

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616
94TH GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, April 5, 2007, with recommendation that the Senate Committee Substitute do pass.

2485S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 311.070 and 311.240, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with penalty provisions.

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

Section A. Sections 311.070 and 311.240, RSMo, are repealed and five new
2 sections enacted in lieu thereof, to be known as sections 311.015, 311.070,
3 311.071, 311.240, and 311.297, to read as follows:

**311.015. Alcohol is, by law, an age-restricted product that is
2 regulated differently than other products. The provisions of this
3 chapter establish vital state regulation of the sale and distribution of
4 alcohol beverages in order to promote responsible consumption, combat
5 illegal underage drinking, and achieve other important state policy
6 goals such as maintaining an orderly marketplace composed of state-
7 licensed alcohol producers, importers, distributors, and retailers.**

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

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

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
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**
42 **period of time** to attract consumer attention to the products of a distiller,
43 wholesaler, winemaker or brewer. Such materials **shall only** include[, but are
44 not limited to: posters, placards, designs,] inside signs (electric, mechanical or
45 otherwise), [window decorations, trays, coasters, mats, menu cards, meal checks,
46 paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars

47 and alcoholic beverage lists or menus] **mirrors, and sweepstakes/contest**
48 **prizes displayed on the licensed premises;**

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

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

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

59 4. Notwithstanding other provisions contained herein, the distiller,
60 wholesaler, winemaker or brewer, or their employees, officers or agents may
61 engage in the following activities with a retail licensee licensed pursuant to this
62 chapter or chapter 312, RSMo:

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

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

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

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

82 (2) Notwithstanding any provision of law to the contrary, the distiller,

83 wholesaler, winemaker or brewer may **provide**, give or sell any **permanent**
84 point-of-sale advertising materials, **temporary point-of-sale advertising**
85 **materials**, and consumer advertising specialties to a retail business if all the
86 following requirements are met:

87 (a) The total value of all **permanent** point-of-sale advertising materials
88 [and consumer advertising specialties given or sold] **provided** to a retail
89 business **by a distiller, wholesaler, winemaker, or brewer** shall not exceed
90 five hundred dollars per **calendar** year, per brand, per retail outlet. The value
91 of **permanent** point-of-sale advertising materials [and consumer advertising
92 specialties] is the actual cost to the distiller, wholesaler, winemaker or brewer
93 who initially purchased such item. Transportation and installation costs shall be
94 excluded. **All permanent point-of-sale advertising materials provided to**
95 **a retailer shall be recorded, and records shall be maintained for a**
96 **period of three years;**

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

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

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

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

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

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

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

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

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

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

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

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

154 (c) For the purposes of this subsection, no samples of intoxicating liquor

155 provided to retailers shall be consumed on the premises nor shall any sample of
156 intoxicating liquor be opened on the premises of the retailer except as provided
157 by the retail license;

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

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

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

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

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

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

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

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

185 (11) [Notwithstanding any other provision of law to the contrary,]
186 Distillers, winemakers, wholesalers, brewers or retailers may conduct a local or
187 national sweepstakes/contest upon a licensed retail premise. [However,] **The**
188 **sweepstakes/contest prize dollar amount shall not be limited and can**
189 **be displayed in a photo, banner, or other temporary point-of-sale**
190 **advertising materials on a licensed premises, if the following**

191 **requirements are met:**

192 (a) No money or something of value [may be] is given to the retailer for
193 the privilege or opportunity of conducting the sweepstakes or contest; **and**

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

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

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

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

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

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

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

212 (d) Purchase tickets to functions and pay registration **or sponsorship**
213 fees if such purchase or payment is the same as that paid by all attendees,
214 participants or exhibitors at the association activity; [and]

215 (e) Make payments for advertisements in programs or brochures issued
216 by retail business associations [at a convention or trade show] if the total
217 payments made for all such advertisements [do not exceed three hundred dollars
218 per year for any retail business association] **are fair and reasonable;**

219 (f) **Pay dues to the retail business association if such dues or**
220 **payments are fair and reasonable;**

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

224 (h) **Make contributions not to exceed one thousand dollars per**
225 **calendar year for transportation services that shall be used to assist**
226 **patrons from retail establishments to his or her residence or overnight**

227 accommodations;

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

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

234 (15) [The distiller, wholesaler, winemaker or brewer may sell its other
235 merchandise which does not consist of intoxicating beverages to a retail business
236 if the following requirements are met:

237 (a) The distiller, wholesaler, winemaker or brewer shall also be in
238 business as a bona fide producer or vendor of such merchandise;

239 (b) The merchandise shall be sold at its fair market value;

240 (c) The merchandise is not sold in combination with distilled spirits, wines
241 or malt beverages except as provided in this section;

242 (d) The acquisition or production costs of the merchandise shall appear
243 on the purchase invoices or records of the distiller, wholesaler, winemaker or
244 brewer; and

