

FIRST REGULAR SESSION

SENATE BILL NO. 573

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER AND SENATOR LUETKEMEYER.

2162S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 311.070, 311.240, and 311.332, RSMo, and to enact in lieu thereof three new sections relating to intoxicating liquor, with penalty provisions.

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

Section A. Sections 311.070, 311.240, and 311.332, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 311.070, 311.240, and 311.332, to read as
4 follows:

311.070. 1. Distillers, wholesalers, winemakers,
2 brewers or their employees, officers or agents shall not,
3 except as provided in this section, directly or indirectly,
4 have any financial interest in the retail business for sale
5 of intoxicating liquors, and shall not, except as provided
6 in this section, directly or indirectly, loan, give away or
7 furnish equipment, money, credit or property of any kind,
8 except ordinary commercial credit for liquors sold to such
9 retail dealers. However, notwithstanding any other
10 provision of this chapter to the contrary, for the purpose
11 of the promotion of tourism, a distiller whose manufacturing
12 establishment is located within this state may apply for and
13 the supervisor of alcohol and tobacco control may issue a
14 license to sell intoxicating liquor, as in this chapter
15 defined, by the drink at retail for consumption on the
16 premises where sold; and provided further that the premises
17 so licensed shall be in close proximity to the distillery

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

18 and may remain open between the hours of 6:00 a.m. and 1:30
19 a.m., Monday through Saturday and between the hours of 6:00
20 a.m. on Sundays and 1:30 a.m. on Mondays. The authority for
21 the collection of fees by cities and counties as provided in
22 section 311.220, and all other laws and regulations relating
23 to the sale of liquor by the drink for consumption on the
24 premises where sold, shall apply to the holder of a license
25 issued under the provisions of this section in the same
26 manner as they apply to establishments licensed under the
27 provisions of section 311.085, 311.090, or 311.095.

28 2. Any distiller, wholesaler, winemaker or brewer who
29 shall violate the provisions of subsection 1 of this
30 section, or permit his or her employees, officers or agents
31 to do so, shall be guilty of a misdemeanor, and upon
32 conviction thereof shall be punished as follows:

33 (1) For the first offense, by a fine of one thousand
34 dollars;

35 (2) For a second offense, by a fine of five thousand
36 dollars; and

37 (3) For a third or subsequent offense, by a fine of
38 ten thousand dollars or the license of such person shall be
39 revoked.

40 3. As used in this section, the following terms mean:

41 (1) **"Close proximity", within ten linear miles from**
42 **any part of the licensed premise;**

43 (2) "Consumer advertising specialties", advertising
44 items that are designed to be carried away by the consumer,
45 such items include, but are not limited to: trading stamps,
46 nonalcoholic mixers, pouring racks, ash trays, bottle or can
47 openers, cork screws, shopping bags, matches, printed
48 recipes, pamphlets, cards, leaflets, blotters, postcards,
49 pencils, shirts, caps and visors;

50 [(2)] (3) "Equipment and supplies", glassware (or
51 similar containers made of other materials), carbon dioxide
52 (and other gasses used in dispensing equipment), ice,
53 nonrefrigerated rolling coolers, portable bars, agitating
54 tanks, tubs, tents not to exceed one hundred square feet in
55 size, and any permanently inscribed or securely affixed
56 brand identified nonrefrigerated item that promotes
57 intoxicating liquor;

58 [(3)] (4) "Nonrefrigeration dispensing accessories",
59 includes regulators, gauges, vents, nuts, clamps, splicers,
60 keg stackers, washers, shanks, wall brackets, beer and air
61 distributors, beer line insulation, beer and gas hoses,
62 faucets, taps, tap standards, couplers, air pumps draft
63 arms, blankets or other coverings for temporary wrapping of
64 barrels, tavern head and their internal parts, and any other
65 technology or parts necessary to preserve and serve
66 intoxicating liquor that are not self-refrigerating;

