

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 115

AN ACT

To repeal sections 302.441, 311.070, 311.179, 311.275, 311.462, 311.510, and 311.540, RSMo, and to enact in lieu thereof seven new sections relating to intoxicating liquor, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 302.441, 311.070, 311.179, 311.275,
2 311.462, 311.510, and 311.540, RSMo, are repealed and seven new
3 sections enacted in lieu thereof, to be known as sections
4 302.441, 311.070, 311.075, 311.179, 311.275, 311.510, and
5 311.540, to read as follows:

6 302.441. 1. If a person is required to have an ignition
7 interlock device installed on such person's vehicle, he or she
8 may apply to the court for an employment exemption variance to
9 allow him or her to drive an employer-owned vehicle not equipped
10 with an ignition interlock device for employment purposes only.
11 Such exemption shall not be granted to a person who is
12 self-employed or who wholly or partially owns or controls an
13 entity that owns an employer-owned vehicle.

1 2. A person who is granted an employment exemption variance
2 under subsection 1 of this section shall not drive, operate, or
3 be in physical control of an employer-owned vehicle used for
4 transporting children under eighteen years of age or vulnerable
5 persons, as defined in section 630.005, or an employer-owned
6 vehicle for personal use.

7 311.070. 1. Distillers, wholesalers, winemakers, brewers
8 or their employees, officers or agents shall not, except as
9 provided in this section, directly or indirectly, have any
10 financial interest in the retail business for sale of
11 intoxicating liquors, and shall not, except as provided in this
12 section, directly or indirectly, loan, give away or furnish
13 equipment, money, credit or property of any kind, except ordinary
14 commercial credit for liquors sold to such retail dealers.

15 However, notwithstanding any other provision of this chapter to
16 the contrary, for the purpose of the promotion of tourism, a
17 distiller whose manufacturing establishment is located within
18 this state may apply for and the supervisor of liquor control may
19 issue a license to sell intoxicating liquor, as in this chapter
20 defined, by the drink at retail for consumption on the premises
21 where sold; and provided further that the premises so licensed
22 shall be in close proximity to the distillery and may remain open
23 between the hours of 6:00 a.m. and [~~midnight~~] 1:30 a.m., Monday
24 through Saturday and between the hours of [~~11:00~~] 9:00 a.m. and
25 [~~9:00 p.m.~~] midnight, Sunday. The authority for the collection of
26 fees by cities and counties as provided in section 311.220, and
27 all other laws and regulations relating to the sale of liquor by
28 the drink for consumption on the premises where sold, shall apply

1 to the holder of a license issued under the provisions of this
2 section in the same manner as they apply to establishments
3 licensed under the provisions of section 311.085, 311.090, or
4 311.095.

5 2. Any distiller, wholesaler, winemaker or brewer who shall
6 violate the provisions of subsection 1 of this section, or permit
7 his employees, officers or agents to do so, shall be guilty of a
8 misdemeanor, and upon conviction thereof shall be punished as
9 follows:

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

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

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

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

17 (1) "Consumer advertising specialties", advertising items
18 that are designed to be carried away by the consumer, such items
19 include, but are not limited to: trading stamps, nonalcoholic
20 mixers, pouring racks, ash trays, bottle or can openers, cork
21 screws, shopping bags, matches, printed recipes, pamphlets,
22 cards, leaflets, blotters, postcards, pencils, shirts, caps and
23 visors;

24 (2) "Equipment and supplies", glassware (or similar
25 containers made of other material), dispensing accessories,
26 carbon dioxide (and other gasses used in dispensing equipment) or
27 ice. "Dispensing accessories" include standards, faucets, cold
28 plates, rods, vents, taps, tap standards, hoses, washers,

1 couplings, gas gauges, vent tongues, shanks, and check valves;

2 (3) "Permanent point-of-sale advertising materials",
3 advertising items designed to be used within a retail business
4 establishment for an extended period of time to attract consumer
5 attention to the products of a distiller, wholesaler, winemaker
6 or brewer. Such materials shall only include inside signs
7 (electric, mechanical or otherwise), mirrors, and
8 sweepstakes/contest prizes displayed on the licensed premises;

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

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

15 (6) "Temporary point-of-sale advertising materials",
16 advertising items designed to be used for short periods of time.
17 Such materials include, but are not limited to: banners,
18 decorations reflecting a particular season or a limited-time
19 promotion, or paper napkins, coasters, cups, or menus.

