

FIRST REGULAR SESSION

SENATE BILL NO. 698

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

2714S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 311.332, RSMo, and to enact in lieu thereof one new section relating to wholesalers licensed to sell intoxicating liquor.

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Section A. Section 311.332, RSMo, is repealed and one new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

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. **A wholesaler licensed to sell
14 intoxicating liquor under subdivisions (7), (8), or (9) of
15 subsection 1 of section 311.180 shall not charge a separate
16 delivery fee, a fuel surcharge, or any other charge
17 associated with delivery but shall include any costs
18 associated with the delivery of the intoxicating liquor in**

19 **the price of the intoxicating liquor offered to retailers.**

20 The delivery of manufacturer rebate coupons by wholesalers
21 to retailers shall not be a violation of this subsection.

22 2. Manufacturers or wholesalers shall be permitted to
23 donate or deliver or cause to be delivered beer, wine, or
24 brandy for nonresale purposes to any unlicensed person or
25 any licensed retail dealer who is a charitable or religious
26 organization as defined in section 313.005 or educational
27 institution, at any location or licensed premises, provided,
28 such beer, wine, or brandy is unrelated to the
29 organization's or institution's licensed retail operation.

30 A charge for admission to an event or activity at which
31 beer, wine, or brandy is available without separate charge
32 shall not constitute resale for the purposes of this
33 subsection. Wine used in religious ceremonies may be sold
34 by wholesalers to a religious organization as defined in
35 section 313.005. Any manufacturer or wholesaler providing
36 nonresale items shall keep a record of any deliveries made
37 pursuant to this subsection.

38 3. Manufacturers, wholesalers, retailers and
39 unlicensed persons may donate wine in the original package
40 to a charitable or religious organization as defined in
41 section 313.005 or educational institution for the sole
42 purpose of being auctioned by the organization or
43 institution for fund-raising purposes, provided the auction
44 takes place on a retail-licensed premises and all proceeds
45 from the sale go into a fund of an organization or
46 institution that is unrelated to any licensed retail
47 operation.

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