

FIRST REGULAR SESSION

# SENATE BILL NO. 160

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time January 24, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0895S.011

## AN ACT

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

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

Section A. Section 311.297, RSMo, is repealed and one new section  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

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

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

13 **3. (1) Notwithstanding any other provisions of this chapter to**  
14 **the contrary, any winery, distiller, manufacturer, wholesaler, or brewer**  
15 **or designated employee may provide or furnish distilled spirits, wine,**  
16 **or malt beverage samples on a licensed retail premises for customer**  
17 **tasting purposes so long as the winery, distiller, manufacturer,**  
18 **wholesaler, or brewer or designated employee has permission from the**  
19 **person holding the retail license. The licensed retail premises where**  
20 **such product tasting is provided shall maintain a special permit in**

21 accordance with section 311.294 or hold a by-the-drink-for-  
22 consumption-on-the-premises-where-sold retail license. No money or  
23 anything of value shall be given to the retailers for the privilege or  
24 opportunity of conducting the on-the-premises product tasting.

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

32 (3) Any distilled spirits, wine, or malt beverage sample provided  
33 by the retailer, winery, distiller, manufacturer, wholesaler, or brewer  
34 remaining after the tasting shall be returned to the retailer, winery,  
35 distiller, manufacturer, wholesaler, or brewer.

✓  
Bill

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