20 4. Notwithstanding other provisions contained herein, the
21 distiller, wholesaler, winemaker or brewer, or their employees,
22 officers or agents may engage in the following activities with a
23 retail licensee licensed pursuant to this chapter:

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

27 (a) The total value of all product displays given or sold
28 to a retail business shall not exceed three hundred dollars per

1 brand at any one time in any one retail outlet. There shall be
2 no combining or pooling of the three hundred dollar limits to
3 provide a retail business a product display in excess of three
4 hundred dollars per brand. The value of a product display is the
5 actual cost to the distiller, wholesaler, winemaker or brewer who
6 initially purchased such product display. Transportation and
7 installation costs shall be excluded;

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

12 (c) The giving or selling of product displays may be
13 conditioned on the purchase of intoxicating beverages advertised
14 on the displays by the retail business in a quantity necessary
15 for the initial completion of the product display. No other
16 condition shall be imposed by the distiller, wholesaler,
17 winemaker or brewer on the retail business in order for such
18 retail business to obtain the product display;

19 (2) Notwithstanding any provision of law to the contrary,
20 the distiller, wholesaler, winemaker or brewer may provide, give
21 or sell any permanent point-of-sale advertising materials,
22 temporary point-of-sale advertising materials, and consumer
23 advertising specialties to a retail business if all the following
24 requirements are met:

25 (a) The total value of all permanent point-of-sale
26 advertising materials provided to a retail business by a
27 distiller, wholesaler, winemaker, or brewer shall not exceed five
28 hundred dollars per calendar year, per brand, per retail outlet.

1 The value of permanent point-of-sale advertising materials is the
2 actual cost to the distiller, wholesaler, winemaker or brewer who
3 initially purchased such item. Transportation and installation
4 costs shall be excluded. All permanent point-of-sale advertising
5 materials provided to a retailer shall be recorded, and records
6 shall be maintained for a period of three years;

7 (b) The provider of permanent point-of-sale advertising
8 materials shall own and otherwise control the use of permanent
9 point-of-sale advertising materials that are provided by any
10 distiller, wholesaler, winemaker, or brewer;

11 (c) All permanent point-of-sale advertising materials,
12 temporary point-of-sale advertising materials, and consumer
13 advertising specialties shall bear in a conspicuous manner
14 substantial advertising matter about the product or the name of
15 the distiller, wholesaler, winemaker or brewer. The name,
16 address and logos of the retail business may appear on the
17 permanent point-of-sale advertising materials, temporary
18 point-of-sale advertising materials, or the consumer advertising
19 specialties; and

20 (d) The distiller, wholesaler, winemaker or brewer shall
21 not directly or indirectly pay or credit the retail business for
22 using or distributing the permanent point-of-sale advertising
23 materials, temporary point-of-sale advertising materials, or
24 consumer advertising specialties or for any incidental expenses
25 arising from their use or distribution;

26 (3) A distiller, wholesaler, winemaker, or brewer may give
27 a gift not to exceed a value of one thousand dollars per year to
28 a holder of a temporary permit as defined in section 311.482;

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

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

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

10 (5) The distiller, wholesaler, winemaker or brewer may
11 install dispensing accessories at the retail business
12 establishment, which shall include for the purposes of beer
13 equipment to properly preserve and serve draught beer only and to
14 facilitate the delivery to the retailer the brewers and
15 wholesalers may lend, give, rent or sell and they may install or
16 repair any of the following items or render to retail licensees
17 any of the following services: beer coils and coil cleaning,
18 sleeves and wrappings, box couplings and draft arms, beer faucets
19 and tap markers, beer and air hose, taps, vents and washers,
20 gauges and regulators, beer and air distributors, beer line
21 insulation, coil flush hose, couplings and bucket pumps; portable
22 coil boxes, air pumps, blankets or other coverings for temporary
23 wrappings of barrels, coil box overflow pipes, tilting platforms,
24 bumper boards, skids, cellar ladders and ramps, angle irons, ice
25 box grates, floor runways; and damage caused by any beer delivery
26 excluding normal wear and tear and a complete record of equipment
27 furnished and installed and repairs and service made or rendered
28 must be kept by the brewer or wholesalers furnishing, making or

