

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 115

99TH GENERAL ASSEMBLY

0485S.08T

2017

AN ACT

To repeal sections 302.441, 311.070, 311.179, 311.275, 311.462, 311.510, and 311.540, RSMo, and to enact in lieu thereof seven new sections relating to intoxicating liquor, with existing penalty provisions.

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

- Section A. Sections 302.441, 311.070, 311.179, 311.275, 311.462, 311.510, and
2 311.540, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as
3 sections 302.441, 311.070, 311.075, 311.179, 311.275, 311.510, and 311.540, to read as follows:
- 302.441. 1. If a person is required to have an ignition interlock device installed on such
2 person's vehicle, he or she may apply to the court for an employment exemption variance to
3 allow him or her to drive an employer-owned vehicle not equipped with an ignition interlock
4 device for employment purposes only. Such exemption shall not be granted to a person who is
5 self-employed or who wholly or partially owns **or controls** an entity that owns an
6 employer-owned vehicle.
- 7 2. A person who is granted an employment exemption variance under subsection 1 of
8 this section shall not drive, operate, or be in physical control of an employer-owned vehicle used
9 for transporting children under eighteen years of age or vulnerable persons, as defined in section
10 630.005, or an employer-owned vehicle for personal use.

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.

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.
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~~ **1:30 a.m.**,
12 Monday through Saturday and between the hours of ~~11:00~~ **9:00 a.m.** and ~~9:00 p.m.~~ **midnight**,
13 Sunday. The authority for the collection of fees by cities and counties as provided in section
14 311.220, and all other laws and regulations relating to the sale of liquor by the drink for
15 consumption on the premises where sold, shall apply to the holder of a license issued under the
16 provisions of this section in the same manner as they apply to establishments licensed under the
17 provisions of section 311.085, 311.090, or 311.095.

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

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

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

- 26 (1) "Consumer advertising specialties", advertising items that are designed to be carried
27 away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic
28 mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches,
29 printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;
- 30 (2) "Equipment and supplies", glassware (or similar containers made of other material),
31 dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice.
32 "Dispensing accessories" include standards, faucets, cold plates, rods, vents, taps, tap standards,
33 hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;
- 34 (3) "Permanent point-of-sale advertising materials", advertising items designed to be
35 used within a retail business establishment for an extended period of time to attract consumer
36 attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall

37 only include inside signs (electric, mechanical or otherwise), mirrors, and sweepstakes/contest
38 prizes displayed on the licensed premises;

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

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

43 (6) "Temporary point-of-sale advertising materials", advertising items designed to be
44 used for short periods of time. Such materials include, but are not limited to: banners,
45 decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters,
46 cups, or menus.

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

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

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

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

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

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

70 (a) The total value of all permanent point-of-sale advertising materials provided to a
71 retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred
72 dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale
73 advertising materials is the actual cost to the distiller, wholesaler, winemaker or brewer who

74 initially purchased such item. Transportation and installation costs shall be excluded. All
75 permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records
76 shall be maintained for a period of three years;

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

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

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

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

92 (4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a
93 retail business if all the following requirements are met:

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

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

99 (5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories
100 at the retail business establishment, which shall include for the purposes of beer equipment to
101 properly preserve and serve draught beer only and to facilitate the delivery to the retailer the
102 brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the
103 following items or render to retail licensees any of the following services: beer coils and coil
104 cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers,
105 beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer
106 line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps,
107 blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting
108 platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor
109 runways; and damage caused by any beer delivery excluding normal wear and tear and a
110 complete record of equipment furnished and installed and repairs and service made or rendered

111 must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of
112 not less than one year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

228 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona
229 fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic
230 beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic
231 beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of
232 subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in
233 business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market,
234 and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are
235 sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the
236 supervisor of alcohol and tobacco control;

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

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

247 7. Notwithstanding any other provisions of this chapter to the contrary, a distiller or
248 wholesaler may install dispensing accessories at the retail business establishment, which shall
249 include for the purposes of distilled spirits equipment to properly preserve and serve premixed
250 distilled spirit beverages only. To facilitate delivery to the retailer, the distiller or wholesaler
251 may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the
252 following items or render to retail licensees any of the following services: coils and coil
253 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves
254 and other minor tapping equipment components, and damage caused by any delivery excluding

255 normal wear and tear. A complete record of equipment furnished and installed and repairs or
256 service made or rendered shall be kept by the distiller or wholesaler furnishing, making or
257 rendering the same for a period of not less than one year.

258 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be
259 permitted to make contributions of money or merchandise to a licensed retail liquor dealer that
260 is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section
261 313.005, or an educational institution if such contributions are unrelated to such organization's
262 retail operations.

263 9. Distillers, brewers, wholesalers, and winemakers may make payments for
264 advertisements in programs or brochures of tax-exempt organizations licensed under section
265 311.090 if the total payments made for all such advertisements are the same as those paid by
266 other vendors.

