RULES OF

Department of Public Safety

Division 70—Division of Alcohol and Tobacco Control

Chapter 2—Rules and Regulations

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TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 70 – Division of Alcohol and Tobacco Control
Chapter 2 – Rules and Regulations

11 CSR 70-2.010 Definitions

PURPOSE: This rule defines certain terms pertaining to and commonly used throughout Chapter 311, RSMo, and the rules and regulations of the supervisor of liquor control.

(1) Close proximity refers to two (2) or more areas that are located on one (1) continuous tract of land owned or leased by the same person, or within line of sight of one another, or located on an adjoining property owned or leased by the same person.

(2) Delivery occurs when a licensee transports or uses an employee or agent to transport intoxicating liquor to a consumer at a location other than the licensed premises.

(3) Direct financial interest means personally having, owning, or otherwise holding a financial interest.

(4) Domestic wine is defined in accordance with section 311.190, RSMo.

(5) Good moral character refers to honesty, fairness, and respect for the rights of others and for the laws of the state and nation.

(6) Indirect financial interest means enjoying the benefits of a direct financial interest of another person, as that term is defined in section 311.030, RSMo, or having any control over another person with a direct financial interest, including but not limited to: a spouse, minor child, or other relative living in the same home holding a direct financial interest; sharing monetary assets or liabilities with another person with a direct financial interest; having more than a ten percent (10%) ownership interest in another person with a direct financial interest; directly managing or serving as the managing officer of another person with a direct financial interest; or sharing common ownership where the common owner has more than a ten percent (10%) interest in each person.

(7) Intoxicating liquor is defined in accordance with section 311.020, RSMo.

(8) Malt liquor or beer is defined in accordance with section 311.490(1) and (2), RSMo.

(9) Managing officer means an individual in an applicant or licensee's employ or agent thereof who shall be responsible for any licenses issued by the state supervisor and serves as the division's primary point of contact with the applicant or licensee.

(10) The words manufacturer and manufacturer-solicitor, whenever used as nouns in Chapter 311, RSMo, and in these regulations, are synonymous.

(11) Ordinary Commercial Credit.

(A) Malt Beverages. Ordinary commercial credit for malt beverages is credit that requires payment to be made by the retail licensee by the last day of the month for malt beverages delivered on or after the first day of the month and up to and including the fifteenth day of the month and by the fifteenth day of the following month for malt beverages delivered to the retail licensee on or after the sixteenth day of the month and up to and including the last day of the month. No brewer or wholesaler may sell or deliver malt beverages while the retail licensee owes the brewer or wholesaler for malt beverages beyond the period of time as indicated in this subsection.

(B) Spirituous Liquor and Wine. Ordinary commercial credit for spirituous liquor and/or wine is credit that requires payment to be made by the retail licensee within thirty (30) days after the delivery of spirituous liquor and/or wine to the retail licensee. No distiller, wholesaler, or wine maker may sell or deliver spirituous liquor and/or wine while the licensee owes the distiller, wholesaler, or wine maker for spirituous liquor and/or wine beyond the period of time as indicated in this subsection.

(12) Original package refers to any package containing one (1) or more bottles, pouches, or cans of malt liquor, spirituous liquors, or wine in the manufacturer's original sealed container.

(13) The word permit, whenever used as a verb in Chapter 311, RSMo, and in these regulations, means to have knowledge of an event or activity and to authorize, make possible, allow by tacit consent, or fail to prevent said event or activity from occurring. Knowledge of an event or activity may be inferred if the event or activity occurs openly, or if knowledge of the event or activity could have been obtained through the exercise of reasonable care and diligence.

(14) The words permit and license, whenever used as nouns in Chapter 311, RSMo, and in these regulations are synonymous.

(15) The words permittee and licensee, whenever used as nouns in Chapter 311, RSMo, and in these regulations are synonymous.

(16) Person is defined in accordance with section 311.030, RSMo.

(17) Premises or premise refers to any place where intoxicating liquor is sold or consumed and may be one (1) room, a building comprising several rooms, two (2) or more buildings permanently connected by a covered walkway, or a building with adjacent or surrounding land that has clearly delineated, permanent boundaries and is not used primarily for vehicular travel or parking, such as a lot or garden.

(18) Retailer is a person holding a license from the state supervisor authorizing the person to sell, offer to sell, or facilitate the sale of intoxicating liquor to consumers.

(19) Shipment occurs when a licensee uses a common carrier to transport intoxicating liquor to a consumer at a location other than the licensed premises.

(20) Spirits or spirituous liquor includes brandy, rum, whiskey, gin, any distilled intoxicating liquor, and all other preparations, dilutions, or mixtures for beverage purposes of a like character and excludes all other vinous, fermented, or malt liquors.

(21) Unlabeled liquor includes any intoxicating liquor that does not have a label affixed to the original package, that has a label affixed to the original package which has not been approved in accordance with state and federal laws and regulations, or that has an approved label that has been affixed to the original package in a way that is not in accordance with state or federal laws and regulations.

(22) The words wholesaler and/or wholesale-solicitor whenever used as nouns in Chapter 311, RSMo, and in these regulations, are synonymous.

(23) Wine is a vinous liquor produced by fermentation of juices of grapes, berries, or other fruits, or a preparation of certain vegetables by fermentation, and containing alcohol not in excess of twenty-two percent (22%) by volume.

(24) Two (2) cases of wine, as it is referred to in section 311.185, RSMo, shall mean the equivalent volume of four and seventy-six hundredths (4.76) gallons shipped in a calendar month.

(25) Applicant refers to the sole proprietor, partnership, or entity applying for a liquor license.

(26) Entity refers to any association, corporation, limited liability company, limited partnership, or other business structure which has a separate legal existence from its owner(s). Entity also includes any business structure not in conformance with a sole proprietor or partnership structure as defined herein.

(27) Partnership refers to two (2) or more individuals who share control over the management and profits of a business structure. The business has no separate legal existence from the partners.

(28) Sole proprietor refers to one (1) individual who exercises exclusive control over the management and profits of a business structure. The business has no separate existence from its owner. Income and losses are taxed on the individual's personal income tax return.

(29) Primary activity, when it relates to microbreweries, refers to the manufacture and sale of beer in excess of one hundred (100) gallons per year.

(30) Association, as it is used in section 311.030, RSMo, includes limited liability companies and all business entities not otherwise described in Chapter 311, RSMo, as a person.

AUTHORITY: section 311.660, RSMo Supp. 2024. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Nov. 21, 1974, effective Dec. 1, 1974. Amended: Filed Sept. 30, 1976, effective Feb. 11, 1977. Amended: Filed Jan. 7, 1985, effective April 11, 1985. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Jan. 22, 1996, effective July 30, 1996. Amended: Filed Oct. 10, 2018, effective May 30, 2019. ** Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022. Amended: Filed Dec. 19, 2023, effective July 30, 2024. Amended: Filed Aug. 1, 2024, effective March 30, 2025.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

***Pursuant to Executive Order 21-07, 11 CSR 70-2.010, section (5) was suspended from April 14, 2020 through August 27, 2021.*

***Op. Atty. Gen. No. 132, Russell (7-18-79)**. Ethanol used solely as a fuel for motor vehicle purposes is not a section 311.020, RSMo "intoxicating liquor." Also, manufacturers of ethanol for fuel purposes need not be licensed under Chapter 311, RSMo if the ethanol is denatured by some means.*

***Op. Atty. Gen. No. 37, Mueller (1-17-79)**. Wines used as part of religious services are not "for beverage purposes" since they are not being consumed for the mere pleasure of drinking or for physical or mental exaltation. Therefore, these "sacramental wines" are not intoxicating liquors as defined in Chapter 311, RSMo.*

11 CSR 70-2.020 Application for License

PURPOSE: This rule prescribes forms and applications and establishes procedure for the issuance of all intoxicating liquor licenses.

(1) Applications for licenses including payment for the correct amount of the license fee are to be submitted to the supervisor of Alcohol and Tobacco Control at the Central Office in Jefferson City, or any operational Alcohol and Tobacco Control field office within the state. If payment is rejected for insufficient funds and the licensee has not replaced such payment within fifteen (15) days of notification with sufficient funds, then beginning with the sixteenth day, if such licensee's renewed license has been issued, such renewed license shall be suspended until the day following the day the licensee makes restitution for the insufficient funds payment, or if such licensee's renewed license has not been issued, the renewed license shall not be issued until on or after the day following the day the licensee makes restitution for the insufficient funds payment.

