

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 299

AND

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 616

94TH GENERAL ASSEMBLY

2007

1526S.06T

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## AN ACT

To repeal sections 311.070, 311.174, 311.178, 311.180, 311.190, 311.240, 311.275, 311.420, and 311.462, RSMo, and to enact in lieu thereof fourteen new sections relating to liquor control, with penalty provisions.

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

Section A. Sections 311.070, 311.174, 311.178, 311.180, 311.190, 311.240, 2 311.275, 311.420, and 311.462, RSMo, are repealed and fourteen new sections 3 4 enacted in lieu thereof, to be known as sections 311.015, 311.070, 311.071, 311.174, 311.178, 311.180, 311.185, 311.190, 311.240, 311.275, 311.297, 311.420, 5 311.462, and 311.685, 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-**

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

**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  
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  
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)(7) of the Internal Revenue Code of**

14 **1986, as amended, and located in a building designated as a National**  
15 **Historic Landmark by the United States Department of the Interior may**  
16 **apply for a license to remain open until 6:00 a.m. of the following**  
17 **day.** The time of opening on Sunday may be 11:00 a.m. The provisions of this  
18 section and not those of section 311.097 regarding the time of closing shall apply  
19 to the sale of intoxicating liquor by the drink at retail for consumption on the  
20 premises on Sunday. When the premises of such an applicant is located in a city  
21 as defined in this section, then the premises must be located in an area which has  
22 been designated as a convention trade area by the governing body of the  
23 city. When the premises of such an applicant is located in a county as defined in  
24 this section, then the premises must be located in an area which has been  
25 designated as a convention trade area by the governing body of the county.

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

30         3. The provisions of this section allowing for extended hours of business  
31 shall not apply in any incorporated area wholly located in any first class county  
32 having a charter form of government which contains all or part of a city with a  
33 population of over three hundred thousand inhabitants until the governing body  
34 of such incorporated area shall have by ordinance or order adopted the extended  
35 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.]

311.180. 1. No person, partnership, association of persons or corporation  
2 shall manufacture, distill, blend, sell or offer for sale intoxicating liquor within  
3 this state at wholesale or retail, or solicit orders for the sale of intoxicating liquor  
4 within this state without procuring a license from the supervisor of [liquor]  
5 **alcohol and tobacco** control authorizing them so to do. For such license there  
6 shall be paid to and collected by the director of revenue annual charges as  
7 follows:

8 (1) For the privilege of manufacturing and brewing in this state malt  
9 liquor containing not in excess of five percent of alcohol by weight and the  
10 privilege of selling to duly licensed wholesalers and soliciting orders for the sale  
11 of malt liquors containing not in excess of five percent of alcohol by weight, to, by  
12 or through a duly licensed wholesaler within this state, the sum of two hundred  
13 fifty dollars;

14 (2) For the privilege of manufacturing in this state intoxicating liquor  
15 containing not in excess of twenty-two percent of alcohol by weight and the  
16 privilege of selling to duly licensed wholesalers and soliciting orders for the sale  
17 of intoxicating liquor containing not in excess of twenty-two percent of alcohol by  
18 weight, to, by or through a duly licensed wholesaler within this state, the sum of  
19 two hundred dollars;

20 (3) For the privilege of manufacturing, distilling or blending intoxicating  
21 liquor of all kinds within this state and the privilege of selling to duly licensed

22 wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds,  
23 to, by or through a duly licensed wholesaler within this state, the sum of four  
24 hundred and fifty dollars;

25 (4) For the privilege of selling to duly licensed wholesalers and soliciting  
26 orders for the sale of malt liquor containing not in excess of five percent of alcohol  
27 by weight, to, by or through a duly licensed wholesaler within this state, the sum  
28 of fifty dollars;

29 (5) For the privilege of selling to duly licensed wholesalers and soliciting  
30 orders for the sale of intoxicating liquor containing not in excess of twenty-two  
31 percent of alcohol by weight, to, by or through a duly licensed wholesaler within  
32 this state, the sum of one hundred dollars;

33 (6) For the privilege of selling to duly licensed wholesalers and soliciting  
34 orders for the sale of intoxicating liquor of all kinds, to, by or through a duly  
35 licensed wholesaler within this state, the sum of two hundred and fifty dollars;

