

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 433

99TH GENERAL ASSEMBLY

0051H.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.020, 311.070, 311.185, 311.201, 311.355, 311.420, 311.275, 311.462, and 311.510, RSMo, and to enact in lieu thereof eleven new sections relating to intoxicating liquor.

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

Section A. Sections 311.020, 311.070, 311.185, 311.201, 311.275, 311.355, 311.420, 2 311.462, 311.510, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be 3 known as section 311.020, 311.070, 311.185, 311.186, 311.187, 311.188, 311.201, 311.275, 4 311.355, 311.420, and 311.510, 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.** All beverages having an alcoholic content of 8 less than one-half of one percent by volume shall be exempt from the provisions of this chapter, 9 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 midnight, Monday through
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 **or her** employees, officers, or agents to do so, shall
20 be 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 dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment), or ice.
32 "Dispensing accessories" include, **but are not limited to, items such as** standards, faucets, cold
33 plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues,
34 shanks, and check valves;

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

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

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

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

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

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

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

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

72 (a) The total value of all permanent point-of-sale advertising materials provided to a
73 retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed ~~five~~ **eight**
74 hundred dollars per calendar year, per brand, per retail outlet. **The replacement of similar in**
75 **appearance, type, and dollar value permanent point-of-sale advertising materials shall not**
76 **count towards the maximum of eight hundred dollars per calendar year, per brand, per**
77 **retail outlet.** The value of permanent point-of-sale advertising materials is the actual cost to the

78 distiller, wholesaler, winemaker, or brewer who initially purchased such item. Transportation
79 and installation costs shall be excluded. All permanent point-of-sale advertising materials
80 provided to a retailer shall be recorded, and records shall be maintained for a period of ~~[three]~~
81 **two** years;

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

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

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

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

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

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

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

104 (5) The ~~[distiller,]~~ wholesaler~~[-winemaker]~~ or brewer may install **non-refrigeration**
105 **beer** dispensing accessories at the retail business establishment, ~~[which shall include for the~~
106 ~~purposes of beer equipment to properly preserve and serve draught beer only]~~ and to facilitate
107 the ~~[delivery to the retailer]~~ **dispensing of draft beer**, the brewers and wholesalers may lend,
108 give, rent, or sell and they may install or repair any of the following items or render to retail
109 licensees any of the following services: ~~[beer coils and coil cleaning, sleeves and wrappings, box~~
110 ~~couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and~~
111 ~~washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose,~~
112 ~~couplings and bucket pumps, portable coil boxes, air pumps, blankets or other coverings for~~
113 ~~temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids,~~

114 cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any
115 beer delivery excluding normal wear and tear and a complete record of equipment furnished and
116 installed and repairs and service made or rendered must be kept by the brewer or wholesalers
117 ~~furnishing, making or rendering same for a period of not less than one year~~ **tap markers,**
118 **regulators, gauges, vents, nuts, clamps, splicers, keg stackers, washers, couplings, shanks,**
119 **faucets, non-insulated beer and air hoses, and wall brackets;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

249 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona
250 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic
251 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic
252 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of
253 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in
254 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,
255 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are

256 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the
257 supervisor of alcohol and tobacco control;

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

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

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

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

289 (2) **Portable coil boxes, air pumps, tubs, blankets, coolers, rolling coolers, portable**
290 **bars, agitating tanks, carbon dioxide and nitrogen-driven cold plates or jockey boxes, tents**
291 **not to exceed ten square feet, or other coverings for temporary wrappings of barrels may**

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

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

301 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be
302 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that
303 is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section
304 313.005, or an educational institution if such contributions are unrelated to such organization's
305 retail operations.

306 9. Distillers, brewers, wholesalers, and winemakers may make payments for
307 advertisements in programs or brochures of tax-exempt organizations licensed under section
308 311.090 if the total payments made for all such advertisements are the same as those paid by
309 other vendors.