(2) Application is to be made on the forms prescribed by the supervisor.

(3) No applicant may exercise the privileges of the license applied for prior to its issuance.

(4) If application is made by a partnership, the application shall set out the names and residences of all the partners, whether they be active or silent, and be signed by all the partners. All partners shall qualify under the laws of Missouri for the license.

(5) If application is made by an entity, the application shall set out the names and residences of any officers and all members or shareholders, whether they be active or silent, and be signed by the managing officer. The entity shall qualify under the laws of Missouri for the license. As used in this section for purposes of disclosure, "all members or shareholders" means all natural persons, regardless of corporate structure, who have a financial interest of five percent (5%) in either the profits or voting power of the licensed entity. The supervisor may require further disclosure of financial interest beyond the five percent (5%) threshold after the application is made consistent with section 311.060, RSMo.

(6) No application will be considered which is not complete. No license may be granted to an applicant unless the applicant makes full, true, and complete answers to all questions in the application. Any false answer to any question in the application or omission of a material matter in the application, may be cause for denial of the application or discipline of any license issued pursuant to the application.

(7) Violation of any oath taken by a licensee or any person(s) listed in the application in connection with the application for a license is cause for denial of the application or discipline of any license issued pursuant to the application.

(8) If the supervisor of Alcohol and Tobacco Control has reason to believe that an applicant or any person(s) listed in the application has a criminal record and is not a person of

good moral character, the supervisor may request that the applicant or person(s) listed in the application submit to being fingerprinted and fingerprints forwarded to the Department of Justice to ascertain if the applicant or person(s) listed in the application has been convicted of any crime.

(9) The surety on the bond of any licensee at any time may notify the supervisor of Alcohol and Tobacco Control and the licensee that s/he desires after a date named, which is at least thirty (30) days after the receipt of notification by the licensee and the supervisor, to be relieved of liability on the bond. Upon receipt, the privileges of the principal under the license as is supported by the bond may be terminated and cancelled on the date specified, unless supported by other sufficient bond(s), and the surety can be relieved of liability on the bond for any default of the principal accruing on and after the date named.

(10) Every applicant for a liquor license of any kind will present all applicable items listed on the checklist of requirements that corresponds to the application form as prescribed by the supervisor of Alcohol and Tobacco Control. Failure to present all applicable items may be cause for denial of the application or discipline of any license issued pursuant to the application.

(11) Every applicant for a liquor license of any kind must provide written notice to the supervisor of Alcohol and Tobacco Control if any fact or information changes from what is set forth in the application. Failure to provide written notice of such changes may be cause to deny the application or to discipline any license issued pursuant to the application.

(12) No license may be issued to the spouse, child(ren), step-child(ren), parent(s), stepparent(s), son-in-law or daughter-in-law, employee, or other person having any interest in the business of a licensee whose license has been revoked, for the privilege of doing business at the same location or in close proximity to the location of the establishment whose license was revoked until a period of five (5) years after the date of the revocation of the license, and then at the discretion of the supervisor of Alcohol and Tobacco Control.

(13) Ineligible Premises.

(A) No license may be issued for any premises that has been condemned by a federal, state, county, or local government entity, or has been declared a public and common nuisance by a court of law.

(B) No license may be issued for any premises that is transitory, moveable, or not permanently anchored to the ground, unless expressly permitted under Chapter 311, RSMo, or the regulations promulgated thereunder. This regulation does not apply to any applicant seeking a temporary license, except for temporary licenses issued under section 311.095, RSMo.

(C) No license may be issued for any premises that contains a private residence. Where an application seeks to license a portion of any building that contains a private residence, the building must have permanent partitions such that the licensed premises is separate and distinct from any residential areas. The licensed premises and the private residence must each have separate entrances and street addresses. This regulation does not apply to hotels, motels, bed and breakfasts, any premises that offers commercial overnight lodging, or any premises that does not receive or store intoxicating liquor on-site for commercial use.

(D) No license may be issued to any premises that includes, in whole or in part, the licensed premises of a current licensee. Where an applicant wishes to be licensed to operate on a premises that includes, in whole or in part, the licensed premises of a current licensee, the applicant must provide documentation showing that the current licensee either no longer owns or has a lease to operate out of the licensed premises or has agreed to surrender the premises in question to the applicant for the applicant's exclusive use. This regulation does not apply to any applicant seeking a temporary license, except for temporary licenses issued under section 311.095, RSMo.

(14) When the supervisor receives applications from two or more applicants seeking to operate out of the same premises, those applications will be processed in the order in which they were received. No application will be considered unless the previous applicant(s) have withdrawn its application or the supervisor has denied the previous applicant(s) and the previous applicant(s) have exhausted the administrative remedies found in section 311.691, RSMo.

(15) The supervisor of Alcohol and Tobacco Control, at his/her discretion and for good cause, may issue a temporary license for up to ten (10) days. A completed application with all required current documents and payment of license fees and any late charges must be in receipt of the Division of Alcohol and Tobacco Control before a temporary license may be considered by the supervisor of Alcohol and Tobacco Control.

(16) No renewal application is complete if the applicant for renewal has any delinquent reports under Chapter 311, RSMo.

(17) All license applications not received at, or otherwise post-marked to, Division of Alcohol and Tobacco Control by July 31 shall not be considered for renewal. A new application must be submitted if a license is sought after the renewal period closes on July 31.

(18) When evaluating the qualifications for licensure of any business entity not specifically named in section 311.060, RSMo, the division shall use the standards set forth in this section.

(A) No entity shall be granted a liquor license if any of its owners, members, natural persons holding a financial interest in the business sought to be licensed, officers, or managing officer have held any such a position with a revoked license, subject to the limitations described in section 311.060.7, RSMo, or if such individual shall not be a person of good moral character subject to the limitations described in section 311.060.1-2, RSMo. As used in this subsection, "members" shall refer to natural persons holding a share of control of the business sought to be licensed.

(B) When a business seeking to be licensed has ownership held by a separate business entity or trust, all natural persons associated with the ownership or control of the trust shall be evaluated consistent with subsection (18)(A) as though the natural persons associated with the shareholding business were members of the business sought to be licensed.

(C) Subsections (A) and (B) of this section shall not apply to the beneficiaries of a trust.

(D) The supervisor may decline to issue a license where there is cause to believe an unqualified individual has created one (1) or more business entities or trusts to avoid the qualifications of this section.

(19) Beginning on the effective date of this regulation, no

person, partnership, or business entity shall be qualified for a liquor license if such person, partnership, or business entity shall have any ownership by, or who shall designate a managing officer that is, a person who has not attained the age of twenty-one (21) years. This section shall not apply to a beneficiary of a trust who holds a financial interest in the applicant business. The supervisor of alcohol and tobacco control shall not use this section as a reason to deny the renewal of any active license existing on the effective date of this regulation.

(20) Where a trust holds a financial interest in an applicant business, the trust must disclose the trustee as though the trustee was an owner. The trust need not disclose the beneficiaries of the trust until the financial interest is realized or if the supervisor of alcohol and tobacco control has cause to believe that a beneficiary of the trust is disqualified from having a financial interest in the applicant business or where the trust merely acts as subterfuge. Applicants who have a trust holding a financial interest shall –

(A) Complete a mandatory attestation form created by the division;

(B) Provide a certification of trust with the application; and

(C) Furnish to the division a copy of the trust instrument upon request.

AUTHORITY: section 311.660, RSMo Supp. 2024. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed July 11, 1984, effective Oct. 11, 1984. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Sept. 22, 1998, effective March 30, 1999. Amended: Filed June 5, 2008, effective Nov. 30, 2008. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022. Amended: Filed Dec. 19, 2023, effective July 30, 2024. Amended: Filed Aug. 1, 2024, effective March 30, 2025.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

Brown-Forman Distillers Corp. v. Stewart, *520 SW2d 1 (Mo. banc 1975). Separate licenses are required for every phase of the liquor traffic and manufacturers, wholesalers and retailers are statutorily categorized as distinct separate phases thereof. The statutes indicate a legislative intent to preclude a licensee in one phase of the liquor traffic from controlling traffic in liquor in its entirety.*

Pinzio v. Supervisor of Liquor Control, *334 SW2d 20 (1960). A review of the statutes makes it clear that the legislature has vested sole discretion in the supervisor (of liquor control) to issue or refuse to issue each license, whether one of original issue or a renewal and that a hearing is not an essential prerequisite to the lawful exercise of that sole discretion. Failure to hold a hearing prior to the refusal to issue a denial of due process is in violation of the pertinent provisions of the state and federal constitutions.*

State ex rel. Floyd v. Philpet et al., *266 SW2d 704 (Mo. banc 1954). The exclusive authority to determine whether statutory qualifications for an applicant for a state license to sell intoxicating liquor at retail had been met and the authority to issue such licenses is vested in the state supervisor of liquor control.*

11 CSR 70-2.030 Change of Facts, Posting, Transfer, and Lost Licenses – Executors – Administrators

PURPOSE: This rule establishes procedure for reporting changes in status of license, transfer, death of licensee or managing officer, loss of, etc.