67 [(4)] (5) "Permanent point-of-sale advertising
68 materials", advertising items designed to be used within a
69 retail business establishment for an extended period of time
70 to attract consumer attention to the products of a
71 distiller, wholesaler, winemaker or brewer. Such materials
72 shall only include inside signs (electric, mechanical or
73 otherwise), mirrors, table umbrellas, and
74 sweepstakes/contest prizes displayed on the licensed
75 premises;

76 [(5)] (6) "Product display", wine racks, portable
77 branded nonrefrigerated coolers, bins, barrels, casks,
78 shelving or similar items the primary function of which is
79 to hold and display consumer products;

80 [(6)] (7) "Promotion", an advertising and publicity
81 campaign to further the acceptance and sale of the

82 merchandise or products of a distiller, wholesaler,
83 winemaker or brewer;

84 [(7)] (8) "Temporary point-of-sale advertising
85 materials", advertising items designed to be used for short
86 periods of time. Such materials include, but are not
87 limited to: banners, decorations reflecting a particular
88 season or a limited-time promotion, or paper napkins,
89 coasters, cups, tap handles, ice buckets, condiment caddies,
90 napkin holders, bar rail mats, shakers, salt rimmers, or
91 menus.

92 4. Notwithstanding other provisions contained herein,
93 the distiller, wholesaler, winemaker or brewer, or their
94 employees, officers or agents may engage in the following
95 activities with a retail licensee licensed pursuant to this
96 chapter:

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

100 (a) The total value of all product displays given or
101 sold to a retail business shall not exceed three hundred
102 dollars per brand at any one time in any one retail outlet.
103 There shall be no combining or pooling of the three hundred
104 dollar limits to provide a retail business a product display
105 in excess of three hundred dollars per brand. The value of
106 a product display is the actual cost to the distiller,
107 wholesaler, winemaker or brewer who initially purchased such
108 product display. Transportation and installation costs
109 shall be excluded;

110 (b) All product displays shall bear in a conspicuous
111 manner substantial advertising matter on the product or the
112 name of the distiller, wholesaler, winemaker or brewer. The

113 name and address of the retail business may appear on the
114 product displays; and

115 (c) The giving or selling of product displays may be
116 conditioned on the purchase of intoxicating beverages
117 advertised on the displays by the retail business in a
118 quantity necessary for the initial completion of the product
119 display. No other condition shall be imposed by the
120 distiller, wholesaler, winemaker or brewer on the retail
121 business in order for such retail business to obtain the
122 product display;

123 (2) Notwithstanding any provision of law to the
124 contrary, the distiller, wholesaler, winemaker or brewer may
125 provide, give or sell any permanent point-of-sale
126 advertising materials, temporary point-of-sale advertising
127 materials, and consumer advertising specialties to a retail
128 business if all the following requirements are met:

129 (a) The total value of all permanent point-of-sale
130 advertising materials provided to a retail business by a
131 distiller, wholesaler, winemaker, or brewer shall not exceed
132 five hundred dollars per calendar year, per brand, per
133 retail outlet. The replacement of similar in appearance,
134 type, and dollar value permanent point-of-sale advertising
135 materials that are damaged and nonfunctioning shall not
136 count towards the maximum of five hundred dollars per
137 calendar year, per brand, per retail outlet. The value of
138 permanent point-of-sale advertising materials is the actual
139 cost to the distiller, wholesaler, winemaker or brewer who
140 initially purchased such item. Transportation and
141 installation costs shall be excluded. All permanent point-
142 of-sale advertising materials provided to a retailer shall
143 be recorded, and records shall be maintained for a period of
144 three years;

145 (b) The provider of permanent point-of-sale
146 advertising materials shall own and otherwise control the
147 use of permanent point-of-sale advertising materials that
148 are provided by any distiller, wholesaler, winemaker, or
149 brewer;