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

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

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

**311.075. 1. Notwithstanding any other provisions of this chapter to the contrary,
2 for the purpose of the promotion of tourism, a retailer, its employees, officers,
3 shareholders, and agents may have a financial interest in a distillery for the manufacturing
4 of intoxicating liquors located in close proximity to the grounds of a recreational resort
5 owned, in whole or in part, by the retailer, its subsidiaries, or affiliates. As used in this
6 section the term "recreational resort" shall mean any grounds used to entertain guests that
7 are owned and operated as part of a facility by the retailer, its subsidiaries, or affiliates,**

8 **which shall have a restaurant, at least thirty rooms for overnight accommodations, and**
9 **outdoor activities that include fishing or golf. The distillery shall be in close proximity to**
10 **the grounds of the recreational resort.**

11 **2. A retailer who is a holder of a license to sell intoxicating liquor by the drink at**
12 **retail for consumption on the recreational resort's grounds shall be exempt from the**
13 **provisions of section 311.280, for such intoxicating liquor that is manufactured in close**
14 **proximity to the grounds of the recreational resort in accordance with the provisions of this**
15 **chapter. All other intoxicating liquor sold by the drink at retail for consumption on the**
16 **recreational resort's grounds shall be obtained in accordance with section 311.280.**

17 **3. The holder of a recreational resort distillery licensed pursuant to this section may**
18 **also sell intoxicating liquor produced on the distillery premises to duly licensed**
19 **wholesalers, and all such sales to wholesalers shall be subject to the provisions of sections**
20 **311.275 and 311.540. However, holders of a recreational resort distillery license shall not,**
21 **under any circumstances, directly or indirectly, have any financial interest in any Missouri**
22 **wholesaler's business.**

311.179. 1. Any person possessing the qualifications and meeting the requirements of
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international
3 airport located in a county with a charter form of government and with more than nine hundred
4 fifty thousand inhabitants **or in a county of the first classification with more than**
5 **eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of**
6 **the fourth classification with more than four thousand five hundred but fewer than five**
7 **thousand inhabitants as the county seat may apply to the supervisor of [~~liquor control~~] alcohol**
8 **and tobacco control for a special permit[~~—The permit shall allow~~] which:**

9 **(1) Allows** the premises located in the international airport in such county to open at 4
10 a.m. and sell intoxicating liquor by the drink at retail for consumption [~~on the premises where~~
11 ~~sold~~]. The provisions of this section and not those of section 311.097 regarding the time of
12 opening shall apply to the sale of intoxicating liquor by the drink at retail for consumption [~~on~~
13 ~~the premises where sold~~] on Sunday[-] ;

14 **(2) Allows persons to leave licensed establishments with an alcoholic beverage and**
15 **enter other airport designated areas located within such airport. No person shall take any**
16 **alcoholic beverage or beverages outside such designated areas, including onto any airplane;**
17 **and**

18 **(3) Requires every licensee within such international airport to serve alcoholic**
19 **beverages in containers that display and contain the licensee's trade name or logo or some**
20 **other mark that is unique to that license and licensee.**

21 2. An applicant granted a special permit pursuant to this section shall, in addition to all
22 other fees required by this chapter, pay an additional fee of three hundred dollars a year payable
23 at the time and in the same manner as its other license fees.

 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. All such applications**
32 **submitted by applicants located in the state, and exclusively doing business in the state,**
33 **shall be approved or denied before any such applications originating from other states are**
34 **approved or denied.**

311.510. 1. It shall be the duty of the supervisor of liquor control, **or his or her**
2 **designee**, to cause to be inspected all beer, as defined in this chapter, or other intoxicating malt
3 liquors, brewed, manufactured or sold in this state, and he **or she** shall determine whether such
4 beer or other intoxicating malt liquor has been made from pure hops or the pure extract of hops,
5 or of pure barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water,
6 and whether the package containing such beer or intoxicating malt liquor has been correctly
7 labeled 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, **or his or her designee**, shall not require product samples and shall not require the
10 testing of product samples to determine alcohol content prior to granting approval for the sale
11 of any such beer or other intoxicating malt liquor product in the state of Missouri if the
12 supervisor of liquor control is provided with a copy of a certificate of label approval issued by
13 the ~~[Federal Bureau of Alcohol, Tobacco and Firearms]~~ **Alcohol and Tobacco Trade Bureau**
14 ~~[which verifies the 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. The supervisor of liquor**
19 **control shall have sole authority to approve all labels for keg collars, bottles, and cans of**
20 **such beer or other intoxicating malt liquor and any inspections to determine labeling**
21 **compliance for such products shall be under the sole authority of the supervisor of liquor**
22 **control, with no approval or inspection by the Alcohol and Tobacco Tax and Trade Bureau**
23 **required.**

311.540. 1. Every person, persons or corporation who shall manufacture or distill
2 spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within
3 this state, and wholesale or retail dealers or any other person who shall import such intoxicating
4 liquors into this state, for the purpose of sale or offering the same for sale in this state, shall,
5 before offering the same for sale, cause the same to be inspected and gauged by the supervisor
6 of liquor control, **or his or her designee**. It shall be the duty of the supervisor of liquor control,
7 **or his or her designee**, to inspect and gauge such character of intoxicating liquor referred to in
8 this section and to ascertain whether the same is correctly labeled.

9 2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor
10 control, **or his or her designee**, shall not require product samples and shall not require the
11 testing of product samples to determine alcohol content prior to granting approval for the sale
12 of any such spirituous liquors product in the state if the supervisor of liquor control, **or his or**
13 **her designee**, is provided with a copy of a certificate of label approval issued by the Federal
14 Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product.

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.]~~

✓