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

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

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

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

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

333 **(2) The merchandise is sold at a price not less than the cost to the distiller,**
 334 **wholesaler, winemaker, or brewer who initially purchased such merchandise; and**

335 **(3) The price charged for the merchandise is collected in accordance with credit**
 336 **regulations as established in the state code of regulations.**

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]~~ **person within** this state who is at least twenty-one years of age for such
 6 ~~[resident's]~~ **person's** personal use and not for resale. Before sending any shipment to a ~~[resident~~
 7 ~~of]~~ **person within** this state, the wine manufacturer shall first obtain a wine direct shipper license
 8 as follows:

9 (1) File an application with the division of alcohol and tobacco control; ~~[and]~~

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

13 **(3) Pay a license fee of one hundred dollars per year.**

14 2. All wine direct shipper licensees shall:

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

17 (2) Not use any carrier for shipping of wine that is not licensed under ~~[this]~~ section
 18 **311.186;**

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

21 (4) Only ship wine **that is** manufactured on the winery premises;

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

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

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

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

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

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

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

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

49 ~~5. All alcohol carrier licensees shall:~~

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

52 ~~(2) Require valid proof of identity and age;~~

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

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

57 ~~6.]~~ The division of alcohol and tobacco control may promulgate rules to effectuate the
58 provisions of this section. Any rule or portion of a rule, as that term is defined in section
59 536.010, that is created under the authority delegated in this section shall become effective only
60 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
61 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the

62 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
63 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
64 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

**311.186. 1. Notwithstanding any other provision of law, rule, or regulation to the
2 contrary, any carrier may apply for, and the supervisor of alcohol and tobacco control may
3 issue, an alcohol carrier license, as provided in this section, which allows the carrier to
4 transport and deliver shipments of intoxicating liquor for personal use and not for resale
5 directly to a person within this state who is at least twenty-one years of age. Before
6 transporting any such shipment of intoxicating liquor to a person within this state, the
7 carrier shall first obtain an alcohol carrier license by filing an application with the division
8 of alcohol and tobacco control and paying a license fee of five hundred dollars per year.**

**9 2. Prior to sending any shipment through a licensed alcohol carrier, retailers shall
10 ensure that all containers of intoxicating liquor delivered directly to a person within this
11 state for personal use and not for resale are conspicuously labeled with the words
12 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED
13 FOR DELIVERY" or are conspicuously labeled with wording preapproved by the division
14 of alcohol and tobacco control.**

**15 3. It shall be unlawful for any person, firm, partnership, or corporation to deliver
16 intoxicating liquor, as defined in section 311.020, from outside the state of Missouri, in any
17 quantity, directly to a person within this state for personal use and not for resale without
18 first obtaining an alcohol carrier license.**

19 4. All alcohol carrier licensees shall:

**20 (1) Not deliver intoxicating liquor to any person under twenty-one years of age, or
21 to any intoxicated person or any person appearing to be in a state of intoxication;**

22 (2) Require valid proof of identity and age when delivering intoxicating liquor;

**23 (3) Obtain the signature of a person at least twenty-one years of age as a condition
24 of delivery of intoxicating liquor;**

**25 (4) Keep records for a period of two years of intoxicating liquor shipped which
26 include the name of the winery or retailer, weight of intoxicating liquor shipped,
27 purchaser's name, recipient's name and address, and an electronic or paper form of
28 signature from the recipient of the intoxicating liquor;**

**29 (5) Only deliver intoxicating liquor to persons within this state for personal use and
30 not for resale from persons licensed by the division of alcohol and tobacco control as:**

31 (a) Wine direct shippers, licensed under section 311.185; or

32 (b) Retailers, licensed under chapter 311; and

33 **(6) Provide the division of alcohol and tobacco control a quarterly report of all**
34 **intoxicating liquor shipments made by each shipper to persons within this state for**
35 **personal use and not for resale during the preceding quarter. The alcohol carrier's**
36 **quarterly report shall detail the:**

37 **(a) Business name for each shipper of intoxicating liquor;**

38 **(b) Name and address of the person within this state who received the intoxicating**
39 **liquor;**

40 **(c) Weight of intoxicating liquor shipped; and**

41 **(d) Date of delivery.**

42 **5. Upon request by the licensed alcohol carrier, the division of alcohol and tobacco**
43 **control shall provide an electronic copy of all licensees that may ship intoxicating liquor**
44 **to persons within this state for personal use and not for resale.**

