

FIRST REGULAR SESSION

SENATE BILL NO. 121

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Pre-filed January 8, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0828S.011

AN ACT

To repeal sections 311.070, 311.071, 311.195, 311.205, 311.260, 311.332, and 311.490, RSMo, and to enact in lieu thereof six new sections relating to liquor control.

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

Section A. Sections 311.070, 311.071, 311.195, 311.205, 311.260, 311.332, 2 and 311.490, RSMo, are repealed and six new sections enacted in lieu thereof, to 3 be known as sections 311.070, 311.195, 311.205, 311.260, 311.332, and 311.490, 4 to read as follows:

311.070. 1. [Distillers, wholesalers, winemakers, brewers or their 2 employees, officers or agents shall not, except as provided in this section, directly 3 or indirectly, have any financial interest in the retail business for sale of 4 intoxicating liquors, and shall not, except as provided in this section, directly or 5 indirectly, loan, give away or furnish equipment, money, credit or property of any 6 kind, except ordinary commercial credit for liquors sold to such retail 7 dealers. However,] Notwithstanding any other provision of this chapter to the 8 contrary, for the purpose of the promotion of tourism, a distiller whose 9 manufacturing establishment is located within this state may apply for and the 10 supervisor of liquor control may issue a license to sell intoxicating liquor, as in 11 this chapter defined, by the drink at retail for consumption on the premises 12 where sold; and provided further that the premises so licensed shall be in close 13 proximity to the distillery and may remain open between the hours of 6:00 a.m. 14 and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 15 9:00 p.m., Sunday. The authority for the collection of fees by cities and counties 16 as provided in section 311.220, and all other laws and regulations relating to the 17 sale of liquor by the drink for consumption on the premises where sold, shall

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 apply to the holder of a license issued under the provisions of this section in the
19 same manner as they apply to establishments licensed under the provisions of
20 section 311.085, 311.090, or 311.095.

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

25 (1) For the first offense, by a fine of one thousand dollars;

26 (2) For a second offense, by a fine of five thousand dollars; and

27 (3) For a third or subsequent offense, by a fine of ten thousand dollars or
28 the license of such person shall be revoked.

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

30 (1) "Consumer advertising specialties", advertising items that are
31 designed to be carried away by the consumer, such items include, but are not
32 limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle
33 or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets,
34 cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;

35 (2) "Equipment and supplies", glassware (or similar containers made of
36 other material), dispensing accessories, carbon dioxide (and other gasses used in
37 dispensing equipment) or ice. "Dispensing accessories" include standards,
38 faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings,
39 gas gauges, vent tongues, shanks, and check valves;

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

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

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

51 (6) "Temporary point-of-sale advertising materials", advertising items
52 designed to be used for short periods of time. Such materials include, but are not
53 limited to: banners, decorations reflecting a particular season or a limited-time

54 promotion, or paper napkins, coasters, cups, or menus.

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

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

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

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

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

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

83 (a) The total value of all permanent point-of-sale advertising materials
84 provided to a retail business by a distiller, wholesaler, winemaker, or brewer
85 shall not exceed five hundred dollars per calendar year, per brand, per retail
86 outlet. The value of permanent point-of-sale advertising materials is the actual
87 cost to the distiller, wholesaler, winemaker or brewer who initially purchased
88 such item. Transportation and installation costs shall be excluded. All
89 permanent point-of-sale advertising materials provided to a retailer shall be

90 recorded, and records shall be maintained for a period of three years;

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

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

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

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

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

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

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

116 (5) The distiller, wholesaler, winemaker or brewer may install dispensing
117 accessories at the retail business establishment, which shall include for the
118 purposes of beer equipment to properly preserve and serve draught beer only and
119 to facilitate the delivery to the retailer the brewers and wholesalers may lend,
120 give, rent or sell and they may install or repair any of the following items or
121 render to retail licensees any of the following services: beer coils and coil
122 cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and
123 tap markers, beer and air hose, taps, vents and washers, gauges and regulators,
124 beer and air distributors, beer line insulation, coil flush hose, couplings and
125 bucket pumps; portable coil boxes, air pumps, blankets or other coverings for

126 temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper
127 boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways;
128 and damage caused by any beer delivery excluding normal wear and tear and a
129 complete record of equipment furnished and installed and repairs and service
130 made or rendered must be kept by the brewer or wholesalers furnishing, making
131 or rendering same for a period of not less than one year;

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

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

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

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

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

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

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

162 nonalcoholic items from the supplier;

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

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

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

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

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

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

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

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

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

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

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

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

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

197 (b) Rent display booth space if the rental fee is the same paid by all

198 others renting similar space at the association activity;

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

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

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

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

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

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

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

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

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

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

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

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

232 (d) Temporary banners of a seasonal nature or promoting a specific event
233 shall not be constructed to be permanent outdoor signs and may be provided to

234 retailers. The total cost of temporary outdoor banners provided to a retailer in
235 use at any one time shall not exceed five hundred dollars per brand;