(1) Written notice is to be provided to the supervisor of Alcohol and Tobacco Control within fifteen (15) days if any factor or information changes from what is set forth on an application during a period of licensure.

(2) A license issued pursuant to this chapter is to be displayed in a conspicuous place on the premises where the business is carried on, as well as any city or county license designating the premises as a place to sell intoxicating liquor. No license may be posted at the premises where traffic in intoxicating liquor is being carried on by any person other than the licensee. A license may not be knowingly defaced, destroyed, or altered.

(3) The supervisor of Alcohol and Tobacco Control may allow a license to be transferred to any other premises or to any other part of the building containing the licensed premises, provided the premises sought to be licensed meets the requirements of the law. The licensee must apply for permission to transfer in writing, and the supervisor must approve the application for permission to transfer before the license can be transferred. The application for permission to transfer must include –

(A) Legal name, business name or d/b/a, and license number(s) of licensee;

(B) Address and legal description of current premises;

(C) Address and legal description of premises to which transfer is sought, together with name and address of owner or landlord; and

(D) A consent of surety(ies), signed, and witnessed by private individuals in the same manner in which the signatures appear on the bond itself. If the bond was signed by a surety company, the consent needs to be signed by a duly authorized officer or attorney-in-fact of the company whose authority or power of attorney is on file in the Division of Alcohol and Tobacco Control.

(4) Whenever a license is lost or destroyed, a duplicate license in lieu of the lost or destroyed license may be issued by the supervisor of Alcohol and Tobacco Control without cost to the licensee.

(5) Unless licensed by the supervisor of Alcohol and Tobacco Control as such, no receiver, assignee, trustee, guardian, administrator, or executor may sell any intoxicating liquor belonging to the estate over which s/he has control, except to a licensed wholesaler or retailer with the written consent of the supervisor of Alcohol and Tobacco Control to sell the intoxicating liquor. The supervisor may give written consent after receiving the following documents and information:

(A) A copy of the order of the court having jurisdiction over the estate authorizing the sale; and

(B) A joint affidavit signed by the receiver, assignee, trustee, guardian, administrator, or executor and the purchaser, setting out an inventory of the stock, the price for which it is to be sold, the date of the contract of sale, and the license number of the purchaser.

(6) In the event that a licensee's license has been lost, stolen, destroyed, or a transfer to another place of business is desired, an agent or inspector, with the approval of the supervisor, may issue a special certificate which will allow the licensee to continue his/her business. In no event may the special certificate continue in effect for more than ten (10) days from

the date of issuance.

(7) Corporations and other entities licensed under the provisions of section 311.060, RSMo, shall designate a managing officer who is an individual in the corporation's or other entity's employ, either as an officer or an employee with the general control and superintendence of the licensed premises, or an agent capable of representing and binding the corporation or other entity during all interactions or proceedings with the supervisor or a designated representative dealing with the Liquor Control Law.

(A) The managing officer shall be responsible for:

1. Receiving correspondence from the supervisor or a designated representative dealing with the Liquor Control Law;

2. Responding to verbal communications requests from the supervisor or a designated representative dealing with the Liquor Control Law;

3. Providing information requested by the state supervisor or a designated representative dealing with the Liquor Control Law;

4. Assisting in the preparation of the original application for licensure and any subsequent renewal applications, signing such applications, and swearing to the accuracy of all information contained in such applications.

(B) If the managing officer is not an officer or an employee with the general control and superintendence of the licensed premises, the managing officer must have limited power of attorney to represent and bind the corporation or other entity during all interactions with the supervisor or a designated representative dealing with the Liquor Control Law.

(C) Applicants must submit documentation alongside their application sufficient to prove that the managing officer designated in the application satisfies the qualifications in section 311.060, RSMo, and this regulation.

(D) If a vacancy occurs in the office of the managing officer, a replacement shall be named within fifteen (15) days of the vacancy. Replacements must qualify under section 311.060, RSMo, and this regulation. If the supervisor determines that a replacement does not qualify under section 311.060, RSMo, and this regulation, the supervisor shall notify the licensee in writing, and the licensee shall have fifteen (15) days from the date of the written notice to name a qualified replacement.

(8) Licensees are responsible for ensuring that the contact information for all persons listed in the application on record with the division is accurate and current.

AUTHORITY: section 311.660, RSMo Supp. 2021. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Aug. 14, 2020, effective March 30, 2021. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.040 Manufacturers, Wholesalers and Distributors

PURPOSE: This rule defines credit and advertising items allowed to be provided to retailers by manufacturers, wholesalers, and distributors.

(1) Except as provided in section 311.070, RSMo, no retail licensee, directly or indirectly, may accept any loans, equipment, money, credit, or property of any kind, except ordinary commercial credit. Except as provided in section 311.070, RSMo, no retail licensee may permit any distiller, wholesaler, wine maker, solicitor, brewer or employees, officers, or agents, under any circumstances to have any direct or indirect financial interest in his/her retail business for the sale of intoxicating liquor, and s/he shall not accept, directly or indirectly, from a distiller, wholesaler, wine maker, solicitor, brewer or its employees, officers, or agents any loan, gift, equipment, money, credit, or property of any kind except ordinary commercial credit for intoxicating liquor sold to the retailer. A retailer may accept, to properly preserve and serve draught beer and to properly preserve and serve draught wine, only equipment and services as allowed in section 311.070, RSMo.

(A) A sale by a licensed wholesaler to a licensed retailer of intoxicating liquor at a price which is less than the cost of the intoxicating liquor to the licensed wholesaler making the sale is presumed (subject to rebuttal as set out in this rule) to constitute a gift of money or property to the licensed retailer in violation of this regulation and sections 311.060 and 311.070, RSMo.

(B) The word cost as used in this regulation means the actual invoice charge for the merchandise by the supplier of the merchandise to the wholesaler, manufacturer, brewer, or solicitor, plus the cost of transportation to the wholesaler and all federal and Missouri excise taxes and custom duties allocable to the merchandise.

(C) The presumption may be rebutted by reasonable proof that the fair wholesale market value of the intoxicating liquor in question is less than the cost of intoxicating liquor to the wholesaler selling the same, and has been designated as close-out merchandise pursuant to section 311.335.3, RSMo and 11 CSR 70-2.190(2)(D). A licensed wholesaler may not use close-out pricing as an inducement for retailers to purchase other intoxicating liquors.

(2) No distiller, wholesaler, wine maker, solicitor, brewer or employees, officers, or agents of same may, directly or indirectly, pay any fee rental or other consideration to any retail licensee for the use of any part of the licensed retail premises for advertising any brand name of distilled spirits, wine, or malt liquor, or for the purpose of advertising the name, trademark, or trade name of any marker of the trademark.

(3) Except as provided in section 311.070, RSMo, no distiller, solicitor, wholesaler, wine maker, brewer or their employees, officers, or agents, directly or indirectly, may give or offer to give any financial assistance, gratuity, or make or offer to make any gift of their products to any retail licensee.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Feb. 24, 1987, effective May 11, 1987. Amended: Filed May 14, 1987, effective Aug. 13, 1987. Amended: Filed Nov. 21, 1996, effective May 30, 1997. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

11 CSR 70-2.050 Wholesalers' Conduct of Business

PURPOSE: This rule establishes guidelines for wholesalers regarding purchases, deliveries, sales, and storage of products.

(1) No wholesaler may buy, obtain, or accept any intoxicating

liquors from any person who is not registered with the division of Alcohol and Tobacco Control as the primary American source of supply or who is not a licensed wholesale-solicitor. However, a wholesaler owning warehouse receipts may obtain the written permission from the supervisor of Alcohol and Tobacco Control to receive intoxicating liquor from federal customs bonded warehouses or federal internal revenue bonded warehouses.

