiller, wholesaler, winemaker₂ or brewer may sell or give a permanent outside
43 sign to a retail business if the following requirements are met:

44 (a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable,
45 rigid material, with or without illumination, or painted or otherwise printed onto a rigid material or
46 structure, shall bear in a conspicuous manner substantial advertising matter about the product or the
47 name of the distiller, wholesaler, winemaker₂ or brewer;

48 (b) The retail business shall not be compensated, directly or indirectly, for displaying the

1 permanent sign or a temporary banner;

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

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

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

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

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

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

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

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

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

32 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide
33 producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic beverages
34 on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic beverages with the
35 sale of its nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of this
36 section. The distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide
37 producer or vendor of nonalcoholic beverages may sell, credit, market, and promote nonalcoholic
38 beverages in the same manner in which the nonalcoholic products are sold, credited, marketed, or
39 promoted by a manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco
40 control.

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

47 6. Distillers, wholesalers, brewers, and winemakers, or their officers or directors shall not
48 require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such

1 distillers, wholesalers, brewers, or winemakers to the exclusion in whole or in part of intoxicating
2 liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers.

3 7. ~~[Notwithstanding any other provisions of this chapter to the contrary, a distiller or~~
4 ~~wholesaler may install dispensing accessories at the retail business establishment, which shall~~
5 ~~include for the purposes of distilled spirits equipment to properly preserve and serve premixed~~
6 ~~distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler may~~
7 ~~lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items~~
8 ~~or render to retail licensees any of the following services: coils and coil cleaning, draft arms,~~
9 ~~faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping~~
10 ~~equipment components, and damage caused by any delivery excluding normal wear and tear. A~~
11 ~~complete record of equipment furnished and installed and repairs or service made or rendered shall~~
12 ~~be kept by the distiller or wholesaler furnishing, making or rendering the same for a period of not~~
13 ~~less than one year] The distiller, wholesaler, or winemaker may lend, give, rent, or sell and they may~~
14 ~~install or repair distilled spirits and wine nonrefrigeration keg flow accessories at the retail business~~
15 ~~establishment to facilitate the dispensing of distilled spirits and wine;~~

16 (1) All other dispensing accessories as described in this section that are installed by a
17 distiller, wholesaler, or winemaker to a retailer shall be sold in the same manner as other equipment
18 and supplies or may be loaned by a distiller, wholesaler, or winemaker to a retailer only if a deposit
19 is given by the retailer in an amount that covers the cost of such dispensing accessories, and the
20 deposit shall not be refunded to the retailer until such loaned dispensing accessories are returned to
21 the distiller, wholesaler, or winemaker. An actual deposit payment, other than a charge to a retailer's
22 account, shall be received if the dispensing accessories are loaned for more than ten days within a
23 thirty day period; and

24 (2) A complete record of dispensing accessories and nonrefrigeration keg flow accessories
25 given, rented, sold, installed, and loaned, and repairs and services made to a retailer, shall be
26 retained for a period of not less than two years by the distiller, wholesaler, or winemaker.

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

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

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

39 11. For the purpose of the promotion of tourism, a wine manufacturer, its employees,
40 officers or agents located within this state may apply for and the supervisor of liquor control may
41 issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for
42 consumption on the premises where sold, if the premises so licensed is in close proximity to the
43 winery. Such premises shall be closed during the hours specified under section 311.290 and may
44 remain open between the hours of 9:00 a.m. and midnight on Sunday. A wine manufacturer who is
45 a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the premises
46 shall be exempt from the provisions of section 311.280 for such intoxicating liquor that is produced
47 on the premises in accordance with the provisions of this chapter.

48 12. For the purpose of the promotion of tourism, a person may apply for and the supervisor

1 of liquor control may issue a license to sell intoxicating liquor by the drink at retail for consumption
2 on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such
3 licensed person shall be Missouri-produced wines received from manufacturers licensed under
4 section 311.190. Such premises may remain open between the hours of 6:00 a.m. and midnight,
5 Monday through Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on Sundays.

6 311.185. 1. Notwithstanding any rule, law, or regulation to the contrary, any person
7 currently licensed in this state or any other state as a wine manufacturer may apply for and the
8 supervisor of alcohol and tobacco control may issue a wine direct shipper license, as provided in
9 this section, which allows a wine manufacturer to ship up to two cases of wine per month directly to
10 a resident of this state who is at least twenty-one years of age for such resident's personal use and
11 not for resale. Before sending any shipment to a resident of this state, the wine manufacturer shall
12 first obtain a wine direct shipper license as follows:

13 (1) File an application with the division of alcohol and tobacco control; and

14 (2) Provide to the division of alcohol and tobacco control a true copy of its current alcoholic
15 beverage license issued in this state or any other state, as well as a copy of the winery license from
16 the Alcohol and Tobacco Tax and Trade Bureau.