1 rendering same for a period of not less than one year;

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

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

9 (a) The wholesaler may furnish or give not more than seven
10 hundred fifty milliliters of any brand of distilled spirits and
11 not more than seven hundred fifty milliliters of any brand of
12 wine; if a particular product is not available in a size within
13 the quantity limitations of this subsection, a wholesaler may
14 furnish or give to a retailer the next larger size;

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

18 (c) For the purposes of this subsection, no samples of
19 intoxicating liquor provided to retailers shall be consumed on
20 the premises nor shall any sample of intoxicating liquor be
21 opened on the premises of the retailer except as provided by the
22 retail license;

23 (d) For the purpose of this subsection, the word "brand"
24 refers to differences in brand name of product or differences in
25 nature of product; examples of different brands would be products
26 having a difference in: brand name; class, type or kind
27 designation; appellation of origin (wine); viticulture area
28 (wine); vintage date (wine); age (distilled spirits); or proof

1 (distilled spirits); differences in packaging such a different
2 style, type, size of container, or differences in color or design
3 of a label are not considered different brands;

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

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

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

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

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

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

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

1 (11) Distillers, winemakers, wholesalers, brewers or
2 retailers may conduct a local or national sweepstakes/contest
3 upon a licensed retail premise. The sweepstakes/contest prize
4 dollar amount shall not be limited and can be displayed in a
5 photo, banner, or other temporary point-of-sale advertising
6 materials on a licensed premises, if the following requirements
7 are met:

8 (a) No money or something of value is given to the retailer
9 for the privilege or opportunity of conducting the sweepstakes or
10 contest; and

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

15 (12) The distiller, wholesaler, winemaker or brewer may
16 stock, rotate, rearrange or reset the products sold by such
17 distiller, wholesaler, winemaker or brewer at the establishment
18 of the retail business so long as the products of any other
19 distiller, wholesaler, winemaker or brewer are not altered or
20 disturbed;

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

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

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

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

4 (c) Provide its own hospitality which is independent from
5 the association activity;

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

10 (e) Make payments for advertisements in programs or
11 brochures issued by retail business associations if the total
12 payments made for all such advertisements are fair and
13 reasonable;

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

16 (g) Make payments or donations for retail employee training
17 on preventive sales to minors and intoxicated persons, checking
18 identifications, age verification devices, and the liquor control
19 laws;

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

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

26 (j) Any retail business association that receives payments
27 or donations shall, upon written request, provide the division of
28 alcohol and tobacco control with copies of relevant financial

1 records and documents to ensure compliance with this subsection;

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

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

11 (b) The retail business shall not be compensated, directly
12 or indirectly, for displaying the permanent sign or a temporary
13 banner;

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

16 (d) Temporary banners of a seasonal nature or promoting a
17 specific event shall not be constructed to be permanent outdoor
18 signs and may be provided to retailers. The total cost of
19 temporary outdoor banners provided to a retailer in use at any
20 one time shall not exceed five hundred dollars per brand;

21 (16) A wholesaler may, but shall not be required to,
22 exchange for an equal quantity of identical product or allow
23 credit against outstanding indebtedness for intoxicating liquor
24 with alcohol content of less than five percent by weight that was
25 delivered in a damaged condition or damaged while in the
26 possession of the retailer;

27 (17) To assure and control product quality, wholesalers at
28 the time of a regular delivery may, but shall not be required to,

1 withdraw, with the permission of the retailer, a quantity of
2 intoxicating liquor with alcohol content of less than five
3 percent by weight in its undamaged original carton from the
4 retailer's stock, if the wholesaler replaces the product with an
5 equal quantity of identical product;

6 (18) In addition to withdrawals authorized pursuant to
7 subdivision (17) of this subsection, to assure and control
8 product quality, wholesalers at the time of a regular delivery
9 may, but shall not be required to, withdraw, with the permission
10 of the retailer, a quantity of intoxicating liquor with alcohol
11 content of less than five percent by weight in its undamaged
12 original carton from the retailer's stock and give the retailer
13 credit against outstanding indebtedness for the product if:

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

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

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

27 (19) Nothing in this section authorizes consignment sales.

