

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1653

99TH GENERAL ASSEMBLY

5048H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 311.355, RSMo, and to enact in lieu thereof one new section relating to intoxicating liquor.

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

Section A. Section 311.355, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.355, to read as follows:

311.355. 1. Manufacturers of intoxicating liquor other than beer or wine shall be permitted to offer consumer cash rebate coupons as provided in this subsection:

(1) Consumer cash rebate coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media;

(2) Coupon advertisements may list the amount of the cash rebate, but not the retail price of the intoxicating liquor after the rebate;

(3) Applications for cash rebates must be made directly from the consumer to the manufacturer, and not through retailers or wholesalers;

(4) Cash rebates must be made directly to consumers by manufacturers;

(5) Wholesalers and manufacturers may deliver cash rebate coupons to retailers, either for distribution at the point of sale or in connection with packaging.

2. Manufacturers of intoxicating liquor including beer and wine may offer coupons redeemable for nonalcoholic merchandise, except that such redeemable coupons must be made available without a purchase requirement to consumers at the point of sale, or by request through the mail, or at the retailer's cash register. Redeemable coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media. Advertisements must state that no purchase is required to obtain the nonalcoholic merchandise and provide information on

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 the procedure to obtain such merchandise. The retail value of the nonalcoholic merchandise
19 shall not be stated in the advertisement or on the product. Wholesalers and manufacturers may
20 deliver these redeemable coupons at the point of sale or in connection with packaging.

21 **3. A wholesaler shall not directly or indirectly fund the cost of any cash rebate**
22 **coupon program allowed under this section.**

23 **4. Notwithstanding any other provision of law to the contrary, except for the**
24 **provisions of subsection 6 of this section, retailers of intoxicating liquor:**

25 **(1) May offer any coupon, premium, prize, rebate, loyalty program, or discount of**
26 **any type to consumers as an inducement to purchase nonalcoholic merchandise or**
27 **intoxicating liquor;**

28 **(2) Who offer a loyalty program for intoxicating liquor purchases shall include all**
29 **intoxicating liquors in the loyalty program and the rewards shall be applied at the same**
30 **rate for all intoxicating liquor purchases; and**

31 **(3) May purchase, publish, or display advertisements of intoxicating liquors that**
32 **list the amount of the rebate or discount and the retail price after the rebate or discount.**

33 **5. The retailer shall assume the cost of the sale or discounted price permitted under**
34 **subsection 4 of this section. No manufacturer shall directly or indirectly fund the cost of**
35 **any cash rebate coupon program or loyalty program allowed under this subsection.**

36 **6. No advertisement of intoxicating liquor or nonintoxicating beer authorized under**
37 **subsection 4 of this section shall contain a price that is below the retailer's actual cost,**
38 **including any combination of coupons, premiums, prizes, rebates, loyalty programs, or**
39 **other discounts.**

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