311.187. 1. Notwithstanding any provision of law, rule, or regulation to the
2 **contrary, any retailer located and conducting business in this state and who is licensed**
3 **under this chapter may deliver intoxicating liquor directly to persons within this state for**
4 **personal use and not for resale, excluding powdered alcohol as prohibited under section**
5 **311.188.**

6 **2. Missouri retailers who make deliveries directly to persons within this state for**
7 **personal use and not for resale shall:**

8 **(1) Consummate the sale of intoxicating liquor on the licensed premises. The sale**
9 **may be made in person, by phone, or by other electronic means;**

10 **(2) Ensure that all containers of intoxicating liquor delivered directly to a person**
11 **within this state for personal use and not for resale are conspicuously labeled with the**
12 **words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER**
13 **REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved**
14 **by the division of alcohol and tobacco control;**

15 **(3) Ensure the delivery driver is at least twenty-one years of age;**

16 **(4) Not deliver to any person under twenty-one years of age, or to any intoxicated**
17 **person, or any person appearing to be in a state of intoxication;**

18 **(5) Require valid proof of identity and age;**

19 **(6) Obtain the signature of a person at least twenty-one years of age as a condition**
20 **of delivery; and**

21 **(7) Keep records for a period of two years of intoxicating liquor delivered, which**
22 **include the name of the purchaser, the weight of intoxicating liquor delivered, a copy of the**
23 **invoice or receipt, the recipient's name and address, and an electronic or paper form of**
24 **signature from the receipt of the intoxicating liquor.**

311.188. Notwithstanding any other provision of law to the contrary, no person shall ship or deliver powdered alcohol, as defined in section 311.020, to a resident of this state for personal use and not for resale except through an alcohol carrier licensed under section 311.186.

311.201. 1. Any person who is licensed to sell intoxicating liquor in the original package at retail as provided in subsection 1 of section 311.200 **or by drink at retail as provided in subsection 5 of section 311.200** may sell from thirty-two to one hundred twenty-eight fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one years of age to fill containers with draft beer.

2. No provision of law, rule, or regulation of the supervisor of alcohol and tobacco control shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish dispensing or cooling equipment, or containers that are filled or refilled under subsection 1 of this section, to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in subsection 1 of section 311.200.

3. (1) Containers that are filled or refilled under subsection 1 of this section shall be affixed with a label or a tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch:

- (a) Brand name of the product dispensed;
- (b) Name of brewer or bottler;
- (c) Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage;
- (d) Net contents;
- (e) Name and address of the business that filled or refilled the container;
- (f) Date of fill or refill;
- (g) The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

(2) Containers that are filled or refilled under subsection 1 of this section shall be affixed with the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 CFR Sections 16.20 to 16.22.

4. (1) The filling and refilling of containers shall only occur on demand by a customer and containers shall not be pre-filled by the retailer or its employee.

(2) Containers shall only be filled or refilled by an employee of the retailer.

(3) Containers shall be filled or refilled as follows:

(a) Containers shall be filled or refilled with a tube as described in subdivision (4) of this subsection and:

- 33 a. Food grade sanitizer shall be used in accordance with the Environmental Protection
34 Agency registered label use instructions;
- 35 b. A container of liquid food-grade sanitizer shall be maintained for no more than ten
36 malt beverage taps that will be used for filling and refilling containers;
- 37 c. Each container shall contain no less than five tubes that will be used only for filling
38 and refilling containers;
- 39 d. The container shall be inspected visually for contamination;
- 40 e. After each filling or refilling of a container, the tube shall be immersed in the
41 container with the liquid food-grade sanitizer; and
- 42 f. A different tube from the container shall be used for each filling or refilling of a
43 container; or
- 44 (b) Containers shall be filled or refilled with a contamination-free process and:
- 45 a. The container shall be inspected visually for contamination;
- 46 b. The container shall only be filled or refilled by the retailer's employee; and
- 47 c. The filling or refilling shall be in compliance with the Food and Drug Administration
48 Code 2009, Section 3-304.17(c).
- 49 (4) Containers shall be filled or refilled from the bottom of the container to the top with
50 a tube that is attached to the malt beverage faucet and extends to the bottom of the container or
51 with a commercial filling machine.
- 52 (5) When not in use, tubes to fill or refill shall be immersed and stored in a container
53 with liquid food-grade sanitizer.
- 54 (6) After filling or refilling a container, the container shall be sealed as set forth in
55 subsection 1 of this section.