36 (7) For the privilege of selling intoxicating liquor containing not in excess  
37 of five percent of alcohol by weight by a wholesaler to a person duly licensed to  
38 sell such malt liquor at retail and the privilege of selling to duly licensed  
39 wholesalers and soliciting orders for the sale of malt liquor containing not in  
40 excess of five percent of alcohol by weight, to, by or through a duly licensed  
41 wholesaler within this state, the sum of one hundred dollars;

42 (8) For the privilege of selling intoxicating liquor containing not in excess  
43 of twenty-two percent of alcohol by weight by a wholesaler to a person duly  
44 licensed to sell such intoxicating liquor at retail and the privilege of selling to  
45 duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor  
46 containing not in excess of twenty-two percent of alcohol by weight, to, by or  
47 through a duly licensed wholesaler within this state, the sum of two hundred  
48 dollars;

49 (9) For the privilege of selling intoxicating liquor of all kinds by a  
50 wholesaler to a person duly licensed to sell such intoxicating liquor at retail and  
51 the privilege of selling to duly licensed wholesalers and soliciting orders for the  
52 sale of intoxicating liquor of all kinds, to, by or through a duly licensed  
53 wholesaler within this state, the sum of five hundred dollars, except that a  
54 license authorizing the holder to sell to duly licensed wholesalers and to solicit  
55 orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler,  
56 shall not entitle the holder thereof to sell within the state of Missouri, direct to  
57 retailers;

58 **(10) For the privilege of selling to duly licensed wholesalers and**

59 **soliciting orders for the sale of vintage wine as defined in section**  
60 **311.191, to, by, or through a duly licensed wholesaler within this state,**  
61 **the sum of five hundred dollars.**

62         2. Solicitors, manufacturers and blenders of intoxicating liquor shall not  
63 be required to take out a merchant's license for the sale of their products at the  
64 place of manufacture or in quantities of not less than one gallon.

65         3. The provisions of this section relating to the privilege of selling malt  
66 liquor are subject to and limited by the provisions of sections 311.181 and  
67 311.182.

68         4. The licenses prescribed in this section for the privilege of selling  
69 intoxicating liquor by a wholesaler to a person duly licensed to sell such  
70 intoxicating liquor at retail shall allow such wholesaler to sell intoxicating liquor  
71 to licensees licensed by the gaming commission to sell beer or alcoholic beverages  
72 pursuant to section 313.840, RSMo.

**311.185. 1. Notwithstanding any rule, law, or regulation to the**  
2 **contrary, any person currently licensed in this state or any other state**  
3 **as a wine manufacturer may apply for and the supervisor of alcohol**  
4 **and tobacco control may issue a wine direct shipper license, as**  
5 **provided in this section, which allows a wine manufacturer to ship up**  
6 **to two cases of wine per month directly to a resident of this state who**  
7 **is at least twenty-one years of age for such resident's personal use and**  
8 **not for resale. Before sending any shipment to a resident of this state,**  
9 **the wine manufacturer shall first obtain a wine direct shipper license**  
10 **as follows:**

11         **(1) File an application with the division of alcohol and tobacco**  
12 **control; and**

13         **(2) Provide to the division of alcohol and tobacco control a true**  
14 **copy of its current alcoholic beverage license issued in this state or any**  
15 **other state, as well as a copy of the winery license from the Alcohol and**  
16 **Tobacco Tax and Trade Bureau.**

17         **2. All wine direct shipper licensees shall:**

18         **(1) Not ship more than two cases of wine per month to any**  
19 **person for his or her personal use and not for resale;**

20         **(2) Not use any carrier for shipping of wine that is not licensed**  
21 **under this section;**

22         **(3) Only ship wine that is properly registered with the Alcohol**  
23 **and Tobacco Tax and Trade Bureau;**

