

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 808
99TH GENERAL ASSEMBLY

5515H.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.020, 311.070, 311.185, 311.190, 311.300, 311.355, and 311.373, RSMo, and to enact in lieu thereof nine new sections relating to the transfer of intoxicating liquor, with penalty provisions.

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

Section A. Sections 311.020, 311.070, 311.185, 311.190, 311.300, 311.355, and
2 311.373, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as
3 sections 311.020, 311.070, 311.185, 311.188, 311.190, 311.300, 311.355, 311.367, and 311.373,
4 to read as follows:

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

311.070. 1. Distillers, wholesalers, winemakers, brewers or their employees, officers
2 or agents shall not, except as provided in this section, directly or indirectly, have any financial
3 interest in the retail business for sale of intoxicating liquors, and shall not, except as provided
4 in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or
5 property of any kind, except ordinary commercial credit for liquors sold to such retail dealers.

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.

6 However, notwithstanding any other provision of this chapter to the contrary, for the purpose of
7 the promotion of tourism, a distiller whose manufacturing establishment is located within this
8 state may apply for and the supervisor of liquor control may issue a license to sell intoxicating
9 liquor, as in this chapter defined, by the drink at retail for consumption on the premises where
10 sold; and provided further that the premises so licensed shall be in close proximity to the
11 distillery and may remain open between the hours of 6:00 a.m. and 1:30 a.m., Monday through
12 Saturday and between the hours of 9:00 a.m. and midnight, 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 **or her** employees, officers or agents to do so, shall be
20 guilty 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 **table umbrellas**, dispensing accessories, carbon dioxide (and other gasses used in dispensing
32 equipment), or ice. "Dispensing accessories" include, **but are not limited to, items such as**
33 standards, [~~faucets, cold plates,~~] rods, [~~vents,~~] taps, tap standards, [~~hoses, washers, couplings,~~
34 ~~gas gauges,~~] vent tongues, [~~shanks, and~~] check valves, **portable coil boxes, air pumps, tubs,**
35 **blankets, coolers, rolling coolers, portable bars, agitating tanks, carbon dioxide and**
36 **nitrogen-driven cold plates or jockey boxes, tents not to exceed ten square feet in size, or**
37 **other coverings for the temporary wrapping of barrels;**

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

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

46 [~~(4)~~] (5) "Product display", wine racks, bins, barrels, casks, shelving, or similar items the
47 primary function of which is to hold and display consumer products;

48 [~~(5)~~] (6) "Promotion", an advertising and publicity campaign to further the acceptance
49 and sale of the merchandise or products of a distiller, wholesaler, winemaker, or brewer;

50 [~~(6)~~] (7) "Temporary point-of-sale advertising materials", advertising items designed to
51 be used for short periods of time. Such materials include, but are not limited to: banners,
52 decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters,
53 cups, **ice buckets, condiment caddies, napkin holders, bar rail mats, shakers, salt rimmers,**
54 or menus.

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

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

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

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

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

74 (2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler,
75 winemaker, or brewer may provide, give or sell any permanent point-of-sale advertising

76 materials, temporary point-of-sale advertising materials, and consumer advertising specialties
77 to a retail business if all the following requirements are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

253 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona
254 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic
255 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic
256 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of
257 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in
258 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,
259 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are
260 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the
261 supervisor of alcohol and tobacco control.

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

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

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

287 **(1) All other dispensing accessories as described in this section that are installed by**
288 **a distiller, wholesaler, or winemaker to a retailer shall be sold in the same manner as other**

289 **equipment and supplies or may be loaned by a distiller, wholesaler, or winemaker to a**
290 **retailer only if a deposit is given by the retailer in an amount that covers the cost of such**
291 **dispensing accessories, and the deposit shall not be refunded to the retailer until such**
292 **loaned dispensing accessories are returned to the distiller, wholesaler, or winemaker. An**
293 **actual deposit payment, other than a charge to a retailer's account, shall be received if the**
294 **dispensing accessories are loaned for more than ten days within a thirty day period; and**

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

299 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be
300 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that
301 is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section
302 313.005, or an educational institution if such contributions are unrelated to such organization's
303 retail operations.

304 9. Distillers, brewers, wholesalers, and winemakers may make payments for
305 advertisements in programs or brochures of tax-exempt organizations licensed under section
306 311.090 if the total payments made for all such advertisements are the same as those paid by
307 other vendors.

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

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

322 12. For the purpose of the promotion of tourism, a person may apply for and the
323 supervisor of liquor control may issue a license to sell intoxicating liquor by the drink at retail
324 for consumption on the premises where sold, but seventy-five percent or more of the intoxicating

325 liquor sold by such licensed person shall be Missouri-produced wines received from
326 manufacturers licensed under section 311.190. Such premises may remain open between the
327 hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 11:00 a.m.
328 and 9:00 p.m. on Sundays.

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

8 (1) File an application with the division of alcohol and tobacco control; and
9 (2) Provide to the division of alcohol and tobacco control a true copy of its current
10 alcoholic beverage license issued in this state or any other state, as well as a copy of the winery
11 license from the Alcohol and Tobacco Tax and Trade Bureau.

