

FIRST REGULAR SESSION

# SENATE BILL NO. 359

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Read 1st time January 25, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1448S.011

## AN ACT

To repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to the promotion and sale of alcoholic beverages, with existing penalty provisions.

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

Section A. Section 311.070, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 311.070, to read as follows:

311.070. 1. Distillers, **solicitors**, wholesalers, winemakers, brewers or  
2 their employees, officers or agents shall not, except as provided in this section,  
3 directly or indirectly, have any financial interest in the retail business for sale  
4 of intoxicating liquors, and shall not, except as provided in this section, directly  
5 or indirectly, loan, give away or furnish equipment, money, credit or property of  
6 any 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  
18 apply to the holder of a license issued under the provisions of this section in the

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

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, **solicitor**, wholesaler, winemaker or brewer who shall  
22 violate the provisions of subsection 1 of this section, or permit his employees,  
23 officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction  
24 thereof 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, **but are not**  
38 **limited to**, standards, faucets, cold plates, rods, vents, taps, tap standards,  
39 hoses, washers, couplings, 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, **ice buckets, condiment caddies,**

55 **napkin holders, bar rail mats, shakers, salt rimmers,** or menus.

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

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

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

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

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

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

86 (a) The total value of all permanent point-of-sale advertising materials  
87 provided to a retail business by a distiller, **solicitor**, wholesaler, winemaker, or  
88 brewer shall not exceed [five] **eight** hundred dollars per calendar year, per  
89 brand, per retail outlet. **The replacement of similar (in appearance, type,**  
90 **and dollar value) permanent point-of-sale advertising materials does**

91 **not apply towards the maximum of eight hundred dollars per calendar**  
92 **year, per brand, per retail outlet.** The value of permanent point-of-sale  
93 advertising materials is the actual cost to the distiller, **solicitor**, wholesaler,  
94 winemaker or brewer who initially purchased such item. Transportation and  
95 installation costs shall be excluded. All permanent point-of-sale advertising  
96 materials provided to a retailer shall be recorded, and records shall be  
97 maintained for a period of [~~three~~] **two** years;

98 (b) The provider of permanent point-of-sale advertising materials shall  
99 own and otherwise control the use of permanent point-of-sale advertising  
100 materials that are provided by any distiller, **solicitor**, wholesaler, winemaker,  
101 or brewer;

102 (c) All permanent point-of-sale advertising materials, temporary  
103 point-of-sale advertising materials, and consumer advertising specialties shall  
104 bear in a conspicuous manner substantial advertising matter about the product  
105 or the name of the distiller, **solicitor**, wholesaler, winemaker or brewer. The  
106 name, address and logos of the retail business may appear on the permanent  
107 point-of-sale advertising materials, temporary point-of-sale advertising materials,  
108 or the consumer advertising specialties; and

109 (d) The distiller, **solicitor**, wholesaler, winemaker or brewer shall not  
110 directly or indirectly pay or credit the retail business for using or distributing the  
111 permanent point-of-sale advertising materials, temporary point-of-sale advertising  
112 materials, or consumer advertising specialties or for any incidental expenses  
113 arising from their use or distribution;

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

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

120 (a) The equipment and supplies shall be sold at a price not less than the  
121 cost to the distiller, **solicitor**, wholesaler, winemaker or brewer who initially  
122 purchased such equipment and supplies; and

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

125 (5) The [~~distiller~~] **solicitor**, wholesaler, [~~winemaker~~] or brewer may  
126 install **nonrefrigeration beer** dispensing accessories at the retail business

127 establishment, [which shall include for the purposes of beer equipment to  
128 properly preserve and serve draught beer only] and to facilitate the [delivery to  
129 the retailer] **dispensing of draft beer**, the **solicitors**, brewers and wholesalers  
130 may lend, give, rent or sell and they may install or repair any of the following  
131 items or render to retail licensees any of the following services: [beer coils and  
132 coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets  
133 and tap markers, beer and air hose, taps, vents and washers, gauges and  
134 regulators, beer and air distributors, beer line insulation, coil flush hose,  
135 couplings and bucket pumps; portable coil boxes, air pumps, blankets or other  
136 coverings for temporary wrappings of barrels, coil box overflow pipes, tilting  
137 platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box  
138 grates, floor runways; and damage caused by any beer delivery excluding normal  
139 wear and tear and a complete record of equipment furnished and installed and  
140 repairs and service made or rendered must be kept by the brewer or wholesalers  
141 furnishing, making or rendering same for a period of not less than one year] **tap**  
142 **markers, regulators, gauges, vents, nuts, clamps, splicers, keg stackers,**  
143 **washers, couplings, shanks, faucets, noninsulated beer and air hoses,**  
144 **and wall brackets;**

145       **(a) All other dispensing accessories as defined in this section**  
146 **shall only be sold by a solicitor, wholesaler, or brewer to a retailer in**  
147 **same manner as other equipment and supplies;**

