AN ACT

To repeal section 311.355, RSMo, and to enact in lieu thereof one new section relating to intoxicating liquor.

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

Section A. Section 311.355, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.355, to read as follows:

311.355. 1. Manufacturers of intoxicating liquor [other than beer or wine] shall be permitted to offer consumer cash rebate coupons as provided in this subsection:

   (1) Consumer cash rebate coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media;

   (2) Coupon advertisements may list the amount of the cash rebate, but not the retail price of the intoxicating liquor after the rebate;

   (3) Applications for cash rebates must be made directly from the consumer to the manufacturer, and not through retailers or wholesalers;

   (4) Cash rebates must be made directly to consumers by manufacturers;

   (5) Wholesalers and manufacturers may deliver cash rebate coupons to retailers, either for distribution at the point of sale or in connection with packaging.

2. Manufacturers of intoxicating liquor including beer and wine may offer coupons redeemable for nonalcoholic merchandise, except that such redeemable coupons must be made available without a purchase requirement to consumers at the point of sale, or by request through the mail, or at the retailer's cash register. Redeemable coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media. Advertisements must state

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
that no purchase is required to obtain the nonalcoholic merchandise and provide
information on the procedure to obtain such merchandise. The retail value of the
nonalcoholic merchandise shall not be stated in the advertisement or on the
product. Wholesalers and manufacturers may deliver these redeemable coupons
at the point of sale or in connection with packaging.

3. A wholesaler shall not directly or indirectly fund the cost of
any cash rebate coupon program allowed under this section.

4. Notwithstanding any other provision of law to the contrary,
except for the provisions of 11 CSR 70-2.240(5)(I), retailers of
intoxicating liquor:

   (1) May offer any coupon, premium, prize, rebate, loyalty
   program, or discount of any type to consumers as an inducement to
   purchase nonalcoholic merchandise or intoxicating liquor;

   (2) Who offer a loyalty program for nonalcoholic merchandise or
   intoxicating liquor purchases shall include all nonalcoholic
   merchandise or intoxicating liquors in the loyalty program and the
   rewards shall be applied at the same rate for all nonalcoholic
   merchandise or intoxicating liquor purchases; and

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

Any coupon, premium, prize, rebate, loyalty program, or discount
offered by a retailer under this section shall be paid for by the retailer.

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