311.275. 1. For purposes of tax revenue control, beginning January 1, 1980, no holder
2 of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within
3 this state, other than a wholesale-solicitor, shall solicit, accept, or fill any order for any
4 intoxicating liquor from a holder of a wholesaler's license issued under this chapter, unless the
5 holder of such solicitor's license has registered with the division of alcohol and tobacco control
6 as the primary American source of supply for the brand of intoxicating liquor sold or sought to
7 be sold. The supervisor of alcohol and tobacco control shall provide forms for annual
8 registration as the primary American source of supply, and shall prescribe the procedures for
9 such registration.

10 2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this
11 chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a
12 wholesale-solicitor, unless the solicitor has registered with the division of alcohol and tobacco

13 control as the primary American source of supply for the brand of intoxicating liquor ordered,
14 purchased or received.

15 3. The term "primary American source of supply" as used herein shall mean the distiller,
16 producer, the owner of the commodity at the time it became a marketable product, the bottler,
17 or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement
18 being that the nonresident seller be the first source closest to the manufacturer in the channel of
19 commerce from whom the product can be secured by American wholesalers.

20 4. Any vintage wine solicitor licensed under section 311.180 may register as the primary
21 American source of supply for vintage wine with the division of alcohol and tobacco control,
22 provided that another solicitor is not registered as the primary American source of supply for the
23 vintage wine and the vintage wine has been approved for sale by the federal Alcohol and
24 Tobacco Tax and Trade Bureau.

25 **5. The supervisor of alcohol and tobacco control shall approve or deny any**
26 **application for primary American source of supply for any intoxicating liquor product**
27 **within five working days following the receipt of a properly completed application. Any**
28 **such application for an intoxicating liquor product received by the supervisor of alcohol**
29 **and tobacco control that is not approved or denied within five working days shall be**
30 **considered conditionally approved and such intoxicating liquor product may be solicited,**
31 **sold, shipped, ordered, purchased, and received in this state.**

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 11 CSR 70-2.240(5)(I), 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 nonalcoholic merchandise or intoxicating**
29 **liquor purchases shall include all nonalcoholic merchandise or intoxicating liquors in the**
30 **loyalty program and the rewards shall be applied at the same rate for all nonalcoholic**
31 **merchandise or intoxicating liquor purchases; and**

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

34

35 **Except that any such retailer shall assume the cost of the sale or discounted price permitted**
36 **under this subsection.**

37 **5. Advertisements authorized under this section, including for any combination of**
38 **coupons, premiums, prizes, rebates, loyalty programs, or other discounts, shall comply**
39 **with the provisions of 11 CSR 70-2.240(5)(I).**

311.420. 1. No person, except carriers regulated by the motor carrier and railroad safety
2 division of the department of economic development under chapters 387, 389 and 390, shall
3 transport into, within, or through the state of Missouri any intoxicating liquors in quantities
4 larger than five gallons unless such person holds a valid license or permit from the supervisor
5 of alcohol and tobacco control of the state of Missouri to do so. For such license, there shall be
6 paid to the director of revenue the sum of ten dollars per annum. Application for such license
7 shall be made to the supervisor of alcohol and tobacco control of the state of Missouri and each
8 applicant shall submit with his application a bond in the penal sum of one thousand dollars with
9 sufficient surety to be approved by the supervisor of alcohol and tobacco control, conditioned
10 that he will not violate any provisions of the liquor control laws of this state or any regulation
11 promulgated under such liquor control laws, and any violation of such condition shall work a
12 forfeiture of such bond to the state of Missouri. The license year shall end on June thirtieth, and
13 the applicant shall pay as many twelfths as there are months, with each part of a month being
14 counted as a month, remaining from the date of the license to the next succeeding July first. The