150 (c) All permanent point-of-sale advertising materials,
151 temporary point-of-sale advertising materials, and consumer
152 advertising specialties shall bear in a conspicuous manner
153 substantial advertising matter about the product or the name
154 of the distiller, wholesaler, winemaker or brewer. The
155 name, address and logos of the retail business may appear on
156 the permanent point-of-sale advertising materials, temporary
157 point-of-sale advertising materials, or the consumer
158 advertising specialties; and

159 (d) The distiller, wholesaler, winemaker or brewer
160 shall not directly or indirectly pay or credit the retail
161 business for using or distributing the permanent point-of-
162 sale advertising materials, temporary point-of-sale
163 advertising materials, or consumer advertising specialties
164 or for any incidental expenses arising from their use or
165 distribution;

166 (3) A distiller, wholesaler, winemaker, or brewer may
167 give a gift not to exceed a value of one thousand dollars
168 per year to a holder of a temporary permit as described in
169 section 311.482;

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

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

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

180 (5) The wholesaler or brewer may install
181 nonrefrigeration dispensing accessories at the retail
182 business establishment, which shall include for the purposes
183 of beer equipment to properly preserve and serve draught
184 beer only and to facilitate the delivery to the retailer the
185 brewers and wholesalers may lend, give, rent or sell and
186 they may install or repair nonrefrigeration dispensing
187 accessories and damage caused by any beer delivery excluding
188 normal wear and tear. A complete record of equipment and
189 supplies, and nonrefrigeration dispensing accessories
190 furnished and installed and repairs and service made or
191 rendered must be kept by the brewer or wholesalers
192 furnishing, making or rendering same for a period of not
193 less than one year;

194 (6) The distiller, wholesaler, winemaker or brewer may
195 furnish, give or sell cleaning and sanitation services to a
196 retailer to preserve product integrity of distilled spirits,
197 wine, or malt beverages;

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

203 (a) The wholesaler may furnish or give not more than
204 seven hundred fifty milliliters of any brand of distilled
205 spirits and not more than seven hundred fifty milliliters of
206 any brand of wine; if a particular product is not available
207 in a size within the quantity limitations of this

208 subsection, a wholesaler may furnish or give to a retailer
209 the next larger size;

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

213 (c) For the purposes of this subsection, no samples of
214 intoxicating liquor provided to retailers shall be consumed
215 on the premises nor shall any sample of intoxicating liquor
216 be opened on the premises of the retailer except as provided
217 by the retail license;

218 (d) For the purpose of this subsection, the word
219 "brand" refers to differences in brand name of product or
220 differences in nature of product; examples of different
221 brands would be products having a difference in: brand
222 name; class, type or kind designation; appellation of origin
223 (wine); viticulture area (wine); vintage date (wine); age
224 (distilled spirits); or proof (distilled spirits);
225 differences in packaging such a different style, type, size
226 of container, or differences in color or design of a label
227 are not considered different brands;

228 (8) The distiller, wholesaler, winemaker or brewer may
229 package and distribute intoxicating beverages in combination
230 with other nonalcoholic items as originally packaged by the
231 supplier for sale ultimately to consumers; notwithstanding
232 any provision of law to the contrary, for the purpose of
233 this subsection, intoxicating liquor and wine wholesalers
234 are not required to charge for nonalcoholic items any more
235 than the actual cost of purchasing such nonalcoholic items
236 from the supplier;

237 (9) The distiller, wholesaler, winemaker or brewer may
238 sell or give the retail business newspaper cuts, mats or

239 engraved blocks for use in the advertisements of the retail
240 business;

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

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

247 (b) The listing of the retail businesses shall be the
248 only reference to such retail businesses in the
249 advertisement;

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

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

256 (11) Distillers, winemakers, wholesalers, brewers or
257 retailers may conduct a local or national
258 sweepstakes/contest upon a licensed retail premise. The
259 sweepstakes/contest prize dollar amount shall not be limited
260 and can be displayed in a photo, banner, or other temporary
261 point-of-sale advertising materials on a licensed premises,
262 if the following requirements are met:

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

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

270 (12) The distiller, wholesaler, winemaker or brewer
271 may stock, rotate, rearrange or reset the products sold by
272 such distiller, wholesaler, winemaker or brewer at the
273 establishment of the retail business so long as the products
274 of any other distiller, wholesaler, winemaker or brewer are
275 not altered or disturbed;

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

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

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

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

287 (c) Provide its own hospitality which is independent
288 from the association activity;

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

293 (e) Make payments for advertisements in programs or
294 brochures issued by retail business associations if the
295 total payments made for all such advertisements are fair and
296 reasonable;

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

299 (g) Make payments or donations for retail employee
300 training on preventive sales to minors and intoxicated

301 persons, checking identifications, age verification devices,
302 and the alcohol and tobacco control laws;

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

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

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

315 (15) The distiller, wholesaler, winemaker or brewer
316 may sell or give a permanent outside sign to a retail
317 business if the following requirements are met:

318 (a) The sign, which shall be constructed of metal,
319 glass, wood, plastic, or other durable, rigid material, with
320 or without illumination, or painted or otherwise printed
321 onto a rigid material or structure, shall bear in a
322 conspicuous manner substantial advertising matter about the
323 product or the name of the distiller, wholesaler, winemaker
324 or brewer;

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

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

330 (d) Temporary banners of a seasonal nature or
331 promoting a specific event shall not be constructed to be
332 permanent outdoor signs and may be provided to retailers.

333 The total cost of temporary outdoor banners provided to a
334 retailer in use at any one time shall not exceed five
335 hundred dollars per brand;

336 (16) A wholesaler may, but shall not be required to,
337 exchange for an equal quantity of identical product or allow
338 credit against outstanding indebtedness for intoxicating
339 liquor with alcohol content of less than five percent by
340 weight and malt liquor that was delivered in a damaged
341 condition or damaged while in the possession of the retailer;

342 (17) To assure and control product quality,
343 wholesalers at the time of a regular delivery may, but shall
344 not be required to, withdraw, with the permission of the
345 retailer, a quantity of intoxicating liquor with alcohol
346 content of less than five percent by weight and malt liquor
347 in its undamaged original carton from the retailer's stock,
348 if the wholesaler replaces the product with an equal
349 quantity of identical product;

350 (18) In addition to withdrawals authorized pursuant to
351 subdivision (17) of this subsection, to assure and control
352 product quality, wholesalers at the time of a regular
353 delivery may, but shall not be required to, withdraw, with
354 the permission of the retailer, a quantity of intoxicating
355 liquor with alcohol content of less than five percent by
356 weight and malt liquor in its undamaged original carton from
357 the retailer's stock and give the retailer credit against
358 outstanding indebtedness for the product if:

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

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

367 (c) To assure and control product quality, a
368 wholesaler may, but not be required to, give a retailer
369 credit for intoxicating liquor with an alcohol content of
370 less than five percent by weight and malt liquor, in a
371 container with a capacity of four gallons or more, delivered
372 but not used, if the wholesaler removes the product within
373 seven days of the initial delivery;

374 (19) Wholesalers shall distribute consumer advertising
375 specialties, equipment and supplies, nonrefrigeration
376 dispensing accessories, permanent point-of-sale advertising
377 materials, product display, promotion, and temporary point-
378 of-sale advertising materials to their retailers in a fair
379 and reasonable manner; and

380 (20) Nothing in this section authorizes consignment
381 sales.

382 5. (1) A distiller, wholesaler, winemaker, or brewer
383 that is also in business as a bona fide producer or vendor
384 of nonalcoholic beverages shall not condition the sale of
385 its alcoholic beverages on the sale of its nonalcoholic
386 beverages nor combine the sale of its alcoholic beverages
387 with the sale of its nonalcoholic beverages, except as
388 provided in subdivision (8) of subsection 4 of this
389 section. The distiller, wholesaler, winemaker, or brewer
390 that is also in business as a bona fide producer or vendor
391 of nonalcoholic beverages may sell, credit, market, and
392 promote nonalcoholic beverages in the same manner in which
393 the nonalcoholic products are sold, credited, marketed, or
394 promoted by a manufacturer or wholesaler not licensed by the
395 supervisor of alcohol and tobacco control.