28 5. (1) A distiller, wholesaler, winemaker, or brewer that

1 is also in business as a bona fide producer or vendor of
2 nonalcoholic beverages shall not condition the sale of its
3 alcoholic beverages on the sale of its nonalcoholic beverages nor
4 combine the sale of its alcoholic beverages with the sale of its
5 nonalcoholic beverages, except as provided in subdivision (8) of
6 subsection 4 of this section. The distiller, wholesaler,
7 winemaker, or brewer that is also in business as a bona fide
8 producer or vendor of nonalcoholic beverages may sell, credit,
9 market, and promote nonalcoholic beverages in the same manner in
10 which the nonalcoholic products are sold, credited, marketed, or
11 promoted by a manufacturer or wholesaler not licensed by the
12 supervisor of alcohol and tobacco control;

13 (2) Any fixtures, equipment, or furnishings provided by any
14 distiller, wholesaler, winemaker, or brewer in furtherance of the
15 sale of nonalcoholic products shall not be used by the retail
16 licensee to store, service, display, advertise, furnish, or sell,
17 or aid in the sale of alcoholic products regulated by the
18 supervisor of alcohol and tobacco control. All such fixtures,
19 equipment, or furnishings shall be identified by the retail
20 licensee as being furnished by a licensed distiller, wholesaler,
21 winemaker, or brewer.

22 6. Distillers, wholesalers, brewers and winemakers, or
23 their officers or directors shall not require, by agreement or
24 otherwise, that any retailer purchase any intoxicating liquor
25 from such distillers, wholesalers, brewers or winemakers to the
26 exclusion in whole or in part of intoxicating liquor sold or
27 offered for sale by other distillers, wholesalers, brewers, or
28 winemakers.

1 7. Notwithstanding any other provisions of this chapter to
2 the contrary, a distiller or wholesaler may install dispensing
3 accessories at the retail business establishment, which shall
4 include for the purposes of distilled spirits equipment to
5 properly preserve and serve premixed distilled spirit beverages
6 only. To facilitate delivery to the retailer, the distiller or
7 wholesaler may lend, give, rent or sell and the distiller or
8 wholesaler may install or repair any of the following items or
9 render to retail licensees any of the following services: coils
10 and coil cleaning, draft arms, faucets and tap markers, taps, tap
11 standards, tapping heads, hoses, valves and other minor tapping
12 equipment components, and damage caused by any delivery excluding
13 normal wear and tear. A complete record of equipment furnished
14 and installed and repairs or service made or rendered shall be
15 kept by the distiller or wholesaler furnishing, making or
16 rendering the same for a period of not less than one year.

17 8. Distillers, wholesalers, winemakers, brewers or their
18 employees or officers shall be permitted to make contributions of
19 money or merchandise to a licensed retail liquor dealer that is a
20 charitable, fraternal, civic, service, veterans', or religious
21 organization as defined in section 313.005, or an educational
22 institution if such contributions are unrelated to such
23 organization's retail operations.

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

1 10. A brewer or manufacturer, its employees, officers or
2 agents may have a financial interest in the retail business for
3 sale of intoxicating liquors at entertainment facilities owned,
4 in whole or in part, by the brewer or manufacturer, its
5 subsidiaries or affiliates including, but not limited to, arenas
6 and stadiums used primarily for concerts, shows and sporting
7 events of all kinds.

8 11. For the purpose of the promotion of tourism, a wine
9 manufacturer, its employees, officers or agents located within
10 this state may apply for and the supervisor of liquor control may
11 issue a license to sell intoxicating liquor, as defined in this
12 chapter, by the drink at retail for consumption on the premises
13 where sold, if the premises so licensed is in close proximity to
14 the winery. Such premises shall be closed during the hours
15 specified under section 311.290 and may remain open between the
16 hours of 9:00 a.m. and midnight on Sunday.

17 12. For the purpose of the promotion of tourism, a person
18 may apply for and the supervisor of liquor control may issue a
19 license to sell intoxicating liquor by the drink at retail for
20 consumption on the premises where sold, but seventy-five percent
21 or more of the intoxicating liquor sold by such licensed person
22 shall be Missouri-produced wines received from manufacturers
23 licensed under section 311.190. Such premises may remain open
24 between the hours of 6:00 a.m. and midnight, Monday through
25 Saturday, and between the hours of 11:00 a.m. and 9:00 p.m. on
26 Sundays.