17 2. All wine direct shipper licensees shall:

18 (1) Not ship more than two cases of wine per month to any person for his or her personal
19 use and not for resale;

20 (2) Not use any carrier for shipping of wine that is not licensed under this section;

21 (3) Only ship wine that is properly registered with the Alcohol and Tobacco Tax and Trade
22 Bureau;

23 (4) Only ship wine manufactured on the winery premises;

24 (5) Ensure that all containers of wine delivered directly to a resident of this state are
25 conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE
26 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording
27 preapproved by the division of alcohol and tobacco control;

28 (6) If the winery is located outside of this state, by January thirty-first, make a report under
29 oath to the supervisor of alcohol and tobacco control setting out the total amount of wine shipped
30 into the state the preceding year;

31 (7) If the winery is located outside of this state, pay the division of alcohol and tobacco
32 control all excise taxes due on the amount to be calculated as if the sale were in this state at the
33 location where the delivery is made;

34 (8) If the winery is located within this state, provide the division of alcohol and tobacco
35 control any additional information deemed necessary beyond that already required for retail sales
36 from the winery tasting room to ensure compliance with this section;

37 (9) Permit the division of alcohol and tobacco control to perform an audit of the wine direct
38 shipper licensees' records upon request; and

39 (10) Be deemed to have consented to the jurisdiction of the division of alcohol and tobacco
40 control or any other state agency and the Missouri courts concerning enforcement of this section and
41 any related laws, rules, or regulations.

42 3. The wine direct shipper licensee may annually renew its license with the division of
43 alcohol and tobacco control by providing the division of alcohol and tobacco control all required
44 items provided in subsection 1 of this section.

45 4. Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for
46 and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as provided
47 in this section, which allows the carrier to transport and deliver shipments of wine or powdered
48 alcohol, as defined in section 311.020, directly to a resident of this state who is at least twenty-one

1 years of age or older. Before transporting any shipment of wine or powdered alcohol to a resident
 2 of this state, the carrier shall first obtain an alcohol carrier license by filing an application with the
 3 division of alcohol and tobacco control.

4 5. All alcohol carrier licensees shall:

5 (1) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or
 6 any person appearing to be in a state of intoxication;

7 (2) Require valid proof of identity and age;

8 (3) Obtain the signature of an adult as a condition of delivery; and

9 (4) Keep records of wine or powdered alcohol shipped which include the license number
 10 and name of the winery or retailer, quantity of wine or powdered alcohol shipped, recipient's name
 11 and address, and an electronic or paper form of signature from the recipient of the wine or
 12 powdered alcohol.

13 6. The division of alcohol and tobacco control may promulgate rules to effectuate the
 14 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
 15 that is created under the authority delegated in this section shall become effective only if it complies
 16 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 17 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 18 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
 19 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 20 adopted after August 28, 2007, shall be invalid and void.

21 311.188. No person shall ship or deliver powdered alcohol, as defined in section 311.020, to
 22 a resident of this state for personal use and not for resale except through an alcohol carrier licensed
 23 under subsection 4 of section 311.185.

24 311.190. 1. For the privilege of manufacturing wine or brandy, which manufacturing shall
 25 be in accordance with all provisions of federal law applicable thereto except as may otherwise be
 26 specified in this section, in quantities not to exceed five hundred thousand gallons, not in excess of
 27 eighteen percent of alcohol by weight for wine, or not in excess of thirty-four percent of alcohol by
 28 weight for brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables produced
 29 or grown in the state of Missouri, exclusive of sugar, water and spirits, there shall be paid to and
 30 collected by the director of revenue, in lieu of the charges provided in section 311.180, a license fee
 31 of five dollars for each five hundred gallons or fraction thereof of wine or brandy produced up to a
 32 maximum license fee of three hundred dollars.

33 2. Notwithstanding the provisions of subsection 1 of this section, a manufacturer licensed
 34 under this section may use in any calendar year such wine- and brandy-making material produced or
 35 grown outside the state of Missouri in a quantity not exceeding fifteen percent of the manufacturer's
 36 wine entered into fermentation in the prior calendar year.

37 3. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes,
 38 berries, other fruits, fruit products, honey or vegetables from which wines are made, the director of
 39 the department of agriculture shall determine the percent of loss and allow a certain additional
 40 percent, based on the prior calendar year's production of such products, to be purchased outside the
 41 state of Missouri to be used and offered for sale by Missouri wineries.