(2) No wholesaler may sell, deliver, or cause any intoxicating liquors to be sold or delivered to any licensee unless the wholesaler bought, obtained, or accepted the intoxicating liquor from the person registered with the division of Alcohol and Tobacco Control as the primary American source of supply or a licensed wholesale-solicitor.

(3) No wholesale licensee may sell, deliver, or cause any intoxicating liquors to be sold or delivered to any licensee while the licensee is under suspension by the supervisor of Alcohol and Tobacco Control.

(4) No wholesale licensee who has had his/her license suspended by order of the supervisor of Alcohol and Tobacco Control may sell or give away any intoxicating liquor, nor order or accept delivery of any intoxicating liquor during the period of time the order of suspension is in effect.

(5) All wholesale licensees are to keep and maintain a place for storage of merchandise, which is designated in the license and separate and apart from any storage place used by others and with a separate entrance and street address.

(6) No wholesaler licensee may deliver or cause intoxicating liquors to be delivered to any premises unless there is a license displayed prominently issued by the supervisor of Alcohol and Tobacco Control to the person purchasing the liquor, wine, or beer, designating the purchaser as a person licensed to sell on the premises the kind of liquor, wine, or beer s/he is about to deliver.

(7) Wholesalers licensed to sell intoxicating liquor are to make and keep invoices for all sales or deliveries of intoxicating liquor and the Missouri license number of every person to whom intoxicating liquor is sold or delivered by the licensees is to be written or stamped upon the invoices.

(8) Shipments by wholesalers or solicitors may be made only to licensed dealers of this or other states. A bill of lading is to be secured from the carrier and kept on file for a period of two (2) years so that shipments may be traced by the division's auditors or agents.

AUTHORITY: section 311.660, RSMo Supp. 2021. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed April 23, 1981, effective Aug. 13, 1981. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.060 Manufacturers

PURPOSE: This rule establishes procedures for labeling, bottling, and delivery of products.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For the purpose of this regulation the following definitions apply:

(A) A "facility which brews or manufactures malt liquor" is defined as a brewery or manufacturing plant premises licensed by either or both the state within which it is located and/or the U.S. Treasury Department, Alcohol and Tobacco Tax and Trade Bureau; and

(B) An "owner" of a facility which brews or manufactures malt liquor is defined as a person or entity, that holds the entire facility in fee simple, or has a leasehold interest for a term of years in that entire facility, and is the person or business entity licensed for that entire facility by either or both the state within which the facility is located and/or the U.S. Treasury Department, Alcohol and Tobacco Tax and Trade Bureau.

(2) The Federal Alcohol Administration Act is hereby incorporated by reference (published by the United States House, dated January 1, 2022, and available at https://uscode.house.gov/view.xhtml?path=/prelim@title27/chapter8&edition=prelim) and all federal regulations adopted thereunder as of January 1, 2022. This rule does not include any later amendments or additions. This regulation applies to distilled spirits, wine, and malt beverages packaged purely for interstate shipment insofar as the regulations are not contrary to or inconsistent with the laws of Missouri. In addition to the regulations, the label of every container of spirituous liquor, wine, or malt liquor, unless already required by the regulations, shall set forth the name and address of the manufacturer, brewer, distiller, rectifier, or producer of the spirituous liquor, wine, or malt liquor as the case may be, provided that if the name of the brewer or manufacturer of malt liquor which appears on the label is not the owner of the facility where the malt liquor was brewed or manufactured, then the name, owner, and address of the facility shall also be set forth on the label.

(3) All licensees engaged in bottling intoxicating liquor and alcoholic beverages, before filling any bottle, shall cause the same to be sterilized by one (1) of the following methods:

(A) All new bottles, unless sterile, are to be sterilized or cleaned by thoroughly rinsing with clean sterile water or by blowing or vacuuming with proper machines for sterilization or cleansing; or

(B) All used bottles are to be sterilized by soaking in a hot caustic solution which contains not less than three percent (3%) caustic or alkali expressed in terms of sodium hydrate. The period of time in the solution is to be governed by the temperature and strength of the solution. The bottles are then to be rinsed thoroughly in clean sterile water until free from alkali or sodium hydrate.

(4) All manufacturers and wholesalers are to keep their premises and equipment in a clean and sanitary condition.

(5) Applicants for a manufacturing license shall provide a copy of a certificate demonstrating successful completion of

a health inspection with their license application. No such applicant may be granted a manufacturer license without such a certificate, subject to the following exceptions:

(A) If an applicant does not have a health inspection certificate on the day they file their license application, they may submit a written statement with their application stating that they will provide a copy of their health inspection certificate within ten (10) days of the issuance of that certificate. Failure to provide a copy of the health certificate within ten (10) days of issuance may result in disciplinary action; and

(B) If a state or local health authority determines that an applicant does not need a health inspection, the applicant may submit documentation from said state or local health authority showing that the applicant does not need a health inspection in lieu of a health inspection certificate.

(6) No intoxicating liquor may be brought in or transported within this state for the purpose of sale to any licensee or sold to any licensee except in containers the sizes of which have been approved by the U.S. Treasury Department, Alcohol and Tobacco Tax and Trade Bureau.

(7) No manufacturer who has acquired knowledge or been given notice that a wholesaler has been suspended may make sales or deliver merchandise to the wholesaler during the period of time that the licensee is under suspension.

AUTHORITY: section 311.660, RSMo Supp. 2024. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Emergency amendment filed Nov. 21, 1996, effective Dec. 31, 1996, expired June 28, 1997. Amended: Filed Nov. 21, 1996, effective May 30, 1997. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Aug. 14, 2020, effective March 30, 2021. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022. Amended: Filed Aug. 1, 2024, effective March 30, 2025.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.070 Tax on Spirituous Liquor and Wine

PURPOSE: This rule establishes tax amounts on various container sizes of wine and spirituous liquor, defines contraband and prohibits possession of untaxed liquor or wine.

(1) The tax on spirituous liquor is two dollars ($2.00) per gallon and the tax on wine is forty-two cents ($0.42) per gallon.

(2) Any spirituous liquor or wine shipped, delivered, sold, or offered for sale in this state without payment of the proper amount of taxes due is contraband and may be seized and disposed of by the supervisor or his/her agents.

(3) No person other than a licensed distiller, rectifier, wine manufacturer, or solicitor may possess in this state any spirituous liquor or wines without the proper amount of taxes having been paid, except as provided in section 311.580, RSMo.

AUTHORITY: section 311.660, RSMo Supp. 2021. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Sept. 30, 1976, effective Feb. 11, 1977. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.080 Malt Liquor Tax

PURPOSE: This rule establishes tax amounts on various container sizes of malt beverages, defines contraband, and prohibits possession of untaxed cereal malt beverages.

(1) For all tax years beginning on or after January 1, 2026, the tax on malt liquor manufactured in an American brewery is sixty-two cents ($0.62) per barrel or two cents ($0.02) per gallon. The tax on foreign import malt liquor is one dollar eighty-six cents ($1.86) per barrel or six cents ($0.06) per gallon.

(2) Any malt liquor shipped, delivered, sold, or offered for sale in this state without payment of the proper amount of taxes due is contraband and may be seized and disposed of by the supervisor or his/her agents.

(3) No person other than a licensed brewer, malt liquor manufacturer, or solicitor may possess in this state any malt liquor without the proper amount of taxes having been paid, except as provided in section 311.580, RSMo.

AUTHORITY: sections 311.520.5 and 311.660, RSMo Supp. 2025. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022. Amended: Filed Nov. 19, 2025, effective July 30, 2026.*

**Original authority: 311.520, RSMo 1939, amended 1945, 1961, 1969, 2009, 2025, and 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.090 Reports of Distillers, Solicitors, Wine Manufacturers, and Wholesalers

PURPOSE: This rule establishes format for reports of shipment and payment of tax on liquor and wine.