27 311.075. 1. Notwithstanding any other provisions of this
28 chapter to the contrary, for the purpose of the promotion of

1 tourism, a retailer, its employees, officers, shareholders, and
2 agents may have a financial interest in a distillery for the
3 manufacturing of intoxicating liquors located in close proximity
4 to the grounds of a recreational resort owned, in whole or in
5 part, by the retailer, its subsidiaries, or affiliates. As used
6 in this section the term "recreational resort" shall mean any
7 grounds used to entertain guests that are owned and operated as
8 part of a facility by the retailer, its subsidiaries, or
9 affiliates, which shall have a restaurant, at least thirty rooms
10 for overnight accommodations, and outdoor activities that include
11 fishing or golf. The distillery shall be in close proximity to
12 the grounds of the recreational resort.

13 2. A retailer who is a holder of a license to sell
14 intoxicating liquor by the drink at retail for consumption on the
15 recreational resort's grounds shall be exempt from the provisions
16 of section 311.280, for such intoxicating liquor that is
17 manufactured in close proximity to the grounds of the
18 recreational resort in accordance with the provisions of this
19 chapter. All other intoxicating liquor sold by the drink at
20 retail for consumption on the recreational resort's grounds shall
21 be obtained in accordance with section 311.280.

22 3. The holder of a recreational resort distillery licensed
23 pursuant to this section may also sell intoxicating liquor
24 produced on the distillery premises to duly licensed wholesalers,
25 and all such sales to wholesalers shall be subject to the
26 provisions of sections 311.275 and 311.540. However, holders of
27 a recreational resort distillery license shall not, under any
28 circumstances, directly or indirectly, have any financial

1 interest in any Missouri wholesaler's business.

2 311.179. 1. Any person possessing the qualifications and
3 meeting the requirements of this chapter who is licensed to sell
4 intoxicating liquor by the drink at retail in an international
5 airport located in a county with a charter form of government and
6 with more than nine hundred fifty thousand inhabitants or in a
7 county of the first classification with more than eighty-three
8 thousand but fewer than ninety-two thousand inhabitants and with
9 a city of the fourth classification with more than four thousand
10 five hundred but fewer than five thousand inhabitants as the
11 county seat may apply to the supervisor of [liquor control]
12 alcohol and tobacco control for a special permit[. The permit
13 shall allow] which:

14 (1) Allows the premises located in the international
15 airport in such county to open at 4 a.m. and sell intoxicating
16 liquor by the drink at retail for consumption [on the premises
17 where sold]. The provisions of this section and not those of
18 section 311.097 regarding the time of opening shall apply to the
19 sale of intoxicating liquor by the drink at retail for
20 consumption [on the premises where sold] on Sunday[.];

21 (2) Allows persons to leave licensed establishments with an
22 alcoholic beverage and enter other airport designated areas
23 located within such airport. No person shall take any alcoholic
24 beverage or beverages outside such designated areas, including
25 onto any airplane; and

26 (3) Requires every licensee within such international
27 airport to serve alcoholic beverages in containers that display
28 and contain the licensee's trade name or logo or some other mark

1 that is unique to that license and licensee.

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

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

20 2. Beginning January 1, 1980, no holder of a wholesaler's
21 license issued under this chapter shall order, purchase or
22 receive any intoxicating liquor from any solicitor, other than a
23 wholesale-solicitor, unless the solicitor has registered with the
24 division of alcohol and tobacco control as the primary American
25 source of supply for the brand of intoxicating liquor ordered,
26 purchased or received.

27 3. The term "primary American source of supply" as used
28 herein shall mean the distiller, producer, the owner of the

1 commodity at the time it became a marketable product, the
2 bottler, or the exclusive agent of any such distiller, producer,
3 bottler or owner, the basic requirement being that the
4 nonresident seller be the first source closest to the
5 manufacturer in the channel of commerce from whom the product can
6 be secured by American wholesalers.

7 4. Any vintage wine solicitor licensed under section
8 311.180 may register as the primary American source of supply for
9 vintage wine with the division of alcohol and tobacco control,
10 provided that another solicitor is not registered as the primary
11 American source of supply for the vintage wine and the vintage
12 wine has been approved for sale by the federal Alcohol and
13 Tobacco Tax and Trade Bureau.