148       **(b) Portable coil boxes, air pumps, tubs, blankets, coolers, rolling**  
149 **coolers, Co2 and nitrogen driven cold plates "jockey boxes", tents not to**  
150 **exceed ten feet by ten feet in size, or other coverings for temporary**  
151 **wrappings of barrels may be loaned by a solicitor, wholesaler, or**  
152 **brewer to a retailer only if a deposit is given by the retailer in an**  
153 **amount that covers the cost of such equipment, and the deposit shall**  
154 **not be refunded to the retailer until such loaned equipment is returned**  
155 **to the solicitor, wholesaler, or brewer. An actual deposit payment,**  
156 **other than a charge to a retailer's account, must be received if an**  
157 **equipment item is loaned for more than ten days within a thirty-day**  
158 **period; and**

159       **(c) A complete record of equipment given, rented, sold, installed,**  
160 **and loaned, and repairs and services made to a retailer, shall be kept**  
161 **for a period of not less than two years by the solicitor, wholesaler, or**  
162 **brewer;**

163 (6) The distiller, **solicitor**, wholesaler, winemaker or brewer may furnish,  
164 give or sell coil cleaning service to a retailer of distilled spirits, wine or malt  
165 [beverages] **liquor**;

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

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

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

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

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

188 (8) The distiller, **solicitor**, wholesaler, winemaker or brewer may package  
189 and distribute intoxicating beverages in combination with other nonalcoholic  
190 items as originally packaged by the supplier for sale ultimately to consumers;  
191 notwithstanding any provision of law to the contrary, for the purpose of this  
192 subsection, intoxicating liquor and wine wholesalers are not required to charge  
193 for nonalcoholic items any more than the actual cost of purchasing such  
194 nonalcoholic items from the supplier;

195 (9) The distiller, **solicitor**, wholesaler, winemaker or brewer may sell or  
196 give the retail business newspaper cuts, mats or engraved blocks for use in the  
197 advertisements of the retail business;

198 (10) The distiller, **solicitor**, wholesaler, winemaker or brewer may in an

199 advertisement list the names and addresses of two or more unaffiliated retail  
200 businesses selling its product if all of the following requirements are met:

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

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

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

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

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

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

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

218 (12) The distiller, **solicitor**, wholesaler, winemaker or brewer may stock,  
219 rotate, rearrange or reset the products sold by such distiller, **solicitor**,  
220 wholesaler, winemaker or brewer at the establishment of the retail business so  
221 long as the products of any other distiller, **solicitor**, wholesaler, winemaker or  
222 brewer are not altered or disturbed;

223 (13) The distiller, **solicitor**, wholesaler, winemaker or brewer may  
224 provide a recommended shelf plan or shelf schematic for distilled spirits, wine or  
225 malt beverages;

226 (14) The distiller, **solicitor**, wholesaler, winemaker or brewer  
227 participating in the activities of a retail business association may do any of the  
228 following:

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

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

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

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

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

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

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

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

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

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

255 (15) The distiller, **solicitor**, wholesaler, winemaker or brewer may sell  
256 or give a permanent outside sign to a retail business if the following requirements  
257 are met:

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

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

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

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



271 (16) A wholesaler may, but shall not be required to, exchange for an equal  
272 quantity of identical product or allow credit against outstanding indebtedness for  
273 [intoxicating liquor with alcohol content of less than five percent by weight] **malt**  
274 **liquor** that was delivered in a damaged condition [or damaged while in the  
275 possession of the retailer];

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

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

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

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

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

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

300 5. (1) A distiller, **solicitor**, wholesaler, winemaker, or brewer that is also  
301 in business as a bona fide producer or vendor of nonalcoholic beverages shall not  
302 condition the sale of its alcoholic beverages on the sale of its nonalcoholic  
303 beverages nor combine the sale of its alcoholic beverages with the sale of its  
304 nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of  
305 this section. The distiller, **solicitor**, wholesaler, winemaker, or brewer that is  
306 also in business as a bona fide producer or vendor of nonalcoholic beverages may

307 sell, credit, market, and promote nonalcoholic beverages in the same manner in  
308 which the nonalcoholic products are sold, credited, marketed, or promoted by a  
309 manufacturer or saler not licensed by the supervisor of alcohol and tobacco  
310 control;

311 (2) Any fixtures, equipment, or furnishings provided by any distiller,  
312 **solicitor**, wholesaler, winemaker, or brewer in furtherance of the sale of  
313 nonalcoholic products shall not be used by the retail licensee to store, service,  
314 display, advertise, furnish, or sell, or aid in the sale of alcoholic products  
315 regulated by the supervisor of alcohol and tobacco control. All such fixtures,  
316 equipment, or furnishings shall be identified by the retail licensee as being  
317 furnished by a licensed distiller, **solicitor**, wholesaler, winemaker, or brewer.