(1) Every distiller, solicitor, and wine manufacturer licensed to sell spirituous liquor and wine in this state needs to file with the supervisor of Alcohol and Tobacco Control a report listing all Missouri wholesale licensees with whom it transacts business and attach to the report a copy of any contract or agreement between the distiller, solicitor, or wine manufacturer and wholesale licensee. Any change in the listing is to be reported in writing within fifteen (15) days of the effective date of the change. A copy of any change in an existing contract or agreement and a copy of any new contract or agreement is to be submitted at the time of execution thereof. If there is no contract or agreement with respect to any wholesaler, the distiller, solicitor, or wine manufacturer should so indicate in its report.

(2) On or before the 15th of each month, every distiller, solicitor, wine manufacturer, and wholesaler authorized to ship spirituous liquor and wine in this state, whether for sale in this state or to be shipped outside this state, shall certify in a report under oath to the supervisor of Alcohol and Tobacco Control setting out all sales of spirituous liquor and wine in this state for the preceding month.

(3) All reports required by this regulation must be submitted

on forms provided by the supervisor of Alcohol and Tobacco Control.

(4) All reports required by this regulation must be complete in every material detail. If any information requested in a report is missing, inaccurate, or otherwise incomplete, the supervisor of Alcohol and Tobacco Control may, at his/her sole discretion: reject the report; require the licensee to correct the report; require the licensee to pay any shortcomings or discrepancies; or any combination thereof. The licensee must submit a new report, correct the report, and/or pay any shortcomings or discrepancies within fifteen (15) days of the supervisor sending written notice to the licensee at the address currently registered with the division. Failure to do so may result in disciplinary action.

AUTHORITY: section 311.660, RSMo Supp. 2021. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.100 Report of Brewers, Beer Manufacturers, Solicitors, and Beer Wholesalers

PURPOSE: This rule establishes format for reports of shipment and payment of taxes on malt beverages.

(1) On or before the 15th of each month, every brewer and malt liquor manufacturer, solicitor, and wholesaler authorized to ship malt liquor in this state, whether for sale in this state or to be shipped outside this state, shall certify in a report under oath to the supervisor of Alcohol and Tobacco Control setting out all sales of malt liquor for the preceding month.

(2) All reports required by this regulation must be submitted on forms provided by the supervisor of Alcohol and Tobacco Control.

(3) All reports required by this regulation must be complete in every material detail. If any information requested in a report is missing, inaccurate, or otherwise incomplete, the supervisor of Alcohol and Tobacco Control may, at his/her sole discretion: reject the report; require the licensee to correct the report; require the licensee to pay any shortcomings or discrepancies; or any combination thereof. The licensee must submit a new report, correct the report, and/or pay any shortcomings or discrepancies within fifteen (15) days of the supervisor sending written notice to the licensee at the address currently registered with the division. Failure to do so may result in disciplinary action.

(4) All reports required by this regulation certifying sales of malt liquor shall identify each invoice number for transactions occurring within that reporting period.

(A) Each invoice identified shall indicate the date the sale occurred, the amount of malt liquor shipped or delivered, the class of product shipped or delivered, and a notation clearly indicating whether the product is American manufactured or foreign import. For products designated as foreign import, the invoice must also note the country of origin.

(B) Each invoice shall separately state the total volume of both American manufactured and foreign import malt liquor, expressed as a single unit of measure (e.g., milliliters, liters, gallons, etc.).

(C) Licensees holding a microbrewery license, as authorized by section 311.195, RSMo, shall not be required to make the American manufactured designation or total volume specification on invoices.

AUTHORITY: sections 311.520.5 and 311.660, RSMo Supp. 2025. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022. Amended: Filed Nov. 19, 2025, effective July 30, 2026.*

**Original authority: 311.520, RSMo 1939, amended 1945, 1961, 1969, 2009, 2025, and 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.110 Domestic Wine

PURPOSE: This rule establishes rules for domestic wine producers licensed under section 311.190, RSMo.

(1) All domestic wine sold must be in an original package of not less than one hundred (100) milliliters (3.4 ounces) nor more than fifteen and one-half (15.5) gallons.

(2) No person licensed to manufacture and sell domestic wine may use or permit other persons to use any concentrate in production.

(3) All premises used for the manufacture and sale of domestic wine shall be separate and apart from any residence.

(4) All domestic wine in the process of fermentation shall be kept on the premises covered by the license.

AUTHORITY: section 311.660, RSMo Supp. 1989. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed July 11, 1984, effective Oct. 11, 1984.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

11 CSR 70-2.120 Retail Licensees

PURPOSE: This rule establishes conditions of licensing and operation of premises.

(1) Sanitary Premises.

(A) All retail intoxicating liquor licensees are to keep their licensed premises clean and sanitary and meeting minimum standards of the Missouri Department of Health and Senior Services and local sanitation laws and ordinances where applicable.

(B) Applicants for a retail liquor license who prepare or pour intoxicating liquor as defined in section 311.020, RSMo, or permit the consumption thereof on their premises shall provide a copy of a certificate demonstrating successful completion of a health inspection with their license application. No such applicant may be granted a retail liquor license without such a certificate, subject to the following exceptions:

1. If an applicant does not have a health inspection certificate on the day they file their license application, they may submit a written statement with their application stating that they will provide a copy of their health inspection

certificate within ten (10) days of the issuance of that certificate. Failure to provide a copy of the health inspection certificate within ten (10) days of issuance may result in disciplinary action;

2. If a state or local health authority determines that an applicant does not need a health inspection, the applicant may submit documentation from said state or local health authority showing that the applicant does not need a health inspection in lieu of a health inspection certificate; and

3. This regulation does not apply to any applicant seeking a temporary license.

(2) No retailer may place or permit the placing of any object on or within the windows of premises covered by licenses which impedes or obstructs vision from the exterior into the interior.

(3) No holder of a retail license may use illuminated brand signs exclusively for illuminating purposes. Sufficient light must be maintained at all times to ensure clear visibility into the interior and within the interior of the premises.

(4) No licensee may operate, play, or permit the operation of any public speaking system transmitter, sound amplification device, or any other type of device, mechanical or electronic, to emit or direct music, spoken words, sounds, or noise of any kind exceeding eighty-six (86) decibels on an A-weighted scale when measured across a residential property line fifty feet (50') or more from the source of the noise between the hours of 11:00 p.m. and 11:00 a.m. This regulation does not supersede any state or local laws or ordinances regulating noise in the area.

(5) Any premises for which a secondary retail license is sought must be the same as the premises covered by the primary retail license. This regulation shall not apply to catering or festival licenses.

(6) Resorts. Licenses authorizing the retail sale of liquor by the drink may be issued to qualified applicants for resorts as defined in section 311.095, RSMo. Applicants for a resort license shall prepare and maintain records in order to substantiate the sales figures as presented in the certified statement, including but not limited to bank statements, cancelled checks, and invoices for food and intoxicating liquor purchases.

(7) No retailer shall sell, deliver, hold or offer for sale any food, drug, device, or cosmetic that is embargoed by the Department of Health and Senior Services pursuant to Chapter 196, RSMo.

AUTHORITY: section 311.660, RSMo Supp. 2024. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed June 7, 1977, effective Sept. 11, 1977. Amended: Filed Aug. 20, 1979, effective Dec. 13, 1979. Amended: Filed Aug. 11, 1980, effective Nov. 13, 1980. Amended: Filed Jan. 2, 1981, effective April 11, 1981. Amended: Filed Feb. 16, 1984, effective June 11, 1984. Amended: Filed Jan. 7, 1985, effective April 11, 1985. Amended: Filed July 25, 1986, effective Oct. 11, 1986. Amended: Filed Jan. 8, 1990, effective April 26, 1990. Amended: Filed Nov. 18, 1991, effective April 9, 1992. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Jan. 22, 1996, effective July 30, 1996. Amended: Filed Nov. 20, 2003, effective July 30, 2004. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Aug. 14, 2020, effective March 30, 2021. Amended: Filed May 27, 2022, effective Jan. 30, 2023. Emergency amendment filed Aug. 16, 2024, effective Sept. 1, 2024, expired Feb. 27, 2025. Amended: Filed Aug. 16, 2024, effective April 30, 2025.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.130 Retailer's Conduct of Business

PURPOSE: This rule establishes general rules for conducting retail establishments.

