

DIVISION OF ALCOHOL AND TOBACCO CONTROL

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INDUSTRY CIRCULAR 23-03

Limitations on Donations and Raffles

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The Division of Alcohol and Tobacco Control has received questions about the legal limits on donations of intoxicating liquor to charitable organizations. As such, the Division issues this Circular to address questions and maintain compliance.

Charitable Donations to an Event by Manufacturers and Wholesalers

Sections 311.332.2 and 311.332.3, RSMo. set out the proper procedures for donating intoxicating liquor. Under § 311.332.2, ***only manufacturers and wholesalers*** may make donations of intoxicating liquor if all the following conditions are met:

- The donation contains ***only beer, wine, or brandy***; AND,
- The donation is for non-resale purposes; AND,
- The donation is made to an unlicensed person OR any licensed retailer who qualifies as a charitable or religious organization, as defined in § 313.005, RSMo., or educational institution under Missouri law so long as the donation is unrelated to the receiving licensee's retail operation.
 - *For example:* Wholesaler #1 may donate beer, wine, and brandy to University #1's alumni gala without any violation of Chapter 311 so long as University #1's gala does not support a retail license operation and University #1 does not charge any additional fee to patrons outside of the ticket price to attend the gala.
 - *As a reminder:* Patrons of such a gala may not pay a tip or gratuity for the served alcohol as such payment would constitute a re-sale not permitted by § 311.332.

Donations to Raffles by Anyone

Any person may donate ***wine only***, in the original package, to be auctioned for fund-raising purposes. Auctions must occur on the premises of a licensed retailer and the proceeds must go to a charitable or religious organization or an educational institution and the funds obtained cannot be used to support the retail license operations. *See* § 311.332.3.

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