

SECOND REGULAR SESSION

SENATE BILL NO. 758

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5044S.011

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Section A. Section 311.355, RSMo, is repealed and one new section
2 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]
2 shall be permitted to offer consumer cash rebate coupons as provided in this
3 subsection:

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

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

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

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

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

14 2. Manufacturers of intoxicating liquor including beer and wine may offer
15 coupons redeemable for nonalcoholic merchandise, except that such redeemable
16 coupons must be made available without a purchase requirement to consumers
17 at the point of sale, or by request through the mail, or at the retailer's cash
18 register. Redeemable coupons may be published or advertised by manufacturers
19 in newspapers, magazines and other mass media. Advertisements must state

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 that no purchase is required to obtain the nonalcoholic merchandise and provide
21 information on the procedure to obtain such merchandise. The retail value of the
22 nonalcoholic merchandise shall not be stated in the advertisement or on the
23 product. Wholesalers and manufacturers may deliver these redeemable coupons
24 at the point of sale or in connection with packaging.

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

27 **4. Notwithstanding any other provision of law to the contrary,**
28 **except for the provisions of 11 CSR 70-2.240(5)(I), retailers of**
29 **intoxicating liquor:**

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

33 **(2) Who offer a loyalty program for nonalcoholic merchandise or**
34 **intoxicating liquor purchases shall include all nonalcoholic**
35 **merchandise or intoxicating liquors in the loyalty program and the**
36 **rewards shall be applied at the same rate for all nonalcoholic**
37 **merchandise or intoxicating liquor purchases; and**

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

41 **Any coupon, premium, prize, rebate, loyalty program, or discount**
42 **offered by a retailer under this section shall be paid for by the retailer.**

43 **5. Advertisements authorized under this section, including for**
44 **any combination of coupons, premiums, prizes, rebates, loyalty**
45 **programs, or other discounts, shall comply with the provisions of 11**
46 **CSR 70-2.240(5)(I).**

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