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

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

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

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

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

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

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

264 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in
265 business as a bona fide producer or vendor of nonalcoholic beverages shall not
266 condition the sale of its alcoholic beverages on the sale of its nonalcoholic
267 beverages nor combine the sale of its alcoholic beverages with the sale of its
268 nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of
269 this section. The distiller, wholesaler, winemaker, or brewer that is also in

270 business as a bona fide producer or vendor of nonalcoholic beverages may sell,
271 credit, market, and promote nonalcoholic beverages in the same manner in which
272 the nonalcoholic products are sold, credited, marketed, or promoted by a
273 manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco
274 control;

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

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

287 7. Notwithstanding any other provisions of this chapter to the contrary,
288 a distiller or wholesaler may install dispensing accessories at the retail business
289 establishment, which shall include for the purposes of distilled spirits equipment
290 to properly preserve and serve premixed distilled spirit beverages only. To
291 facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent
292 or sell and the distiller or wholesaler may install or repair any of the following
293 items or render to retail licensees any of the following services: coils and coil
294 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping
295 heads, hoses, valves and other minor tapping equipment components, and damage
296 caused by any delivery excluding normal wear and tear. A complete record of
297 equipment furnished and installed and repairs or service made or rendered shall
298 be kept by the distiller or wholesaler furnishing, making or rendering the same
299 for a period of not less than one year.

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

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

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

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

322 [12.] 3. For the purpose of the promotion of tourism, a person may apply
323 for and the supervisor of liquor control may issue a license to sell intoxicating
324 liquor by the drink at retail for consumption on the premises where sold, but
325 seventy-five percent or more of the intoxicating liquor sold by such licensed
326 person shall be Missouri-produced wines received from manufacturers licensed
327 under section 311.190. Such premises may remain open between the hours of
328 6:00 a.m. and midnight, Monday through Saturday, and between the hours of
329 11:00 a.m. and 9:00 p.m. on Sundays.

311.195. 1. As used in this section, the term "microbrewery" means a
2 business whose primary activity is the brewing and selling of beer, with an
3 annual production of ten thousand barrels or less.

4 2. A microbrewer's license shall authorize the licensee to manufacture
5 beer and malt liquor in quantities not to exceed ten thousand barrels per annum.
6 In lieu of the charges provided in section 311.180, a license fee of five dollars for
7 each one hundred barrels or fraction thereof, up to a maximum license fee of two
8 hundred fifty dollars, shall be paid to and collected by the director of revenue.

9 3. Notwithstanding any other provision of this chapter to the contrary, the
10 holder of a microbrewer's license may apply for, and the supervisor of alcohol and
11 tobacco control may issue, a license to sell intoxicating liquor by the drink at
12 retail for consumption on the premises. No holder of a microbrewer's license, or

13 any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than
14 ten licenses to sell intoxicating liquor by the drink at retail for consumption on
15 the premises. The authority for the collection of fees by cities and counties as
16 provided in section 311.220, and all other laws and regulations relating to the
17 sale of liquor by the drink for consumption on the premises where sold, shall
18 apply to the holder of a license issued under the provisions of this section in the
19 same manner as they apply to establishments licensed under the provisions of
20 section 311.085, 311.090, 311.095, or 311.097.

21 4. The holder of a microbrewer's license may also sell beer and malt liquor
22 produced on the brewery premises to duly licensed wholesalers. [However,
23 holders of a microbrewer's license shall not, under any circumstances, directly or
24 indirectly, have any financial interest in any wholesaler's business, and] All such
25 sales to wholesalers shall be subject to the restrictions of sections 311.181 and
26 311.182.

27 5. A microbrewer who is a holder of a license to sell intoxicating liquor by
28 the drink at retail for consumption on the premises shall be exempt from the
29 provisions of section 311.280, for such intoxicating liquor that is produced on the
30 premises in accordance with the provisions of this chapter. For all other
31 intoxicating liquor sold by the drink at retail for consumption on the premises
32 that the microbrewer possesses a license for must be obtained in accordance with
33 section 311.280.

311.205. [1.] Any person licensed to sell liquor at retail by the drink for
2 consumption on the premises where sold may use a table tap dispensing system
3 to allow patrons of the licensee to dispense beer at a table. Before a patron may
4 dispense beer, an employee of the licensee must first authorize an amount of beer,
5 not to exceed thirty-two ounces per patron per authorization, to be dispensed by
6 the table tap dispensing system.

7 [2. No provision of law or rule or regulation of the supervisor shall be
8 interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating
9 liquor to furnish table tap dispensing or cooling equipment or provide services for
10 the maintenance, sanitation, or repair of table tap dispensing systems.]

311.260. 1. No person, corporation, employee, officer, agent, subsidiary,
2 or affiliate thereof, shall:

3 (1) Have more than five licenses; or

4 (2) [Be directly or indirectly interested in any business of any other
5 person, corporation, or employee, officer, agent, subsidiary, or affiliate thereof,

6 who sells intoxicating liquor at retail by the drink for consumption on the
7 premises described in any license; or

8 (3)] Sell intoxicating liquor at retail by the drink for consumption at the
9 place of sale at more than five places in this state.

