

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 616
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCKENNA.

Offered April 16, 2007.

Senate Substitute adopted, April 16, 2007.

Taken up for Perfection April 16, 2007. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

2485S.05P

AN ACT

To repeal sections 311.070, 311.174, 311.178, 311.190, and 311.240, and to enact in lieu thereof nine 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Section A. Sections 311.070, 311.174, 311.178, 311.190, and 311.240, 2 RSMo, are repealed and nine new sections enacted in lieu thereof, to be known 3 as sections 311.015, 311.070, 311.071, 311.174, 311.178, 311.190, 311.240, 4 311.297, and 311.489, 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

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

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
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
339 their 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]. **No holder of a wine manufacturer license, or**
363 **any employee, officer, agent, subsidiary, or affiliate thereof, shall have**
364 **more than six licenses to sell intoxicating liquor by the drink at retail**

365 **for consumption on the premises.** Such premises shall be closed during the
366 hours specified under section 311.290 and may remain open between the hours
367 of 9:00 a.m. and midnight on Sunday.

368 [10.] **12.** Notwithstanding any other provision of this chapter or chapter
369 312, RSMo, to the contrary, for the purpose of the promotion of tourism, a person
370 may apply for and the supervisor of liquor control may issue a license to sell
371 intoxicating liquor by the drink at retail for consumption on the premises where
372 sold, but seventy-five percent or more of the intoxicating liquor sold by such
373 licensed person shall be Missouri-produced wines received from manufacturers
374 licensed under section 311.190. Such premises may remain open between the
375 hours of 6:00 a.m. and midnight, Monday through Saturday, and between the
376 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
7 liquor 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.**

311.174. 1. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating liquor by the
3 drink at retail for consumption on the premises in a city with a population of at
4 least four thousand inhabitants which borders the Missouri River and also

5 borders a city with a population of over three hundred thousand inhabitants
6 located in at least three counties, in a city with a population of over three
7 hundred thousand which is located in whole or in part within a first class county
8 having a charter form of government or in a first class county having a charter
9 form of government which contains all or part of a city with a population of over
10 three hundred thousand inhabitants, may apply to the supervisor of liquor control
11 for a special permit to remain open on each day of the week until 3:00 a.m. of the
12 morning of the following day; **except that, an entity exempt from federal**
13 **income taxes under Section 501(c)(3) of the Internal Revenue Code of**
14 **1986, as amended, and located in a building on the National Historic**
15 **Register may apply for a license to remain open until 6:00 a.m. of the**
16 **following day.** The time of opening on Sunday may be 11:00 a.m. The
17 provisions of this section and not those of section 311.097 regarding the time of
18 closing shall apply to the sale of intoxicating liquor by the drink at retail for
19 consumption on the premises on Sunday. When the premises of such an applicant
20 is located in a city as defined in this section, then the premises must be located
21 in an area which has been designated as a convention trade area by the governing
22 body of the city. When the premises of such an applicant is located in a county
23 as defined in this section, then the premises must be located in an area which has
24 been designated as a convention trade area by the governing body of the county.

25 2. An applicant granted a special permit under this section shall, in
26 addition to all other fees required by this chapter pay an additional fee of three
27 hundred dollars a year payable at the time and in the same manner as its other
28 license fees.

29 3. The provisions of this section allowing for extended hours of business
30 shall not apply in any incorporated area wholly located in any first class county
31 having a charter form of government which contains all or part of a city with a
32 population of over three hundred thousand inhabitants until the governing body
33 of such incorporated area shall have by ordinance or order adopted the extended
34 hours authorized by this section.

311.178. 1. Any person possessing the qualifications and meeting the
2 requirements of this chapter who is licensed to sell intoxicating liquor by the
3 drink at retail for consumption on the premises in a county of the first
4 classification having a charter form of government and not containing all or part
5 of a city with a population of over three hundred thousand, may apply to the
6 supervisor of liquor control for a special permit to remain open on each day of the

7 week until 3:00 a.m. of the morning of the following day. The time of opening on
8 Sunday may be 11:00 a.m. The provisions of this section and not those of section
9 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor
10 by the drink at retail for consumption on the premises on Sunday. The premises
11 of such an applicant shall be located in an area which has been designated as a
12 convention trade area by the governing body of the county and the applicant shall
13 meet at least one of the following conditions:

14 (1) The business establishment's annual gross sales for the year
15 immediately preceding the application for extended hours equals one hundred
16 fifty thousand dollars or more; or

17 (2) The business is a resort. For purposes of this subsection, a "resort" is
18 defined as any establishment having at least sixty rooms for the overnight
19 accommodation of transient guests and having a restaurant located on the
20 premises.