245 (e) The individual selling prices of merchandise and intoxicating
246 beverages sold to a retail business in a single transaction shall be determined by
247 commercial documents covering the sales transaction;

248 (16)] The distiller, wholesaler, winemaker or brewer may sell or give [an]
249 a permanent outside sign to a retail business if the following requirements are
250 met:

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

256 (b) The retail business shall not be compensated, directly or indirectly, for
257 displaying the permanent sign or a temporary banner; [and]

258 (c) The cost of the permanent sign shall not exceed [four] five hundred
259 dollars; and

260 (d) Temporary banners of a seasonal nature or promoting a
261 specific event shall not be constructed to be permanent outdoor signs
262 and may be provided to retailers. The total cost of temporary outdoor

263 **banners provided to a retailer in use at any one time shall not exceed**
264 **five hundred dollars per brand;**

265 [(17)] **(16)** A wholesaler may, but shall not be required to, exchange for
266 an equal quantity of identical product or allow credit against outstanding
267 indebtedness for intoxicating liquor with alcohol content of less than five percent
268 by weight or nonintoxicating beer that was delivered in a damaged condition or
269 damaged while in the possession of the retailer;

270 [(18)] **(17)** To assure and control product quality, wholesalers at the time
271 of a regular delivery may, but shall not be required to, withdraw, with the
272 permission of the retailer, a quantity of intoxicating liquor with alcohol content
273 of less than five percent by weight or nonintoxicating beer in its undamaged
274 original carton from the retailer's stock, if the wholesaler replaces the product
275 with an equal quantity of identical product;

276 [(19)] **(18)** In addition to withdrawals authorized pursuant to subdivision
277 [(18)] **(17)** of this subsection, to assure and control product quality, wholesalers
278 at the time of a regular delivery may, but shall not be required to, withdraw, with
279 the permission of the retailer, a quantity of intoxicating liquor with alcohol
280 content of less than five percent by weight and nonintoxicating beer in its
281 undamaged original carton from the retailer's stock and give the retailer credit
282 against outstanding indebtedness for the product if:

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

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

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

293 [(20)] **(19)** Nothing in this section authorizes consignment sales.

294 5. **(1) A distiller, wholesaler, winemaker, or brewer that is also**
295 **in business as a bona fide producer or vendor of nonalcoholic**
296 **beverages shall not condition the sale of its alcoholic beverages on the**
297 **sale of its nonalcoholic beverages nor combine the sale of its alcoholic**
298 **beverages with the sale of its nonalcoholic beverages, except as**

299 **provided in subdivision (8) of subsection 4 of this section. The distiller,**
300 **wholesaler, winemaker, or brewer that is also in business as a bona fide**
301 **producer or vendor of nonalcoholic beverages may sell, credit, market,**
302 **and promote nonalcoholic beverages in the same manner in which the**
303 **nonalcoholic products are sold, credited, marketed, or promoted by a**
304 **manufacturer or wholesaler not licensed by the supervisor of alcohol**
305 **and tobacco control;**

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

314 **6. [All contracts entered into between] Distillers, wholesalers, brewers**
315 **and winemakers, or their officers or directors[, in any way concerning any of their**
316 **products, obligating such retail dealers to buy or sell only the products of any]**
317 **shall not require, by agreement or otherwise, that any retailer purchase**
318 **any intoxicating liquor from such distillers, wholesalers, brewers or**
319 **winemakers [or obligating such retail dealers to buy or sell the major part of such**
320 **products required by such retail vendors from any such distiller, brewer or**
321 **winemaker shall be void and unenforceable in any court in this state] to the**
322 **exclusion in whole or in part of intoxicating liquor sold or offered for**
323 **sale by other distillers, wholesalers, brewers, or winemakers.**

324 **[6.] 7. Notwithstanding any other provisions of this chapter to the**
325 **contrary, a distiller or wholesaler may install dispensing accessories at the retail**
326 **business establishment, which shall include for the purposes of distilled spirits,**
327 **equipment to properly preserve and serve premixed distilled spirit beverages**
328 **only. To facilitate delivery to the retailer, the distiller or wholesaler may lend,**
329 **give, rent or sell and the distiller or wholesaler may install or repair any of the**
330 **following items or render to retail licensees any of the following services: coils**
331 **and coil cleaning, draft arms, faucets and tap markers, taps, tap standards,**
332 **tapping heads, hoses, valves and other minor tapping equipment components, and**
333 **damage caused by any delivery excluding normal wear and tear. A complete**
334 **record of equipment furnished and installed and repairs or service made or**

335 rendered shall be kept by the distiller or wholesaler furnishing, making or
336 rendering the same for a period of not less than one year.

337 [7. Notwithstanding any other provision of this chapter or chapter 312,
338 RSMo, to the contrary,] **8.** Distillers, **wholesalers**, winemakers, brewers or their
339 employees or officers shall be permitted to make contributions of money or
340 merchandise to a licensed retail liquor dealer that is a charitable, **fraternal**,
341 **civic, service, veterans'**, or religious organization as defined in section
342 313.005, RSMo, or an educational institution if such contributions are unrelated
343 to such organization's retail operations.