(1) No person holding a license for the retail sale of intoxicating liquor who has had his/her license suspended by order of the supervisor of alcohol and tobacco control may sell, give away, or permit the consumption of any intoxicating liquor on or about the licensed premise, nor may s/he order or accept delivery of any intoxicating liquor during the period of time the order of suspension is in effect. Any licensee desiring to keep his/her premises open for the sale of food or merchandise during the period of suspension shall display the order of suspension issued by the supervisor of alcohol and tobacco control in a conspicuous place on the premises so that all persons visiting the premises may readily see the order of suspension and shall ensure that all places where intoxicating liquor is stored or dispensed on or about the licensed premises are closed in accordance with section 311.290, RSMo, for the duration of the suspension.

(2) No person holding a license for the retail sale of malt liquor by the drink may knowingly sell, give away, or serve upon the premises described in the license any glass, ice, water, soda water, phosphates, or any other kind of liquids to be used for the purpose of mixing intoxicating drinks and commonly referred to as set-ups; nor may any person holding a license for the retail sale of malt liquor by the drink allow any person on or about the licensed premise to possess or consume any intoxicating liquor other than malt liquor, or to pour into, mix with, or add intoxicating liquor other than malt liquor, to water, soda water, ginger ale, seltzer, or other liquid.

(3) No person holding a license for the retail sale of intoxicating liquor may sell or deliver any intoxicating liquor to any person with knowledge or with reasonable cause to believe that the person to whom the liquor is sold or delivered has acquired the liquor for the purpose of peddling or reselling it.

(4) Any person holding a license for the retail sale of intoxicating liquor who delivers intoxicating liquor to a consumer at a location other than the licensed premises must ensure that delivery –

(A) Is not made during any hours when the licensed premises is required by law to be a closed place;

(B) Is not made to the licensed premises of a licensed retailer;

(C) Is made by an employee or agent of the licensee expressly authorized to deliver intoxicating liquor on the licensee's behalf; and

(D) Complies with all other provisions of Chapter 311, RSMo, and the regulations promulgated thereunder.

(5) No person holding a license for the retail sale of intoxicating liquor may sell, give away, or possess any intoxicating liquor from or in any container when the intoxicating liquor is not that set out on the manufacturer's label on the container or does not have alcoholic content shown on the manufacturer's label.

(6) No person holding a license for the retail sale of intoxicating liquor may bottle any intoxicating liquor from any barrel or other container nor may s/he refill any bottle or add to the contents of the bottle from any barrel or other container except where explicitly authorized by statute.

(7) Any person holding a license for the retail sale of intoxicating liquor by the drink, when requested to serve a particular brand or type of intoxicating liquor, may not substitute another brand or type of intoxicating liquor.

(8) No person holding a license for the retail sale of intoxicating liquor may allow or cause any sign or advertisement pertaining to intoxicating liquor to be carried or transported upon any sidewalk or street of any municipality or upon any highway of the state. This provision is inapplicable to any legal sign or advertisement placed on a vehicle being used to deliver intoxicating liquor.

(9) Whenever hours of time are set forth in the Liquor Control Act, they are to be interpreted to mean clock time which shall be either Central Standard Time or Central Daylight Time, whichever one is then being observed.

(10) No person holding a license for the retail sale of intoxicating liquor may possess any intoxicating liquor which has not been purchased from, by, or through duly licensed wholesalers.

(11) No person holding a license for the retail sale of intoxicating liquor, nor their employees or agents, may consume any intoxicating liquor, in any quantity, while on duty or acting within the scope of employment or agency relationship. This provision shall not apply to a licensee, their employee, or agent who —

(A) Is conducting a tasting for one (1) or more customers and tastes the product, but does not consume or imbibe, to educate the consumer on the product; or

(B) Is sampling a new product presented by a salesperson marketing the product, as authorized by section 311.070.4(7) and/or 311.197, RSMo; or

(C) Is in the business, but is not on duty nor acting within the scope of employment, whether the establishment is open or closed to the public, so long as the licensee is allowed to be open pursuant to section 311.290, RSMo, or any other provision of Chapter 311 relating to opening and closing.

(12) Any person holding a license for the retail sale of intoxicating liquor must have at least one (1) on duty employee at the establishment who is responsible for the sale, dispersion, and consumption of intoxicating liquor on or about the licensed premises whenever the establishment is not a closed place in accordance with section 311.290, RSMo.

(13) Lewdness. No person holding a license for the retail sale of intoxicating liquor may permit in or upon his/her licensed premises —

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

(B) The displaying of any portion of the areola of the female breast;

(C) The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, or genitals;

(D) The actual or simulated displaying of the pubic hair, anus, vulva, or genitals;

(E) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus; and

(F) The displaying of films, video programs, or pictures depicting acts, the live performances of which are prohibited by this regulation or by any other law.

(14) No person holding a license for the retail sale of intoxicating liquor may permit any person to smoke or imbibe marijuana on or about the licensed premises while the retail establishment is open to the public. No licensee shall create any non-public or quasi-public areas on or about the licensed premises for marijuana usage anytime when intoxicating liquor is being sold, displayed for sale, or consumed. A licensee may seek permission for, and the supervisor of alcohol and tobacco control may permit, a special event where consumption of marijuana occurs on or about the licensed premise (a "marijuana event"). The licensee must notify the supervisor of alcohol and tobacco control not less than twenty-one (21) days in advance of the marijuana event and describe the event, including the exact location of the marijuana event on the licensed premise. To be eligible, the marijuana event must occur during allowable hours of operation pursuant to section 311.290, RSMo, or any other provision of Chapter 311 relating to opening and closing; no intoxicating liquor may be sold, displayed for sale, or consumed on or about the portion of the licensed premises used for the marijuana event, and all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed shall be kept securely locked during the event. If the licensee wishes to continue the sale of intoxicating liquor on a separate portion of the licensed premise, not described for the marijuana event, that portion of the licensed premise must be separated by a permanent floor-to-ceiling wall and be inaccessible from the patrons of the marijuana event. All patrons permitted to smoke or imbibe marijuana during the marijuana event must be quarantined from those patrons consuming intoxicating liquor and must be marked with a wristband. No patron of the marijuana event may consume intoxicating beverages on the licensed premise within one (1) hour of the commencement or conclusion of the marijuana event.

(15) In the event the premises of any licensee is declared to be off-limits by the military authorities, the licensee may not permit any member of the armed forces to be in or upon the premises covered by his/her license. Provided, this is only effective after the licensee is notified of the order by the supervisor of alcohol and tobacco control. Members of the Military Police or Shore Patrol are exempt from this provision.

(16) Pre-Mixed Batch Drink Labels. Where a retail by drink establishment prepares batch/bulk mixed drinks prior to an order being placed, the container must be clearly labeled "THIS CONTAINS ALCOHOL." The container must also bear the name of the mixed drink, as used by the establishment, and the type or types of alcohol contained therein. This section is separate from any label/packaging requirements set forth in section 311.202, RSMo, for retailer-packaged alcohol for off-premises consumption (i.e., to-go alcoholic beverages).

(17) Persons granted a license to sell intoxicating liquor for off-premises consumption that display such intoxicating liquor outside a clearly discernible location reserved for alcoholic beverages shall —

(A) Not place intoxicating liquor in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage; and

(B) Equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. Nothing in this subsection shall prohibit the

placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer.

AUTHORITY: section 311.660, RSMo Supp. 2023. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Aug. 23, 1974, effective Sept. 2, 1974. Amended: Filed May 16, 1977, effective Aug. 11, 1977. Amended: Filed Aug. 20, 1979, effective Dec. 13, 1979. Amended: Filed April 23, 1981, effective Aug. 13, 1981. Amended: Filed April 7, 1983, effective July 11, 1983. Amended: Filed May 25, 1983, effective Sept. 11, 1983. Amended: Filed Aug. 5, 1991, effective Jan. 13, 1992. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed May 27, 2022, effective Jan. 30, 2023. Amended: Filed Dec. 19, 2023, effective Aug. 30, 2024.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

***Chilton v. Wright,** 480 SW2d 1 (1972). Two agents testifying that they removed 44 bottles of liquor from licensee's premises suspected to be refills in violation of rules and regulations because some appeared to be overfilled and some had worn strip stamps on their necks, along with testimony of expert chemist, was competent substantial evidence that the licensee possessed refilled bottles in violation of rules and regulations 13(c) (now covered by 11 CSR 70-2.130(6)). But evidence of "several different brands of liquor—the bulk of it was in half-pints and pints" and the geographical location of the retail outlet and its proximity to known "dry" states did not constitute substantial evidence that the licensees had reasonable cause to believe that their customers purchased liquor for purposes of resale in violation of rule 13(d) (now 11 CSR 70-2.130(4)).*

11 CSR 70-2.140 All Licensees

PURPOSE: This rule establishes additional rules for the conduct of business in all establishments licensed by the supervisor regarding inspection, recordkeeping, storage, employment, sales, gambling, consumption by minors, and other aspects of enforcement of Chapter 311, RSMo.