21 2. Any person possessing the qualifications and meeting the requirements
22 of this chapter who is licensed to sell intoxicating liquor by the drink at retail for
23 consumption on the premises in a county of the third classification without a
24 township form of government having a population of more than twenty-three
25 thousand five hundred but less than twenty-three thousand six hundred
26 inhabitants, a county of the third classification without a township form of
27 government having a population of more than nineteen thousand three hundred
28 but less than nineteen thousand four hundred inhabitants or a county of the first
29 classification without a charter form of government with a population of at least
30 thirty-seven thousand inhabitants but not more than thirty-seven thousand one
31 hundred inhabitants, may apply to the supervisor of liquor control for a special
32 permit to remain open on each day of the week until 3:00 a.m. of the morning of
33 the following day. The time of opening on Sunday may be 11:00 a.m. The
34 provisions of this section and not those of section 311.097 regarding the time of
35 closing shall apply to the sale of intoxicating liquor by the drink at retail for
36 consumption on the premises on Sunday. The applicant shall meet all of the
37 following conditions:

38 (1) The business establishment's annual gross sales for the year
39 immediately preceding the application for extended hours equals one hundred
40 thousand dollars or more;

41 (2) The business is a resort. For purposes of this subsection, a "resort" is
42 defined as any establishment having at least seventy-five rooms for the overnight

43 accommodation of transient guests, having at least three thousand square feet of
44 meeting space and having a restaurant located on the premises; and

45 (3) The applicant shall develop, and if granted a special permit shall
46 implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no
47 sale of intoxicating liquor shall be made except to guests with overnight
48 accommodations at the licensee's resort. The plan shall be subject to approval by
49 the supervisor of liquor control and shall provide a practical method for the
50 division of liquor control and other law enforcement agencies to enforce the
51 provisions of subsection 3 of this section.

52 3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a
53 special permit issued pursuant to subsection 2 of this section, it shall be unlawful
54 for a licensee or any employee of a licensee to sell intoxicating liquor to or permit
55 the consumption of intoxicating liquor by any person except a guest with
56 overnight accommodations at the licensee's resort.

57 4. An applicant granted a special permit pursuant to this section shall,
58 in addition to all other fees required by this chapter, pay an additional fee of
59 three hundred dollars a year payable at the time and in the same manner as its
60 other license fees.

61 5. The provisions of this section allowing for extended hours of business
62 shall not apply in any incorporated area wholly located in any county of the first
63 classification having a charter form of government which does not contain all or
64 part of a city with a population of over three hundred thousand inhabitants until
65 the governing body of such incorporated area shall have by ordinance or order
66 adopted the extended hours authorized by this section.

67 6. The enactment of subsections 2, 3, and 4 of this section shall terminate
68 January 1, [2007.] **2009.**

311.190. 1. For the privilege of manufacturing wine or brandy, which
2 manufacturing shall be in accordance with all provisions of federal law applicable
3 thereto except as may otherwise be specified in this section, in quantities not to
4 exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol
5 by weight for wine, or not in excess of thirty-four percent of alcohol by weight for
6 brandy, from grapes, berries, other fruits, fruit products, honey, and vegetables
7 produced or grown in the state of Missouri, exclusive of sugar, water and spirits,
8 there shall be paid to and collected by the director of revenue, in lieu of the
9 charges provided in section 311.180, a license fee of five dollars for each five
10 hundred gallons or fraction thereof of wine or brandy produced up to a maximum

11 license fee of three hundred dollars.

12 2. Notwithstanding the provisions of subsection 1 of this section, a
13 manufacturer licensed under this section may use in any calendar year such
14 wine- and brandy-making material produced or grown outside the state of
15 Missouri in a quantity not exceeding fifteen percent of the manufacturer's wine
16 entered into fermentation in the prior calendar year.