14 5. The supervisor of alcohol and tobacco control shall
15 approve or deny any application for primary American source of
16 supply for any intoxicating liquor product within five working
17 days following the receipt of a properly completed application.
18 Any such application for an intoxicating liquor product received
19 by the supervisor of alcohol and tobacco control that is not
20 approved or denied within five working days shall be considered
21 conditionally approved and such intoxicating liquor product may
22 be solicited, sold, shipped, ordered, purchased, and received in
23 this state. All such applications submitted by applicants
24 located in the state, and exclusively doing business in the
25 state, shall be approved or denied before any such applications
26 originating from other states are approved or denied.

27 311.510. 1. It shall be the duty of the supervisor of
28 liquor control, or his or her designee, to cause to be inspected

1 all beer, as defined in this chapter, or other intoxicating malt
2 liquors, brewed, manufactured or sold in this state, and he or
3 she shall determine whether such beer or other intoxicating malt
4 liquor has been made from pure hops or the pure extract of hops,
5 or of pure barley malt or other wholesome grains or cereals, or
6 wholesome yeast, and pure water, and whether the package
7 containing such beer or intoxicating malt liquor has been
8 correctly labeled to show that the same has been made from
9 wholesome ingredients.

10 2. Notwithstanding the provisions of subsection 1 of this
11 section, the supervisor of liquor control, or his or her
12 designee, shall not require product samples and shall not require
13 the testing of product samples to determine alcohol content prior
14 to granting approval for the sale of any such beer or other
15 intoxicating malt liquor product in the state of Missouri if the
16 supervisor of liquor control is provided with a copy of a
17 certificate of label approval issued by the [Federal Bureau of
18 Alcohol, Tobacco and Firearms] Alcohol and Tobacco Trade Bureau
19 [which verifies the alcohol content of the product].

20 3. Notwithstanding the provisions of subsection 1 of this
21 section, the supervisor of liquor control shall not require
22 product samples prior to granting approval for the sale of any
23 beer or other intoxicating malt liquors brewed, manufactured, and
24 sold exclusively in this state if the supervisor of liquor
25 control is provided a label. The supervisor of liquor control
26 shall have sole authority to approve all labels for keg collars,
27 bottles, and cans of such beer or other intoxicating malt liquor
28 and any inspections to determine labeling compliance for such

1 products shall be under the sole authority of the supervisor of
2 liquor control, with no approval or inspection by the Alcohol and
3 Tobacco Tax and Trade Bureau required.

4 311.540. 1. Every person, persons or corporation who shall
5 manufacture or distill spirituous liquors, including brandy, rum,
6 whiskey, and gin, and other spirituous liquors, within this
7 state, and wholesale or retail dealers or any other person who
8 shall import such intoxicating liquors into this state, for the
9 purpose of sale or offering the same for sale in this state,
10 shall, before offering the same for sale, cause the same to be
11 inspected and gauged by the supervisor of liquor control, or his
12 or her designee. It shall be the duty of the supervisor of
13 liquor control, or his or her designee, to inspect and gauge such
14 character of intoxicating liquor referred to in this section and
15 to ascertain whether the same is correctly labeled.

16 2. Notwithstanding the provisions of subsection 1 of this
17 section, the supervisor of liquor control, or his or her
18 designee, shall not require product samples and shall not require
19 the testing of product samples to determine alcohol content prior
20 to granting approval for the sale of any such spirituous liquors
21 product in the state if the supervisor of liquor control, or his
22 or her designee, is provided with a copy of a certificate of
23 label approval issued by the Federal Bureau of Alcohol, Tobacco
24 and Firearms which verifies the alcohol content of the product.

25 [311.462. 1. Notwithstanding any other provision
26 of law, a holder of a retailer alcoholic beverage
27 license in this state or a state which affords Missouri
28 licensees an equal reciprocal shipping privilege may
29 ship, for personal use and not for resale, not more
30 than two cases of wine, each case containing not more
31 than nine liters, per year to any adult resident of
32 this state. Delivery of a shipment pursuant to this

1 section shall not be deemed to constitute a sale in
2 this state.

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

8 3. No broker within this state may solicit
9 consumers to engage in interstate reciprocal wine
10 shipments under this section. No shipper located
11 outside this state may advertise such interstate
12 reciprocal wine shipments in this state.]