318 6. Distillers, **solicitor**, wholesalers, brewers and winemakers, or their  
319 officers or directors shall not require, by agreement or otherwise, that any retailer  
320 purchase any intoxicating liquor from such distillers, **solicitors**, wholesalers,  
321 brewers or winemakers to the exclusion in whole or in part of intoxicating liquor  
322 sold or offered for sale by other distillers, **solicitor**, wholesalers, brewers, or  
323 winemakers.

324 7. [Notwithstanding any other provisions of this chapter to the contrary,  
325 a distiller or wholesaler may install dispensing accessories at the retail business  
326 establishment, which shall include for the purposes of distilled spirits equipment  
327 to properly preserve and serve premixed distilled spirit beverages only. To  
328 facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent  
329 or sell and the distiller or wholesaler may install or repair any of the following  
330 items or render to retail licensees any of the following services: coils and coil  
331 cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping  
332 heads, hoses, valves and other minor tapping equipment components, and damage  
333 caused by any delivery excluding normal wear and tear. A complete record of  
334 equipment furnished and installed and repairs or service made or rendered shall  
335 be kept by the distiller or wholesaler furnishing, making or rendering the same  
336 for a period of not less than one year.] **The distiller, solicitor, wholesaler, or**  
337 **winemaker may install nonrefrigeration distilled spirits and wine**  
338 **dispensing accessories at the retail business establishment, and to**  
339 **facilitate the dispensing of distilled spirits and wine, the distiller,**  
340 **solicitor, wholesaler, or winemaker may lend, give, rent, or sell and**  
341 **they may install or repair any of the following items or render to retail**  
342 **licensees any of the following services: tap markers, regulators,**

343 gauges, vents, nuts, clamps, splicers, keg stackers, washers, couplings,  
344 shanks, faucets, noninsulated distilled spirits and wine hoses, air hoses,  
345 and wall brackets;

346 (a) All other dispensing accessories as defined in this section  
347 shall only be sold by a distiller, solicitor, wholesaler, or winemaker to  
348 a retailer in the same manner as other equipment and supplies;

349 (b) Portable coil boxes, air pumps, tubs, blankets, coolers, rolling  
350 coolers, portable bars, agitating tanks, Co2 and nitrogen driven cold  
351 plates ("jockey boxes"), tents not to exceed ten feet by ten feet in size,  
352 or other coverings for temporary wrappings of barrels may be loaned  
353 by a distiller, solicitor, wholesaler, or winemaker to a retailer only if  
354 a deposit is given by the retailer in an amount that covers the cost of  
355 such equipment, and the deposit shall not be refunded to the retailer  
356 until such loaned equipment is returned to the solicitor, wholesaler, or  
357 winemaker. An actual deposit payment, other than a charge to a  
358 retailer's account, must be received if an equipment item is loaned for  
359 more than ten days within a thirty-day period; and

360 (c) A complete record of equipment given, rented, sold, installed,  
361 and loaned, and repairs and services made to a retailer, shall be kept  
362 for a period of not less than two years by the solicitor, wholesaler, or  
363 winemaker;

364 8. Distillers, **solicitors**, wholesalers, winemakers, brewers or their  
365 employees or officers shall be permitted to make contributions of money or  
366 merchandise to a licensed retail liquor dealer that is a charitable, fraternal, civic,  
367 service, veterans', or religious organization as defined in section 313.005, or an  
368 educational institution if such contributions are unrelated to such organization's  
369 retail operations.

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

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

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

386           12. For the purpose of the promotion of tourism, a person may apply for  
387 and the supervisor of liquor control may issue a license to sell intoxicating liquor  
388 by the drink at retail for consumption on the premises where sold, but  
389 seventy-five percent or more of the intoxicating liquor sold by such licensed  
390 person shall be Missouri-produced wines received from manufacturers licensed  
391 under section 311.190. Such premises may remain open between the hours of  
392 6:00 a.m. and midnight, Monday through Saturday, and between the hours of  
393 11:00 a.m. and 9:00 p.m. on Sundays.

394           **13. Notwithstanding any other provisions to the contrary, the act**  
395 **by a distiller, solicitor, wholesaler, winemaker, or brewer of selling**  
396 **logoed nonrefrigeration merchandise to a retailer is not in violation of**  
397 **this section, provided:**

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

401           **(2) The merchandise shall be sold at a price not less than the**  
402 **cost to the distiller, wholesaler, winemaker, or brewer who initially**  
403 **purchased such merchandise;**

404           **(3) The price charged for the merchandise shall be collected in**  
405 **accordance with credit regulations as established in the code of state**  
406 **regulations; and**

407           **(4) The merchandise is not sold in combination with distilled**  
408 **spirits, wines, or malt beverages, except as provided in subdivision (8)**  
409 **of subsection 4 of this section.**

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