

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 1041
AN ACT

To repeal sections 311.332, 311.355, 311.520, 311.550, and 311.554, RSMo, and to enact in lieu thereof six new sections relating to alcoholic beverages, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 311.332, 311.355, 311.520, 311.550, and 311.554, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 311.332, 311.355, 311.520, 311.550, 311.554, and 311.2026, to read as follows: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, 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, 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, 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 organization as defined in section 313.005. Any manufacturer or wholesaler providing nonresale items shall keep a record of any deliveries made pursuant to this subsection.

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

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

311.520. 1. As used in this section, the following terms shall mean:

(1) "American brewery", the land and buildings located in the United States of America where malt liquors are produced and packaged;

(2) "Foreign import malt liquor", malt liquor manufactured and imported from outside the United States of America.

2. For all tax years beginning on or before December 31, 2025, as a charge for the inspection and gauging of all

11 malt liquors, the director of revenue shall collect the sum
12 of one dollar and eighty-six cents per barrel.

13 3. For all tax years beginning on or after January 1,
14 2026, as a charge for the inspection and gauging of malt
15 liquors, the director of revenue shall collect the sum of
16 sixty-two cents per barrel for all malt liquors manufactured
17 in an American brewery and the sum of one dollar and eighty-
18 six cents per barrel for all foreign import malt liquor.

19 4. Every manufacturer, out-of-state solicitor, and
20 wholesale dealer licensed under this chapter shall make a
21 true duplicate invoice of the same, showing the date, amount
22 and value of each class of such liquors shipped or
23 delivered, and the country of origin for all foreign import
24 malt liquors and shall retain a duplicate thereof, subject
25 to the use and inspection of the director of revenue and
26 supervisor of alcohol and tobacco control and their
27 representatives for two years.

28 5. The director of revenue and the supervisor of
29 alcohol and tobacco control may promulgate all necessary
30 rules and regulations for the administration of this
31 section. Any rule or portion of a rule, as that term is
32 defined in section 536.010, that is created under the
33 authority delegated in this section shall become effective
34 only if it complies with and is subject to all of the
35 provisions of chapter 536 and, if applicable, section
36 536.028. This section and chapter 536 are nonseverable and
37 if any of the powers vested with the general assembly
38 pursuant to chapter 536 to review, to delay the effective
39 date, or to disapprove and annul a rule are subsequently
40 held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28,
42 2025, shall be invalid and void.

311.550. 1. In addition to all other licenses and charges, there shall be paid to and collected by the director of revenue charges as follows:

(1) For the privilege of selling in the state of Missouri spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors and alcohol for beverage purposes, there shall be paid, and the director of revenue shall be entitled to receive, the sum of two dollars per gallon or fraction thereof;

(2) For the privilege of selling wines, the sum of [thirty] twenty-one cents per gallon to the credit of the agriculture protection fund created under section 261.200 to be used solely for agricultural business development and marketing-related functions of the department of agriculture.

2. The person who shall first sell such liquor to any person in this state shall be liable for the payment, except that no refund of any tax collected and remitted to the director of revenue by a retail seller upon gross receipts from a sale of beer, liquor or wine subject to the charges contained in sections 311.520, 311.550 and 311.554 shall be claimed for refund under chapter 144 for any amount illegally or erroneously overcharged or overcollected as a result of imposition of sales tax by the retail seller upon amounts representing the charges imposed under this chapter.

3. Any person who sells to any person within this state any intoxicating liquors mentioned in subdivision (1) of subsection 1, unless the charge hereby imposed is paid, is guilty of a felony and shall be punished by imprisonment by the state department of corrections for a term of not less than two years nor more than five years, or by imprisonment in the county jail for a term of not less than one month nor more than one year, or by a fine of not less

33 than fifty dollars nor more than one thousand dollars, or by
34 both such fine and imprisonment.

35 4. It shall be unlawful for any person to remove the
36 contents of any container containing any of the intoxicating
37 liquors mentioned in subdivision (1) of subsection 1 without
38 destroying such container, or to refill any such container,
39 in whole or in part, with any of the liquors mentioned in
40 subdivision (1) of subsection 1. Any person violating the
41 provisions of this subsection shall be guilty of a
42 misdemeanor.

43 5. Every manufacturer, out-state solicitor and
44 wholesale dealer licensed under this chapter shall make a
45 true duplicate invoice of the same, showing the date, amount
46 and value of each class of such liquors shipped or
47 delivered, and retain a duplicate thereof, subject to the
48 use and inspection of the supervisor of [liquor] alcohol and
49 tobacco control and his representatives for two years.