10 2. Notwithstanding any other provision of this chapter or municipal
11 ordinance to the contrary, for the purpose of determining whether a person,
12 corporation, employee, officer, agent, subsidiary, or affiliate thereof has a
13 disqualifying interest in more than five licenses pursuant to subsection 1 of this
14 section, there shall not be counted any license to sell intoxicating liquor at retail
15 by the drink for consumption on the following premises:

16 (1) Restaurants where at least fifty percent of the gross income of which
17 is derived from the sale of prepared meals or food consumed on the premises
18 where sold; or

19 (2) Establishments which have an annual gross income of at least two
20 hundred thousand dollars from the sale of prepared meals or food consumed on
21 the premises where sold; or

22 (3) Facilities designed for the performance of live entertainment and
23 where the receipts for admission to such performances exceed one hundred
24 thousand dollars per calendar year; or

25 (4) Any establishment having at least forty rooms for the overnight
26 accommodation of transient guests.

311.332. 1. [It shall be unlawful for any wholesaler licensed to sell
2 intoxicating liquor and wine containing alcohol in excess of five percent by weight
3 to persons duly licensed to sell such intoxicating liquor and wine at retail, to
4 discriminate between retailers or in favor of or against any retailer or group of
5 retailers, directly or indirectly, in price, in discounts for time of payment, or in
6 discounts on quantity of merchandise sold, or to grant directly or indirectly any
7 discount, rebate, free goods, allowance or other inducement, excepting a discount
8 not in excess of one percent for quantity of liquor and wine, and a discount not
9 in excess of one percent for payment on or before a certain date. The delivery of
10 manufacturer rebate coupons by wholesalers to retailers shall not be a violation
11 of this subsection.

12 2.] Manufacturers or wholesalers shall be permitted to donate or deliver
13 or cause to be delivered beer, wine, or brandy for nonresale purposes to any
14 unlicensed person or any licensed retail dealer who is a charitable or religious
15 organization as defined in section 313.005 or educational institution, at any

16 location or licensed premises, provided, such beer, wine, or brandy is unrelated
17 to the organization's or institution's licensed retail operation. A charge for
18 admission to an event or activity at which beer, wine, or brandy is available
19 without separate charge shall not constitute resale for the purposes of this
20 subsection. Wine used in religious ceremonies may be sold by wholesalers to a
21 religious organization as defined in section 313.005. Any manufacturer or
22 wholesaler providing nonresale items shall keep a record of any deliveries made
23 pursuant to this subsection.

24 [3.] 2. Manufacturers, wholesalers, retailers and unlicensed persons may
25 donate wine in the original package to a charitable or religious organization as
26 defined in section 313.005 or educational institution for the sole purpose of being
27 auctioned by the organization or institution for fund-raising purposes, provided
28 the auction takes place on a retail-licensed premises and all proceeds from the
29 sale go into a fund of an organization or institution that is unrelated to any
30 licensed retail operation.

311.490. No person, partnership or corporation engaged in the brewing,
2 manufacture or sale of beer as defined, in this chapter, or other intoxicating malt
3 liquor, shall use in the manufacture or brewing thereof, or shall sell any such
4 beer or other intoxicating malt liquor which contains ingredients not in
5 compliance with the following standards:

6 (1) Beer shall be brewed from malt or a malt substitute, which only
7 includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit,
8 fruit juices, fruit concentrate, herbs, spices, and other food materials may be used
9 as adjuncts in fermenting beer;

10 (2) Flavor and other nonbeverage ingredients containing alcohol may be
11 used in producing beer, but may contribute to no more than forty-nine percent of
12 the overall alcohol content of the finished beer. In the case of beer with an
13 alcohol content of more than six percent by volume, no more than one and
14 one-half percent of the volume of the beer may consist of alcohol derived from
15 added flavors and other nonbeverage ingredients containing alcohol; and

16 (3) Beer, intoxicating malt liquor, and malt beverages, as defined in this
17 section, shall not be subject to the requirements of subsection 1 of [section
18 311.332 and] sections 311.335 and 311.338.

[311.071. 1. Distillers, wholesalers, winemakers, brewers,
2 or their employees or officers may make contributions of money for
3 special events where alcohol is sold at retail to a not-for-profit

4 organization that:

5 (1) Does not hold a liquor license;

6 (2) Less than forty percent of the members and officers are
7 liquor licensees;

8 (3) Is registered with the secretary of state as a
9 not-for-profit organization; and

10 (4) Of which no part of the net earnings or contributions
11 inures to the benefit of any private shareholder or any retail
12 licensee member of such organization. The contributions from
13 distillers, wholesalers, winemakers, brewers, or their employees or
14 officers shall be used to pay special event infrastructure expenses
15 unrelated to any retail alcohol sales, which include, but are not
16 limited to: security, sanitation, fencing, entertainment, and
17 advertising.

18 2. Any not-for-profit organization that receives
19 contributions under this section shall allow the division of alcohol
20 and tobacco control full access to the organization's records for
21 audit purposes.]

Bill

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