396 (2) Any fixtures, equipment, or furnishings provided
397 by any distiller, wholesaler, winemaker, or brewer in
398 furtherance of the sale of nonalcoholic products shall not
399 be used by the retail licensee to store, service, display,
400 advertise, furnish, or sell, or aid in the sale of alcoholic
401 products regulated by the supervisor of alcohol and tobacco
402 control. All such fixtures, equipment, or furnishings shall
403 be identified by the retail licensee as being furnished by a
404 licensed distiller, wholesaler, winemaker, or brewer.

405 6. Distillers, wholesalers, brewers and winemakers, or
406 their officers or directors shall not require, by agreement
407 or otherwise, that any retailer purchase any intoxicating
408 liquor from such distillers, wholesalers, brewers or
409 winemakers to the exclusion in whole or in part of
410 intoxicating liquor sold or offered for sale by other
411 distillers, wholesalers, brewers, or winemakers.

412 7. Notwithstanding any other provisions of this
413 chapter to the contrary, a distiller, winemaker, or
414 wholesaler may install nonrefrigeration dispensing
415 accessories at the retail business establishment, which
416 shall include for the purposes of distilled spirits and wine
417 equipment to properly preserve and serve premixed distilled
418 spirit and wine beverages only. To facilitate delivery to
419 the retailer, the distiller, winemaker, or wholesaler may
420 lend, give, rent or sell and the distiller, winemaker, or
421 wholesaler may install or repair nonrefrigeration dispensing
422 accessories and damage caused by any delivery excluding
423 normal wear and tear. A complete record of nonrefrigeration
424 dispensing accessories furnished and installed and repairs
425 or service made or rendered shall be kept by the distiller,
426 winemaker, or wholesaler furnishing, making or rendering the
427 same for a period of not less than one year.

428 8. Distillers, wholesalers, winemakers, brewers or
429 their employees or officers shall be permitted to make
430 contributions of money or merchandise to a licensed retail
431 liquor dealer that is a charitable, fraternal, civic,
432 service, veterans', or religious organization as defined in
433 section 313.005, or an educational institution if such
434 contributions are unrelated to such organization's retail
435 operations.

436 9. Distillers, brewers, wholesalers, and winemakers
437 may make payments for advertisements in programs or
438 brochures of tax-exempt organizations licensed under section
439 311.090 if the total payments made for all such
440 advertisements are the same as those paid by other vendors.

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

448 11. For the purpose of the promotion of tourism, a
449 wine manufacturer, its employees, officers or agents located
450 within this state may apply for and the supervisor of
451 alcohol and tobacco control may issue a license to sell
452 intoxicating liquor, as defined in this chapter, by the
453 drink at retail for consumption on the premises where sold,
454 if the premises so licensed is in close proximity to the
455 winery. Such premises shall be closed during the hours
456 specified under section 311.290 and may remain open between
457 the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays.

458 12. For the purpose of the promotion of tourism, a
459 person may apply for and the supervisor of alcohol and

460 tobacco control may issue a license to sell intoxicating
461 liquor by the drink at retail for consumption on the
462 premises where sold, but seventy-five percent or more of the
463 intoxicating liquor sold by such licensed person shall be
464 Missouri-produced wines received from manufacturers licensed
465 under section 311.190. Such premises may remain open
466 between the hours of 6:00 a.m. and midnight, Monday through
467 Saturday, and between the hours of 6:00 a.m. on Sundays and
468 1:30 a.m. on Mondays.

