

FIRST REGULAR SESSION

HOUSE BILL NO. 101

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOEHNER.

0059L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

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

Section A. Section 311.297, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.297, to read as follows:

311.297. 1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a "sales transaction" shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site.

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

3. (1) Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special

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.

18 **permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-**
19 **premises-where-sold retail license. No money or anything of value shall be given to the**
20 **retailers for the privilege or opportunity of conducting the on-the-premises product tasting.**

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

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