42 4. Notwithstanding any other provision of section 311.373 to the contrary, a manufacturer
 43 licensed under this section may purchase and sell bulk or packaged wines or brandies received from
 44 other manufacturers licensed under this section and may also purchase in bulk, bottle and sell to
 45 duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer
 46 licensed under this section may offer samples of wine, may sell wine and brandy in its original
 47 package directly to consumers at the winery, and may open wine so purchased by customers so that
 48 it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and

1 midnight and on Sunday between 9:00 a.m. and 10:00 p.m."; and

2
3 Further amend said bill and page, Section 311.300, Lines 4-11, by deleting all of said lines and
4 inserting in lieu thereof the following:

5
6 "2. In any place of business licensed in accordance with section 311.200, persons at least
7 eighteen years of age may stock, arrange displays, operate the cash register or scanner connected to
8 a cash register and accept payment for, ~~[and] sack, [for carryout]~~ and carry out to the customer's
9 vehicle, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business
10 premises cannot be performed by anyone under the age of twenty-one years. Any licensee who
11 employs any person under the age of twenty-one years, as authorized by this subsection, shall, when
12 at least fifty percent of the licensee's gross sales does not consist of nonalcoholic sales, have an
13 employee twenty-one years of age or older on the licensed premises during all hours of operation."; and
14

15
16 Further amend said bill and section, Page 2, Line 28, by inserting after all of said section and line
17 the following:

18
19 "311.355. 1. Manufacturers of intoxicating liquor other than beer or wine shall be permitted
20 to offer consumer cash rebate coupons as provided in this subsection:

21 (1) Consumer cash rebate coupons may be published or advertised by manufacturers in
22 newspapers, magazines and other mass media;

23 (2) Coupon advertisements may list the amount of the cash rebate, but not the retail price of
24 the intoxicating liquor after the rebate;

25 (3) Applications for cash rebates must be made directly from the consumer to the
26 manufacturer, and not through retailers or wholesalers;

27 (4) Cash rebates must be made directly to consumers by manufacturers;

28 (5) Wholesalers and manufacturers may deliver cash rebate coupons to retailers, either for
29 distribution at the point of sale or in connection with packaging.

30 2. Manufacturers of intoxicating liquor including beer and wine may offer coupons
31 redeemable for nonalcoholic merchandise, except that such redeemable coupons must be made
32 available without a purchase requirement to consumers at the point of sale, or by request through the
33 mail, or at the retailer's cash register. Redeemable coupons may be published or advertised by
34 manufacturers in newspapers, magazines and other mass media. Advertisements must state that no
35 purchase is required to obtain the nonalcoholic merchandise and provide information on the
36 procedure to obtain such merchandise. The retail value of the nonalcoholic merchandise shall not
37 be stated in the advertisement or on the product. Wholesalers and manufacturers may deliver these
38 redeemable coupons at the point of sale or in connection with packaging.

39 3. A wholesaler shall not directly or indirectly fund the cost of any cash rebate coupon
40 program allowed under this section.

41 4. Notwithstanding any other provision of law to the contrary, except for the provisions of
42 subsection 6 of this section, retailers of intoxicating liquor:

43 (1) May offer any coupon, premium, prize, rebate, loyalty program, or discount of any type
44 to consumers as an inducement to purchase nonalcoholic merchandise or intoxicating liquor;

45 (2) Who offer a loyalty program for intoxicating liquor purchases shall include all
46 intoxicating liquors in the loyalty program and the rewards shall be applied at the same rate for all
47 intoxicating liquor purchases; and

48 (3) May purchase, publish, or display advertisements of intoxicating liquors that list the

1 amount of the rebate or discount and the retail price after the rebate or discount.

2 5. The retailer shall assume the cost of the sale or discounted price permitted under
3 subsection 4 of this section. No manufacturer shall directly or indirectly fund the cost of any cash
4 rebate coupon program or loyalty program allowed under this subsection.

5 6. No advertisement of intoxicating liquor or nonintoxicating beer authorized under
6 subsection 4 of this section shall contain a price that is below the retailer's actual cost, including any
7 combination of coupons, premiums, prizes, rebates, loyalty programs, or other discounts.

8 311.367. 1. The provisions of this section shall apply to all persons, firms, or corporations
9 who own and operate more than one premises licensed to sell intoxicating liquor containing alcohol
10 in excess of five percent by weight at retail.

11 2. Any person, firm, or corporation described in subsection 1 of this section, with the
12 permission of the supervisor of liquor control, may designate one or more places in this state as a
13 central warehouse to which intoxicating liquors, except beer and other intoxicating malt liquor due
14 to the perishability and limited life span of beer and intoxicating malt liquor, ordered and purchased
15 by a person, firm, or corporation from licensed wholesalers in this state may be delivered by
16 licensed wholesalers in this state and at which intoxicating liquors so owned by a person, firm, or
17 corporation may be stored.

18 3. Any person, firm, or corporation described in subsection 1 of this section who owns and
19 stores intoxicating liquors in a central warehouse may transfer all or any part of the intoxicating
20 liquors, except beer and other intoxicating malt liquor due to the perishability and limited life span
21 of beer and intoxicating malt liquor, so stored from the central warehouse in this state to any
22 premises licensed to sell intoxicating liquors at retail which is owned and operated by the same
23 person, firm, or corporation and which is located in the state.

24 311.373. All [~~malt beverages~~] intoxicating liquor purchased for resale in this state prior to
25 being resold at retail shall physically come into the possession of a licensed wholesaler and be
26 unloaded in and distributed from the licensed wholesaler's warehouse in this state."; and

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.