15 supervisor of alcohol and tobacco control may issue single transaction licenses, for which there
16 shall be paid to the director of revenue the sum of five dollars, and, if the value of the liquor to
17 be transported exceeds one hundred dollars, the permit shall not be issued until the bond
18 provided for above in this section is given to the state. No such transporter's license shall be
19 required of any person licensed by the supervisor of alcohol and tobacco control whose licensed
20 premises are located in the state of Missouri, nor shall it be necessary to procure a license to
21 transport liquor purchased from a retail liquor dealer duly licensed by the supervisor of alcohol
22 and tobacco control of the state of Missouri. No license or permit shall be required to transport
23 industrial alcohol.

24 2. The qualifications prescribed for the issuance of other licenses by the provisions of
25 the liquor control law shall not apply to licenses issued under this section, but no license shall
26 be issued to any person who is not of good moral character or who has been convicted since the
27 ratification of the twenty-first amendment to the Constitution of the United States of the violation
28 of any law applicable to the manufacture or sale of intoxicating liquor, nor to any person who
29 has had a license from the supervisor of alcohol and tobacco control revoked. If applicant is a
30 corporation, the managing officer thereof must possess the qualifications prescribed in this
31 section.

32 3. Carriers licensed under this section or carriers exempt from holding a permit under
33 this section shall not deliver ~~[wine]~~ **intoxicating liquor from outside the state of Missouri, in**
34 **any quantity, directly** to a ~~[resident of]~~ **person within** this state without obtaining an alcohol
35 carrier license under section ~~[311.185]~~ **311.186**.

311.510. 1. It shall be the duty of the supervisor of liquor control to cause to be
2 inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed,
3 manufactured or sold in this state, and he **or she** shall determine whether such beer or other
4 intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure
5 barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and
6 whether the package containing such beer or intoxicating malt liquor has been correctly labeled
7 to show that the same has been made from wholesome ingredients.

8 2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor
9 control shall not require product samples and shall not require the testing of product samples to
10 determine alcohol content prior to granting approval for the sale of any such beer or other
11 intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is
12 provided with a copy of a certificate of label approval issued by the ~~[Federal Bureau of Alcohol,~~
13 ~~Tobacco and Firearms]~~ **Alcohol and Tobacco Tax and Trade Bureau** which verifies the
14 alcohol content of the product.

15 **3. Notwithstanding the provisions of subsection 1 of this section, the supervisor of**
16 **liquor control shall not require product samples prior to granting approval for the sale of**
17 **any beer or other intoxicating malt liquors brewed, manufactured, and sold exclusively in**
18 **this state if the supervisor of liquor control is provided a label and the results of a test of**
19 **a product sample to confirm the alcohol content. The supervisor of liquor control shall**
20 **have sole authority to approve all labels for keg collars, bottles, and cans of such beer or**
21 **other intoxicating malt liquor and any inspections to determine labeling compliance for**
22 **such products shall be under the sole authority of the supervisor of liquor control, with no**
23 **approval or inspection by the Alcohol and Tobacco Tax and Trade Bureau required.**

2 ~~[311.462. 1. Notwithstanding any other provision of law, a holder of a~~
3 ~~retailer alcoholic beverage license in this state or a state which affords Missouri~~
4 ~~licensees an equal reciprocal shipping privilege may ship, for personal use and~~
5 ~~not for resale, not more than two cases of wine, each case containing not more~~
6 ~~than nine liters, per year to any adult resident of this state. Delivery of a~~
7 ~~shipment pursuant to this section shall not be deemed to constitute a sale in this~~
8 ~~state.]~~

9 ~~2. The shipping container of any wine sent into or out of this state under~~
10 ~~this section shall be clearly labeled to indicate that the package cannot be~~
11 ~~delivered to a person under the age of twenty-one years or to an intoxicated~~
12 ~~person.]~~

13 ~~3. No broker within this state may solicit consumers to engage in~~
14 ~~interstate reciprocal wine shipments under this section. No shipper located~~
15 ~~outside this state may advertise such interstate reciprocal wine shipments in this~~
~~state.]~~

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