344 [8.] **9. Distillers, brewers, wholesalers, and winemakers may**
345 **make payments for advertisements in programs or brochures of tax-**
346 **exempt organizations licensed under section 311.090 if the total**
347 **payments made for all such advertisements are the same as those paid**
348 **by other vendors.**

349 **10.** Notwithstanding any other provision of this chapter or chapter 312,
350 RSMo, to the contrary, a brewer or manufacturer, its employees, officers or agents
351 may have a financial interest in the retail business for sale of intoxicating liquors
352 and nonintoxicating beer at entertainment facilities owned, in whole or in part,
353 by the brewer or manufacturer, its subsidiaries or affiliates including, but not
354 limited to, arenas and stadiums used primarily for concerts, shows and sporting
355 events of all kinds.

356 [9.] **11.** Notwithstanding any other provision of this chapter or chapter
357 312, RSMo, to the contrary, for the purpose of the promotion of tourism, a wine
358 manufacturer, its employees, officers or agents located within this state may
359 apply for and the supervisor of liquor control may issue a license to sell
360 intoxicating liquor, as defined in this chapter, by the drink at retail for
361 consumption on the premises where sold, if the premises so licensed is in close
362 proximity to the winery. Such premises shall be closed during the hours specified
363 under section 311.290 and may remain open between the hours of 9:00 a.m. and
364 midnight on Sunday.

365 [10.] **12.** Notwithstanding any other provision of this chapter or chapter
366 312, RSMo, to the contrary, for the purpose of the promotion of tourism, a person
367 may apply for and the supervisor of liquor control may issue a license to sell
368 intoxicating liquor by the drink at retail for consumption on the premises where
369 sold, but seventy-five percent or more of the intoxicating liquor sold by such
370 licensed person shall be Missouri-produced wines received from manufacturers

371 licensed under section 311.190. Such premises may remain open between the
372 hours of 6:00 a.m. and midnight, Monday through Saturday, and between the
373 hours of 11:00 a.m. and 9:00 p.m. on Sundays.

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

5 **(1) Does not hold a liquor license;**

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

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

10 **(4) Of which no part of the net earnings or contributions inures
11 to the benefit of any private shareholder or any retail licensee member
12 of such organization.**

13 **The contributions from distillers, wholesalers, winemakers, brewers, or
14 their employees or officers shall be used to pay special event
15 infrastructure expenses unrelated to any retail alcohol sales, which
16 include, but are not limited to: security, sanitation, fencing,
17 entertainment, and advertising.**

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

311.240. 1. On approval of the application and payment of the license tax
2 provided in this chapter, the supervisor of liquor control shall grant the applicant
3 a license to conduct business in the state for a term to expire with the thirtieth
4 day of June next succeeding the date of such license. A separate license shall be
5 required for each place of business. Of the license tax to be paid for any such
6 license, the applicant shall pay as many twelfths as there are months (part of a
7 month counted as a month) remaining from the date of the license to the next
8 succeeding July first.

9 2. No such license shall be effective, and no right granted thereby shall
10 be exercised by the licensee, unless and until the licensee shall have obtained and
11 securely affixed to the license in the space provided therefor an original stamp or
12 other form of receipt issued by the duly authorized representative of the federal
13 government, evidencing the payment by the licensee to the federal government

14 of whatever excise or occupational tax is by any law of the United States then in
15 effect required to be paid by a dealer engaged in the occupation designated in
16 said license. Within ten days from the issuance of said federal stamp or receipt,
17 the licensee shall file with the supervisor of liquor control a photostat copy
18 thereof, or such duplicate or indented and numbered stub therefrom as the
19 federal government may have issued to the taxpayer with the original.

20 3. Every license issued under the provisions of this chapter shall
21 particularly describe the premises at which intoxicating liquor may be sold
22 thereunder, and such license shall not be deemed to authorize or permit the sale
23 of intoxicating liquor at any place other than that described therein.

24 4. Applications for renewal of licenses must be filed on or before the first
25 day of May of each calendar year.

26 5. **In case of failure to submit the completed renewal application**
27 **required under subsection 4 of this section on or before the first day of**
28 **May, there shall be added to the amount of the renewal fee a late**
29 **charge of one hundred dollars from the second day of May to the last**
30 **day of May; a late charge of two hundred dollars if the renewal**
31 **application is submitted on the first day of June to the last day of June;**
32 **or a late charge of three hundred dollars if the renewal application is**
33 **submitted after the last day of June.**

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

8 2. Notwithstanding any other provisions of this chapter to the
9 contrary, any winery, distiller, manufacturer, wholesaler, or brewer or
10 designated employee may provide, furnish, or pour distilled spirits,
11 wine, or malt beverage samples for customer tasting purposes on any
12 temporary licensed retail premises as defined in sections 311.218,
13 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's
14 licensed premises as defined in section 311.090.

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