12 2. All wine direct shipper licensees shall:

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

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

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

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

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

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

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

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

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

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

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

40 4. Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for
41 and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as
42 provided in this section, which allows the carrier to transport and deliver shipments of wine **or**
43 **powdered alcohol, as defined in section 311.020**, directly to a resident of this state who is at
44 least twenty-one years of age or older. Before transporting any shipment of wine **or powdered**
45 **alcohol** to a resident of this state, the carrier shall first obtain an alcohol carrier license by filing
46 an application with the division of alcohol and tobacco control.

47 5. All alcohol carrier licensees shall:

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

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

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

52 (4) Keep records of wine **or powdered alcohol** shipped which include the license
53 number and name of the winery or retailer, quantity of wine **or powdered alcohol** shipped,
54 recipient's name and address, and an electronic or paper form of signature from the recipient of
55 the wine **or powdered alcohol**.

56 6. The division of alcohol and tobacco control may promulgate rules to effectuate the
57 provisions of this section. Any rule or portion of a rule, as that term is defined in section
58 536.010, that is created under the authority delegated in this section shall become effective only
59 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
60 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
61 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
62 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
63 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

**311.188. No person shall ship or deliver powdered alcohol, as defined in section
2 311.020, to a resident of this state for personal use and not for resale except through an
3 alcohol carrier licensed under subsection 4 of section 311.185.**

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

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

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

4. **Notwithstanding any other provision of section 311.373 to the contrary**, a manufacturer licensed under this section may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this section and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 9:00 a.m. and 10:00 p.m.

311.300. 1. Except as provided in ~~subsections 2, 3 and 4 of~~ this section, no person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor.

2. In any place of business licensed in accordance with section 311.200, persons at least eighteen years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, ~~and~~ sack, ~~for carryout~~ **and carry out to the customer's vehicle**, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one years. Any licensee who employs any person under the age of twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the licensee's gross sales does not consist of

11 nonalcoholic sales, have an employee twenty-one years of age or older on the licensed premises
12 during all hours of operation.

13 3. In any distillery, warehouse, wholesale distributorship, or similar place of business
14 which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail,
15 persons at least eighteen years of age may be employed and their duties may include the handling
16 of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for
17 consumption or sale at retail.

18 4. Any wholesaler licensed pursuant to this chapter may employ persons of at least
19 eighteen years of age to:

20 (1) Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating
21 liquor; **and**

22 (2) **Unload delivery vehicles and transfer intoxicating liquor to retail licensed**
23 **premises if such persons are supervised by the delivery vehicle drivers that are twenty-one**
24 **years of age or older.**

25 [~~4.~~] 5. Persons eighteen years of age or older may, when acting in the capacity of a
26 waiter or waitress, accept payment for or serve intoxicating liquor in places of business which
27 sell food for consumption on the premises if at least fifty percent of all sales in those places
28 consists of food; provided that nothing in this section shall authorize persons under twenty-one
29 years of age to mix or serve across the bar intoxicating beverages.

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

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

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

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

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

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

12 2. Manufacturers of intoxicating liquor including beer and wine may offer coupons
13 redeemable for nonalcoholic merchandise, except that such redeemable coupons must be made
14 available without a purchase requirement to consumers at the point of sale, or by request through
15 the mail, or at the retailer's cash register. Redeemable coupons may be published or advertised
16 by manufacturers in newspapers, magazines and other mass media. Advertisements must state
17 that no purchase is required to obtain the nonalcoholic merchandise and provide information on

18 the procedure to obtain such merchandise. The retail value of the nonalcoholic merchandise
19 shall not be stated in the advertisement or on the product. Wholesalers and manufacturers may
20 deliver these redeemable coupons at the point of sale or in connection with packaging.

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

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

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

28 **(2) Who offer a loyalty program for intoxicating liquor purchases shall include all**
29 **intoxicating liquors in the loyalty program and the rewards shall be applied at the same**
30 **rate for all intoxicating liquor purchases; and**

31 **(3) May purchase, publish, or display advertisements of intoxicating liquors that**
32 **list the amount of the rebate or discount and the retail price after the rebate or discount.**

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

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

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

4 **2. Any person, firm, or corporation described in subsection 1 of this section, with**
5 **the permission of the supervisor of liquor control, may designate one or more places in this**
6 **state as a central warehouse to which intoxicating liquors, except beer and other**
7 **intoxicating malt liquor, ordered and purchased by a person, firm, or corporation from**
8 **licensed wholesalers in this state may be delivered by licensed wholesalers in this state and**
9 **at which intoxicating liquors so owned by a person, firm, or corporation may be stored.**

10 **3. Any person, firm, or corporation described in subsection 1 of this section who**
11 **owns and stores intoxicating liquors in a central warehouse may transfer all or any part**
12 **of the intoxicating liquors, except beer and other intoxicating malt liquor due to the**
13 **perishability and limited life span of beer and intoxicating malt liquor, so stored from the**
14 **central warehouse in this state to any premises licensed to sell intoxicating liquors at retail**

15 **which is owned and operated by the same person, firm, or corporation and which is located**
16 **in the state.**

311.373. All ~~mal beverages~~ **intoxicating liquor** purchased for resale in this state prior
2 to being resold at retail shall physically come into the possession of a licensed wholesaler and
3 be unloaded in and distributed from the licensed wholesaler's warehouse in this state.

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