- 24           (4) Only ship wine manufactured on the winery premises;
- 25           (5) Ensure that all containers of wine delivered directly to a  
26 resident of this state are conspicuously labeled with the words  
27 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER  
28 REQUIRED FOR DELIVERY" or are conspicuously labeled with wording  
29 preapproved by the division of alcohol and tobacco control;
- 30           (6) If the winery is located outside of this state, by January  
31 thirty-first, make a report under oath to the supervisor of alcohol and  
32 tobacco control setting out the total amount of wine shipped into the  
33 state the preceding year;
- 34           (7) If the winery is located outside of this state, pay the division  
35 of alcohol and tobacco control all excise taxes due on the amount to be  
36 calculated as if the sale were in this state at the location where the  
37 delivery is made;
- 38           (8) If the winery is located within this state, provide the division  
39 of alcohol and tobacco control any additional information deemed  
40 necessary beyond that already required for retail sales from the winery  
41 tasting room to ensure compliance with this section;
- 42           (9) Permit the division of alcohol and tobacco control to perform  
43 an audit of the wine direct shipper licensees' records upon request; and
- 44           (10) Be deemed to have consented to the jurisdiction of the  
45 division of alcohol and tobacco control or any other state agency and  
46 the Missouri courts concerning enforcement of this section and any  
47 related laws, rules, or regulations.
- 48           3. The wine direct shipper licensee may annually renew its  
49 license with the division of alcohol and tobacco control by providing  
50 the division of alcohol and tobacco control all required items provided  
51 in subsection 1 of this section.
- 52           4. Notwithstanding any law, rule, or regulation to the contrary,  
53 any carrier may apply for and the supervisor of alcohol and tobacco  
54 control may issue an alcohol carrier license, as provided in this section,  
55 which allows the carrier to transport and deliver shipments of wine  
56 directly to a resident of this state who is at least twenty-one years of  
57 age or older. Before transporting any shipment of wine to a resident  
58 of this state, the carrier shall first obtain an alcohol carrier license by  
59 filing an application with the division of alcohol and tobacco control.
- 60           5. All alcohol carrier licensees shall:

61           **(1) Not deliver to any person under twenty-one years of age, or**  
62 **to any intoxicated person, or any person appearing to be in a state of**  
63 **intoxication;**

64           **(2) Require valid proof of identity and age;**

65           **(3) Obtain the signature of an adult as a condition of delivery;**  
66 **and**

67           **(4) Keep records of wine shipped which include the license**  
68 **number and name of the winery or retailer, quantity of wine shipped,**  
69 **recipient's name and address, and an electronic or paper form of**  
70 **signature from the recipient of the wine.**

71           **6. The division of alcohol and tobacco control may promulgate**  
72 **rules to effectuate the provisions of this section. Any rule or portion**  
73 **of a rule, as that term is defined in section 536.010, RSMo, that is**  
74 **created under the authority delegated in this section shall become**  
75 **effective only if it complies with and is subject to all of the provisions**  
76 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**  
77 **section and chapter 536, RSMo, are nonseverable and if any of the**  
78 **powers vested with the general assembly pursuant to chapter 536,**  
79 **RSMo, to review, to delay the effective date or to disapprove and annul**  
80 **a rule are subsequently held unconstitutional, then the grant of**  
81 **rulemaking authority and any rule proposed or adopted after August**  
82 **28, 2007, shall be invalid and void.**

          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.**

311.275. 1. For purposes of tax revenue control, beginning January 1,  
2 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as  
3 defined in this chapter, within this state, other than a wholesale-solicitor, shall  
4 solicit, accept, or fill any order for any intoxicating liquor from a holder of a  
5 wholesaler's license issued under this chapter, unless the holder of such solicitor's  
6 license has registered with the division of [liquor] **alcohol and tobacco** control  
7 as the primary American source of supply for the brand of intoxicating liquor sold  
8 or sought to be sold. The supervisor of [liquor] **alcohol and tobacco** control  
9 shall provide forms for annual registration as the primary American source of  
10 supply, and shall prescribe the procedures for such registration.

11 2. Beginning January 1, 1980, no holder of a wholesaler's license issued  
12 under this chapter shall order, purchase or receive any intoxicating liquor from  
13 any solicitor, other than a wholesale-solicitor, unless the solicitor has registered  
14 with the division of [liquor] **alcohol and tobacco** control as the primary  
15 American source of supply for the brand of intoxicating liquor ordered, purchased  
16 or received.

17 3. The term "primary American source of supply" as used herein shall  
18 mean the distiller, producer, the owner of the commodity at the time it became  
19 a marketable product, the bottler, or the exclusive agent of any such distiller,  
20 producer, bottler or owner, the basic requirement being that the nonresident  
21 seller be the first source closest to the manufacturer in the channel of commerce  
22 from whom the product can be secured by American wholesalers.

23 **4. Any vintage wine solicitor licensed under section 311.180 may**  
24 **register as the primary American source of supply for vintage wine**  
25 **with the division of alcohol and tobacco control, provided that another**

26 **solicitor is not registered as the primary American source of supply for**  
27 **the vintage wine and the vintage wine has been approved for sale by**  
28 **the federal Alcohol and Tobacco Tax and Trade Bureau.**

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 described in section 311.218,  
13 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's  
14 licensed premises as described in section 311.090.

