

FIRST REGULAR SESSION

# HOUSE BILL NO. 238

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTER.

0368H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 311.332, RSMo, and to enact in lieu thereof one new section relating to alcoholic beverages.

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

Section A. Section 311.332, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.332, to read as follows:

311.332. 1. It shall be unlawful for any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and wine at retail, to discriminate between retailers or in favor of or against any retailer or group of retailers, directly or indirectly, in price, in discounts for time of payment, or in discounts on quantity of merchandise sold, or to grant directly or indirectly any discount, rebate, free goods, allowance or other inducement, excepting a discount not in excess of one percent for quantity of liquor and wine, and a discount not in excess of one percent for payment on or before a certain date. The delivery of manufacturer rebate coupons by wholesalers to retailers shall not be a violation of this subsection.

2. Manufacturers or wholesalers shall be permitted to donate or deliver or cause to be delivered beer, wine, **distilled spirits**, or brandy for nonresale purposes to any unlicensed person or any licensed retail dealer who is a charitable or religious organization as defined in section 313.005 or educational institution, at any location or licensed premises, provided, such beer, wine, **distilled spirits**, or brandy is unrelated to the organization's or institution's licensed retail operation. A charge for admission to an event or activity at which beer, wine, **distilled spirits**, or brandy is available without separate charge shall not constitute resale for the purposes of this subsection. Wine used in religious ceremonies may be sold by wholesalers to a religious

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 organization as defined in section 313.005. Any manufacturer or wholesaler providing nonresale  
19 items shall keep a record of any deliveries made pursuant to this subsection.

20 3. Manufacturers, wholesalers, retailers and unlicensed persons may donate wine in the  
21 original package to a charitable or religious organization as defined in section 313.005 or  
22 educational institution for the sole purpose of being auctioned by the organization or institution  
23 for fund-raising purposes, provided the auction takes place on a retail-licensed premises and all  
24 proceeds from the sale go into a fund of an organization or institution that is unrelated to any  
25 licensed retail operation.

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