17 3. In any year when a natural disaster causes substantial loss to the
18 Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables
19 from which wines are made, the director of the department of agriculture shall
20 determine the percent of loss and allow a certain additional percent, based on the
21 prior calendar year's production of such products, to be purchased outside the
22 state of Missouri to be used and offered for sale by Missouri wineries.

23 4. A manufacturer licensed under this section may purchase and sell bulk
24 or packaged wines or brandies received from other manufacturers licensed under
25 this section and may also purchase in bulk, bottle and sell to duly licensed
26 wineries, wholesalers and retail dealers on any day except Sunday, and a
27 manufacturer licensed under this section may offer samples of wine, may sell
28 wine and brandy in its original package directly to consumers at the winery, and
29 may open wine so purchased by customers so that it may be consumed on the
30 winery premises on Monday through Saturday between 6:00 a.m. and midnight
31 and on Sunday between [11:00 a.m.] **9:00 a.m.** and 10:00 p.m.

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.

311.489. 1. A permit for the sale of intoxicating liquor as defined
2 in section 311.020, and nonintoxicating beer as defined in section
3 312.010, RSMo, for consumption on premises where sold may be issued
4 to any festival district that includes three or more businesses that are
5 licensed bars, nightclubs, restaurants, or other entertainment venues

6 and a common area that is closed to vehicle traffic, provided that the
7 permit is held by a promotional association. A "promotional
8 association" is defined as an entity formed by property owners who own
9 or operate fifty percent or more of the square feet of bars, nightclubs,
10 restaurants, and other entertainment venues located within the
11 proposed district.

12 2. The promotional association may obtain a permit if the
13 promotional association submits a plan to the governing municipality
14 containing basic information, which includes the legal description of
15 the district, the name and address of each business participating in the
16 promotional association, the intended calendar of events for the
17 district, a description of the proposed festival activities, proof of
18 adequate insurance, and a description of security for any proposed
19 festivals. Such permit shall cost three hundred dollars per year. Such
20 plan may be amended during the year subject to governing
21 municipality approval.

22 3. If the plan is approved, the promotional association may sell
23 liquor for consumption within the district common areas between 9:00
24 a.m. and 1:00 a.m. on Monday through Saturday and between 11:00 a.m.
25 and 12:00 a.m. on Sunday. However, if a promotional association is
26 issued a license to sell intoxicating liquor under section 311.096, a
27 festival district permit may allow for the conducting of sales within the
28 hours of operation designated by such license. Such promotional
29 association may permit customers to leave an establishment within the
30 district after purchasing an alcoholic beverage and consume the
31 beverage in the district common areas or another licensed
32 establishment within the district. No person shall be allowed to take
33 any alcoholic beverage outside the boundaries of the festival district.

34 4. If participating in a promotional association event, every bar,
35 nightclub, restaurant, promotional association, or other entertainment
36 venue that serves alcoholic beverages within the festival district shall
37 use disposable paper, plastic, or foam cups or other light-weight
38 containers for all alcoholic beverages that the bar, nightclub,
39 restaurant, promotional association, or other entertainment venue sells
40 within the festival district boundaries for consumption in the district
41 common area.

42 5. If minors are allowed to enter the festival district, the

43 applicant shall ensure that such minors are easily distinguished from
44 persons of legal age.

45 6. The holder of the permit is solely responsible for any alcohol
46 violations occurring within the common areas. For any violation of this
47 chapter or of any rule or regulation of the supervisor of alcohol and
48 tobacco control, the promotional association may be assessed a civil
49 fine of not more than five thousand dollars. If a promotional
50 association is found to be responsible for such violations at three
51 separate events, then such promotional association shall not seek
52 approval for subsequent plans without the prior written consent of the
53 supervisor of alcohol and tobacco control. The promotional
54 association's then current plan shall be deemed terminated, and the
55 businesses participating in the promotional association's events shall
56 not participate in activities permitted by subsection 3 of this section
57 without prior written consent from the supervisor of alcohol and
58 tobacco control.

Bill ✓

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