311.420. 1. No person, except carriers regulated by the motor carrier and  
2 railroad safety division of the department of economic development under  
3 chapters 387, 389 and 390, RSMo, shall transport into, within, or through the  
4 state of Missouri any intoxicating liquors in quantities larger than five gallons  
5 unless such person holds a valid license or permit from the supervisor of [liquor]  
6 **alcohol and tobacco** control of the state of Missouri to do so. For such license,  
7 there shall be paid to the director of revenue the sum of ten dollars per  
8 annum. Application for such license shall be made to the supervisor of [liquor]  
9 **alcohol and tobacco** control of the state of Missouri and each applicant shall  
10 submit with his application a bond in the penal sum of one thousand dollars with  
11 sufficient surety to be approved by the supervisor of [liquor] **alcohol and**  
12 **tobacco** control, conditioned that he will not violate any provisions of the liquor  
13 control laws of this state or any regulation promulgated under such liquor control  
14 laws, and any violation of such condition shall work a forfeiture of such bond to  
15 the state of Missouri. The license year shall end on June thirtieth, and the  
16 applicant shall pay as many twelfths as there are months, with each part of a  
17 month being counted as a month, remaining from the date of the license to the  
18 next succeeding July first. The supervisor of [liquor] **alcohol and tobacco**  
19 control may issue single transaction licenses, for which there shall be paid to the  
20 director of revenue the sum of five dollars, and, if the value of the liquor to be

21 transported exceeds one hundred dollars, the permit shall not be issued until the  
22 bond provided for above in this section is given to the state. No such  
23 transporter's license shall be required of any person licensed by the supervisor  
24 of [liquor] **alcohol and tobacco** control whose licensed premises are located in  
25 the state of Missouri, nor shall it be necessary to procure a license to transport  
26 liquor purchased from a retail liquor dealer duly licensed by the supervisor of  
27 [liquor] **alcohol and tobacco** control of the state of Missouri. No license or  
28 permit shall be required to transport industrial alcohol.

29         2. The qualifications prescribed for the issuance of other licenses by the  
30 provisions of the liquor control law shall not apply to licenses issued under this  
31 section, but no license shall be issued to any person who is not of good moral  
32 character or who has been convicted since the ratification of the twenty-first  
33 amendment to the Constitution of the United States of the violation of any law  
34 applicable to the manufacture or sale of intoxicating liquor, nor to any person who  
35 has had a license from the supervisor of [liquor] **alcohol and tobacco** control  
36 revoked. If applicant is a corporation, the managing officer thereof must possess  
37 the qualifications prescribed in this section.

38         **3. Carriers licensed under this section or carriers exempt from**  
39 **holding a permit under this section shall not deliver wine to a resident**  
40 **of this state without obtaining an alcohol carrier license under section**  
41 **311.185.**

311.462. 1. Notwithstanding any other provision of law, [an adult  
2 resident or] a holder of [an] a **retailer** alcoholic beverage license in this state or  
3 a state which affords Missouri licensees [or adult residents] an equal reciprocal  
4 shipping privilege may ship, for personal use and not for resale, not more than  
5 two cases of wine, each case containing not more than nine liters, per year to any  
6 adult resident of this state. Delivery of a shipment pursuant to this section shall  
7 not be deemed to constitute a sale in this state.

8         2. The shipping container of any wine sent into or out of this state under  
9 this section shall be clearly labeled to indicate that the package cannot be  
10 delivered to a person under the age of twenty-one years or to an intoxicated  
11 person.

12         3. No broker within this state may solicit consumers to engage in  
13 interstate reciprocal wine shipments under this section. No shipper located  
14 outside this state may advertise such interstate reciprocal wine shipments in this  
15 state.

**311.685. 1. Any retail licensee selling intoxicating liquor or**

2 nonintoxicating beer under this chapter or chapter 312, RSMo, and  
3 aggrieved by official action of the supervisor affecting the licensee,  
4 may bring a civil action against any person who is the proximate cause  
5 of such official action by the supervisor, if the violation occurred on or  
6 about the premises of the retail licensee. If a judgment is entered in  
7 favor of the licensee, the court shall award the retail licensee civil  
8 damages up to an amount of five thousand dollars and shall award  
9 reasonable court costs and attorney fees.

10           2. No civil action shall be brought under this section against any  
11 employee of the supervisor of alcohol and tobacco control or any law  
12 enforcement officer.

✓

Bill

Copy