(1) Licensees are at all times responsible for satisfying and maintaining the qualifications for licensure in section 311.060, RSMo. Failure to do so may result in disciplinary action by the state supervisor.

(2) Licensees are at all times responsible for ensuring that the following individuals understand their responsibilities and obligations under Chapter 311, RSMo, and the regulations promulgated thereunder: the licensee; the managing officer, if applicable; any owners, shareholders, members, or partners; or any employee or agent who serves, sells, distributes, or furnishes intoxicating liquor on behalf of the licensee; and any third parties hired, contracted, or otherwise authorized by the licensee to serve, sell, distribute, furnish, or otherwise promote the sale or consumption of intoxicating liquor.

(3) Licensees are at all times responsible for the conduct of their business and at all times are directly responsible for any act or conduct of any employee or agent on the premises or acting within the scope of their employment or agency relationship, and for any third parties hired, contracted, or otherwise authorized by the licensee to provide services or entertainment to customers or patrons which is in violation of the Liquor Control Law or the regulations of the supervisor of alcohol and tobacco control.

(4) Improper Acts.

(A) Licensees and their employees shall maintain an orderly business and take immediate, reasonable steps to prevent or suppress any violent altercation, quarrel, or illegal activity on or about the licensed premise.

(B) Licensees and their employees shall not engage in illegal, violent, or improper conduct, permit the use of the licensed premises for illegal activities, nor allow any indecent, profane, or obscene literature or advertising material upon the licensed premises.

(C) In the event that a licensee or his/her employee knows or should have known that an illegal or violent act has been committed on or about the licensed premises, they are obligated to immediately report the occurrence to law enforcement authorities and cooperate with law enforcement authorities and agents of the Division of Alcohol and Tobacco Control during the course of any investigation into an occurrence.

(D) This regulation applies to all areas on or about the licensed premise, including areas that have been rented to or reserved for temporary use by third parties.

(5) The licensed premises and all portions of the building of the premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and all buildings used in connection with the operations carried on under the license and which are in the licensee's possession or under its control, and all places where the licensee keeps or has liquor stored, may be inspected by the supervisor of alcohol and tobacco control and his/her agents at any time to ensure compliance with and enforcement of the provisions of Chapter 311, RSMo, and the regulations promulgated thereunder. Licensees shall cooperate fully with the agents during the inspections.

(6) All licensees shall keep complete and accurate records pertaining to their businesses. Such records include a complete and accurate record of all purchases and of all sales of intoxicating liquor made by them. These records are to include the names and addresses of all persons from whom the liquor is purchased, the dates, kinds, and quantities of the purchases and the dates and amounts of payments on account. They also should include the daily gross returns from sales.

(A) All licensees are to keep all records pertaining to their business, including but not limited to files; books; papers; state, county, and city licenses; and accounts and memoranda pertaining to the business conducted by them, on the licensed premises. Except for state, county, and city licenses, electronic records may be kept in lieu of hard copies, but must be readily accessible.

(B) All records required to be kept by law or rule of the supervisor shall be kept and preserved for a period of two (2) years from the date the record was made, unless otherwise specified in statute.

(C) The supervisor of alcohol and tobacco control or his/her duly authorized agents and auditors, may inspect, audit, or copy such records at any time.

(D) If a licensee maintains additional records not required by this section, such as audio, video, telephonic, written, or otherwise transcribed records, the licensee shall maintain complete and accurate records relevant to acts that are subject to administrative action against liquor licenses for a period of fifteen (15) business days, or until those records are turned over to the supervisor of alcohol and tobacco control or other law

enforcement agency with competent jurisdiction, whichever is sooner. The duty to maintain such records begins when the licensee knows or should know that such an act has occurred on the licensed premise, or has been notified by the supervisor of alcohol and tobacco control or any other law enforcement agency that there is a pending investigation regarding the licensee's conduct.

(7) Whenever units of measurement are set forth in the Liquor Control Law or the regulations promulgated thereunder, they are to be interpreted in accordance with their common usage in the imperial system and the metric system.

(8) Only one (1) person, partnership, or entity may be licensed by the supervisor to operate out of any particular premises.

(9) If any premises has multiple licenses for separate businesses in the same building or complex, then the building or complex shall be partitioned in a manner that the partitions run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front, and rear of the building in a manner as to make separate and distinct premises for each licensee. Each licensee shall have a separate entrance and different street addresses, so as to indicate sufficiently that the businesses are run separately and distinct from each other. In addition, the business maintained on each of the premises shall be manned and serviced by an entirely separate and distinct group of employees and there may be no buzzers, bells, or other wiring or speaking system connecting one (1) business with the other. Separate files, records, and accounts pertaining to the businesses are to be maintained.

(10) If the division sends a written inquiry or request to a licensee at its address currently registered with the division, the licensee must respond in writing within thirty (30) days of the date of the division's written inquiry or request. Failing to provide a written response, withholding records, documents, or information relevant to the division's inquiry or request, or providing false information on a written response may result in disciplinary action.

(11) No licensee may buy or accept any warehouse receipt unless the seller or donor of the receipt first acquires the written permission of the supervisor of alcohol and tobacco control to sell or give away the receipt.

(12) No licensee may have consigned to him/her, receive or accept the delivery of, or keep in storage any intoxicating liquors upon any premises other than those described in his/her license without first having obtained the written permission of the supervisor of alcohol and tobacco control.

(13) No wholesale or retail licensee may sell or possess any spirituous liquor in any package or container holding less than fifty (50) milliliters (1.7 ounces) or more than one (1) gallon. No wholesale or retail licensee may sell or possess any wine in any package or container holding less than one hundred (100) milliliters (3.4 ounces) or more than fifteen and one-half (15 1/2) gallons.

(14) Requirements for employing minors —

(A) Licensees who desire to employ persons under the age of twenty-one (21) as authorized by section 311.300, RSMo, may apply to the supervisor using forms provided for that purpose; and

(B) Licensees who employ persons under the age of eighteen (18) may not allow those employees to sell, serve, or dispense, or assist in the sale, service, or dispensing of intoxicating liquor. Employees under the age of eighteen (18) may not stock intoxicating liquor, arrange intoxicating liquor displays, accept payment for intoxicating liquor, sack intoxicating liquor for carryout, or otherwise handle intoxicating liquors.

(15) No person licensed by the supervisor of alcohol and tobacco control may allow upon his/her licensed premises any self-service, coin-operated, mechanical devices, or automatic dispensers for the purpose of selling or dispensing intoxicating liquor except as pursuant to section 311.205, RSMo.

(16) Any licensee may sponsor or allow promotional games, raffles, and similar contests to be conducted upon his/her licensed premises, provided that —

(A) The consumption of intoxicating liquor shall not be related to or an element of a promotional game, raffle, or similar contest either directly or indirectly;

(B) Intoxicating liquor may not be a prize of a promotional game, raffle, or similar contest either directly or indirectly.

1. Any licensee conducting a promotional game, raffle, or similar contest must notify any winners and recipients of cash prizes, gift cards, coupons, discounts, or other similar prizes that those prizes exclude the purchase of intoxicating liquor.

2. No licensee may knowingly accept cash prizes, gift cards, coupons, discounts, or other similar prizes from a promotional game, raffle, or similar contest hosted by a licensee for purchases of intoxicating liquor;

(C) The conduct or playing of games on premises approved by the Missouri Gaming Commission to conduct games in accordance with Chapter 313, RSMo, does not constitute gambling or gambling activities when the games are conducted in accordance with Chapter 313, RSMo, and the activity, by itself, does not constitute a violation of this regulation;

(D) The sale of state lottery tickets or shares on premises licensed by the lottery commission to sell lottery tickets or shares to the public does not constitute gambling or gambling devices when conducted in accordance with Chapter 313, RSMo, and the activity, by itself, does not constitute a violation of this regulation;

(E) The giving of door prizes or other gifts by lot or drawing after payment of a price by members or guests of a charitable organization which has obtained an exemption from payment of federal income taxes as provided in Section 501(C)(3) of the *Internal Revenue Code* of 1954 does not constitute gambling or gambling devices when conducted on a licensed premises by the charitable organization; and

(F) The promotional game, raffle, or similar contests complies with all other aspects of Missouri law.