311.240. 1. On approval of the application and
2 payment of the license tax provided in this chapter, the
3 supervisor of **[liquor] alcohol and tobacco** control shall
4 grant the applicant a license to conduct business in the
5 state for a term to expire with the thirtieth day of June
6 next succeeding the date of such license. **[A separate**
7 **license shall be required for each place of business]** **Any**
8 **applicant who operates out of multiple premises may add**
9 **additional premises to his or her existing license for no**
10 **additional fee.** Of the license tax to be paid for any such
11 license **with additional premises**, the applicant shall pay as
12 many twelfths as there are months (part of a month counted
13 as a month) remaining from the date of the license to the
14 next succeeding July first.

15 2. No such license shall be effective, and no right
16 granted thereby shall be exercised by the licensee, unless
17 and until the licensee shall have obtained and securely
18 affixed to the license in the space provided therefor an
19 original stamp or other form of receipt issued by the duly
20 authorized representative of the federal government,
21 evidencing the payment by the licensee to the federal
22 government of whatever excise or occupational tax is by any
23 law of the United States then in effect required to be paid

24 by a dealer engaged in the occupation designated in said
25 license. Within ten days from the issuance of said federal
26 stamp or receipt, the licensee shall file with the
27 supervisor of [liquor] **alcohol and tobacco** control a
28 photostat copy thereof, or such duplicate or indented and
29 numbered stub therefrom as the federal government may have
30 issued to the taxpayer with the original.

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

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

39 5. In case of failure to submit the completed renewal
40 application required under subsection 4 of this section on
41 or before the first day of May, there shall be added to the
42 amount of the renewal fee a late charge of one hundred
43 dollars from the second day of May to the last day of May; a
44 late charge of two hundred dollars if the renewal
45 application is submitted on the first day of June to the
46 last day of June; or a late charge of three hundred dollars
47 if the renewal application is submitted after the last day
48 of June.

311.332. 1. It shall be unlawful for any wholesaler
2 licensed to sell intoxicating liquor and wine containing
3 alcohol in excess of five percent by weight to persons duly
4 licensed to sell such intoxicating liquor and wine at
5 retail, to discriminate between retailers or in favor of or
6 against any retailer or group of retailers, directly or
7 indirectly, in price, in discounts for time of payment, or

8 in discounts on quantity of merchandise sold, or to grant
9 directly or indirectly any discount, rebate, free goods,
10 allowance or other inducement, excepting a discount not in
11 excess of one percent for quantity of liquor and wine, and a
12 discount not in excess of one percent for payment on or
13 before a certain date. The delivery of manufacturer rebate
14 coupons by wholesalers to retailers shall not be a violation
15 of this subsection.

16 2. Manufacturers or wholesalers shall be permitted to
17 donate or deliver or cause to be delivered beer, wine,
18 **distilled spirits**, or brandy for nonresale purposes to any
19 unlicensed person or any licensed retail dealer who is a
20 charitable or religious organization as defined in section
21 313.005 or educational institution, at any location or
22 licensed premises, provided, such beer, wine, **distilled**
23 **spirits**, or brandy is unrelated to the organization's or
24 institution's licensed retail operation. A charge for
25 admission to an event or activity at which beer, wine,
26 **distilled spirits**, or brandy is available without separate
27 charge shall not constitute resale for the purposes of this
28 subsection. Wine used in religious ceremonies may be sold
29 by wholesalers to a religious organization as defined in
30 section 313.005. Any manufacturer or wholesaler providing
31 nonresale items shall keep a record of any deliveries made
32 pursuant to this subsection.

33 3. Manufacturers, wholesalers, retailers and
34 unlicensed persons may donate **beer, wine, distilled spirits,**
35 **or brandy** in the original package to a charitable or
36 religious organization as defined in section 313.005 or
37 educational institution for the sole purpose of being
38 auctioned by the organization or institution for fund-
39 raising purposes, provided the [auction takes place on a

40 retail-licensed premises and all] proceeds from the sale go
41 into a fund of an organization or institution that is
42 unrelated to any licensed retail operation.

✓