50 6. Any person who shall sell in this state any
51 intoxicating liquor without first having procured a license
52 from the supervisor of [liquor] alcohol and tobacco control
53 authorizing him to sell such intoxicating liquor is guilty
54 of a felony and upon conviction shall be punished by
55 imprisonment by the state department of corrections for a
56 term of not less than two years nor more than five years, or
57 by imprisonment in the county jail for a term of not less
58 than three months nor more than one year, or by a fine of
59 not less than one hundred dollars nor more than one thousand
60 dollars, or by both such fine and imprisonment.

311.554. 1. In addition to the charges imposed by
2 section 311.550, there shall be paid to and collected by the
3 director of revenue for the privilege of selling wine, an
4 additional charge of [six] ten and one-half cents per gallon
5 or fraction thereof. The additional charge shall be paid

6 and collected in the same manner and at the same time that
7 the charges imposed by section 311.550 are paid and
8 collected.

9 2. Until June 30, 2006, the revenue derived from the
10 additional charge imposed by subsection 1 shall be deposited
11 by the state treasurer to the credit of a separate account
12 in the marketing development fund created by section
13 261.035. Beginning July 1, 2006, the revenue derived from
14 such additional charge shall be deposited by the state
15 treasurer in the Missouri wine and grape fund created by
16 this section. Moneys to the credit of both the marketing
17 development fund and the Missouri wine and grape fund shall
18 be used only for market development in developing programs
19 for growing, selling, and marketing of grapes and grape
20 products grown in Missouri, including all necessary funding
21 for the employment of experts in the fields of viticulture
22 and enology as deemed necessary, and programs aimed at
23 improving marketing of all varieties of grapes grown in
24 Missouri; and shall be appropriated and used for no other
25 purpose.

26 3. There is hereby created in the state treasury the
27 "Missouri Wine and Grape Fund", which shall consist of money
28 collected under this section. The state treasurer shall be
29 custodian of the fund and shall approve disbursements from
30 the fund to the department of agriculture for use solely by
31 the Missouri wine and grape board created under section
32 262.820 in accordance with sections 30.170 and 30.180. Upon
33 appropriation, money in the fund shall be used solely for
34 the administration of this section. Notwithstanding the
35 provisions of section 33.080 to the contrary, any moneys
36 remaining in the fund at the end of the biennium shall not
37 revert to the credit of the general revenue fund. The state
38 treasurer shall invest moneys in the fund in the same manner

as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. In addition to the charges imposed by subsection 1 of this section and section 311.550, there shall be paid to and collected by the director of revenue for the privilege of selling wine an additional charge of ~~[six]~~ ten and one-half cents per gallon or fraction thereof. Until June 30, 2006, this additional ~~[six]~~ ten and one-half cents per gallon shall be deposited by the state treasurer to the credit of a separate account in the marketing development fund created by section 261.035. Beginning July 1, 2006, the revenue derived from such additional charge shall be deposited by the state treasurer in the Missouri wine and grape fund created in this section.

311.2026. 1. For the purposes of this section, the term "FIFA World Cup Tournament" means the international soccer tournament that takes place every four years and is organized by the Federation Internationale de Football Association.

2. Notwithstanding any other provisions of this chapter to the contrary, any person or establishment possessing the qualifications and meeting the requirements of this chapter that is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in any city, county, district, or other political subdivision in this state may, for the duration of the 2026 FIFA World Cup Tournament, beginning on June 11, 2026, through July 19, 2026, operate twenty-four hours a day and sell, serve, and allow for the consumption of alcoholic beverages between the hours of 6:00 a.m. and 5:00 a.m. of the following day. This temporary extension of service hours shall apply to all licensed areas at a licensed establishment. The provisions of this chapter relating to hours of operation, time of

20 closing or opening, or hours of sale of intoxicating liquor
21 by the drink at retail for consumption on the premises shall
22 not apply to such licensees for the duration of this
23 temporary extension, except as provided under this section.

24 3. Licensees are not required to apply to the
25 commission for approval and no special temporary license or
26 permit shall be required of any licensee for the purposes of
27 this temporary extension, subject to any local restrictions
28 on hours of operation as provided under subsection 4 of this
29 section or additional conditions for compliance under any
30 applicable local laws, ordinances, rules, or regulations.

31 4. If any city, county, district, or other political
32 subdivision in this state objects to the extension of hours
33 for licensees within its jurisdiction, the governing body of
34 such political subdivision may exempt itself by ordinance
35 from the provisions of this section or may modify by
36 ordinance the hours applicable to such political subdivision
37 for the temporary period allowed by this section to be not
38 less than the ordinary permissible hours of service
39 applicable to such political subdivision but not to exceed
40 the hours allowed under this section.

41 5. This section shall expire on July 20, 2026.

Section B. The repeal and reenactment of sections
2 311.550 and 311.554 of this act shall become effective on
3 July 1, 2026.