(17) No licensee may employ on or about the licensed premises any person who has been convicted since the ratification of the twenty-first amendment of the *Constitution of the United States* of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor; or any person who has had a license revoked under Chapter 311, RSMo, unless five (5) years have passed since the revocation of the license.

(18) No licensee, his/her agent, or employee may sell or supply intoxicating liquor in any place other than that designated on the license or at any other time or in any other manner except as authorized by the license. Order of and payment for any

intoxicating liquor must be made directly to the licensee. For the purpose of this regulation, deliveries of intoxicating liquor previously purchased shall not constitute supply.

(19) No licensee, his/her agent, or employee may permit anyone under the age of twenty-one (21) years of age to consume or possess intoxicating liquor upon or about his/her licensed premises.

(20) No licensee, his/her agent, or employee may allow upon or about the licensed premises solicitation for the purposes of prostitution or other immoral activities by any person.

(21) No licensee, his/her agent, or employee may possess, store, sell or offer for sale, give away, or otherwise dispose of upon or about the licensed premises or permit any person upon or about the licensed premises to possess, store, sell or offer for sale, give away, or otherwise dispose of any controlled substance as defined in Chapters 195 and 579, RSMo.

(22) No licensee, his/her agent, or employee may mix or pour, or permit to be mixed or poured, any intoxicating liquor directly into any person's mouth upon or about the licensed premises.

(23) No licensee shall use exterior signage or advertising that does not accurately reflect the licensee's legal name, business name or d/b/a, or trade name as stated on the state liquor license or on file with the division.

(24) Any licensee wishing to appeal any disciplinary action imposed by the state supervisor in accordance with section 311.691, RSMo, must do so before the effective date of the disciplinary order.

(25) The expiration, cancellation, revocation, reversion, surrender, or termination in any manner of a license does not prevent the initiation or completion of any disciplinary proceeding against the licensee for actions that occurred prior to the expiration, cancellation, revocation, reversion, surrender, or termination in any manner of the license.

AUTHORITY: section 311.660, RSMo Supp. 2024. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Aug. 23, 1974, effective Sept. 2, 1974. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed June 4, 1976, effective Nov. 11, 1976. Amended: Filed Sept. 30, 1976, effective April 15, 1977. Amended: Filed Aug. 21, 1980, effective Dec. 12, 1980. Amended: Filed Aug. 5, 1981, effective Nov. 12, 1981. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Amended: Filed April 7, 1983, effective July 11, 1983. Amended: Filed July 11, 1984, effective Oct. 11, 1984. Amended: Filed Aug. 30, 1985, effective Nov. 11, 1985. Amended: Filed May 13, 1986, effective July 26, 1986. Amended: Filed Aug. 14, 1987, effective Nov. 12, 1987. Amended: Filed Oct. 14, 1987, effective Jan. 14, 1988. Emergency amendment filed Nov. 22, 1989, effective Dec. 2, 1989, expired March 31, 1990. Amended: Filed Nov. 30, 1989, effective Feb. 25, 1990. Amended: Filed Aug. 5, 1991, effective Jan. 13, 1992. Amended: Filed Nov. 4, 1991, effective March 9, 1992. Emergency amendment filed Aug. 26, 1996, effective Sept. 5, 1996, expired March 3, 1997. Amended: Filed Aug. 26, 1996, effective Feb. 28, 1997. Amended: Filed Nov. 21, 1996, effective May 30, 1997. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Nov. 20, 2003, effective July 30, 2004. Amended: Filed June 5, 2018, effective Jan. 30, 2019. Amended: Filed May 27, 2022, effective Jan. 30, 2023. Amended: Filed Dec. 19, 2023, effective Aug. 30, 2024. Amended: Filed Aug. 1, 2024, effective March 30, 2025.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

***State ex rel., Glendinning Co. v. Letz,** 591 SW2d 92 (Mo. App. 1979). The Supervisor of Liquor Control may prohibit gambling on licensed premises by rule despite the general preemption language contained in the criminal code at section 572.100, RSMo.*

***Op. Atty. Gen. No. 178, Wilson (10-18-79)**. A person convicted of supplying intoxicating liquor to a minor does not necessarily violate section 311.060, RSMo (regarding licensing) or 11 CSR 70-2.140(13) (regarding employment).*

***State ex rel. Letz v. Riley**, 559 SW2d 631 (Mo. App. 1977). Despite the issuance by the attorney general of a "no action" letter stating that certain games in theory were not violative of Chapter 563, RSMo, the doctrine of equitable estoppel was not available to support an injunction restraining the supervisor of the Division of Liquor Control from enforcing Liquor Control Regulations 15(k) (prohibiting any licensee from allowing any sort of gambling upon licensed premises) and 25 II(c)(1)(g) (restricting advertisement of intoxicating liquor and nonintoxicating beer).*

***Op. Atty. Gen. No. 167, Moran (7-7-66)**. A licensee of the Department of Liquor Control is not violating the rules and regulations of the department by having on his/her licensed premises a pinball machine of the type designated by federal statute as a gambling device per se and requiring a $250 Coin-Operated Gaming Device Stamp but on which the machine only awards free games for replay. It is a violation of regulation 15(1) (now covered by 11 CSR 70-2.140(12)) of the rules of the Department of Liquor Control if patrons using the pinball machines are actually paid off in money or merchandise by the liquor licensee or if patrons using the pinball machines actually wager money or property among themselves on the outcome of games played and the licensee allows such gambling.*

11 CSR 70-2.150 Tax Credits and Refunds

PURPOSE: This rule establishes procedures for refund of unused licenses and receiving tax credits on intoxicating liquor.

(1) Any licensee who pays more taxes on intoxicating liquor than what they actually owed may request a tax credit to apply to future payments of taxes on intoxicating liquor.

(A) Every licensee who requests a tax credit for Missouri tax on intoxicating liquor shall present requests to the supervisor of alcohol and tobacco control and attach to the request a complete statement, under oath, as to the facts supporting the request.

(B) After the tax credit request is accepted for audit by the supervisor and the claimant has been notified of the acceptance, then an inspection can be made by the supervisor or his/her agents. The agents shall make an affidavit that they inspected the intoxicating liquors denoting in the affidavit the brand, number of the containers or cases, and the disposition to be made of the spirituous liquor, wine, or malt liquor.

(C) Under no circumstances shall tax credit requests be accepted by the supervisor if the sole reason for their presentation to him/her is because the claimant has purchased beyond his/her capacity to sell.

(D) The supervisor shall not accept tax credit requests filed more than ninety (90) days after the date listed on the underlying invoice(s) for the request.

(E) The supervisor reserves the right to refuse any or all tax

credit requests presented.

(2) Any person who obtains a liquor license, and does not use the license at all, may request a refund of license fees.

(A) The supervisor shall not accept partial refund requests for unused portions of licenses.

(B) The supervisor shall not accept refund requests filed more than ninety (90) days after the expiration date on the license.

AUTHORITY: section 311.660, RSMo Supp. 2022. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed May 27, 2022, effective Jan. 30, 2023.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

11 CSR 70-2.160 Hearings to Suspend or Revoke Licenses
(Rescinded March 11, 1985)

AUTHORITY: section 311.660, RSMo 1978. Original rule filed Feb. 8, 1973, effective Feb. 18, 1973. Rescinded: Filed Dec. 4, 1984, effective March 11, 1985.

11 CSR 70-2.170 Warehouse Receipts for Storage of Intoxicating Liquor

PURPOSE: This rule defines warehouse receipts and establishes rules governing their use in business practices.

(1) The term warehouse receipt, as used in section 311.380, RSMo, is defined to mean any warehouse receipt issued for the storage of intoxicating liquor which can be negotiated and any nonnegotiable warehouse receipt which can be assigned, transferred, or sold.

(2) Any person or entity licensed by the supervisor of Alcohol and Tobacco Control to sell intoxicating liquor may pledge any warehouse receipt(s) owned by him/her to secure the payment of any debt to any person or entity in Missouri. Any Missouri state bank or trust company which is a member of the Federal Reserve System and any national bank with its principal office in Missouri may repledge with a federal reserve bank any warehouse receipts of which it is the pledgee.

(A) In case of default in the terms of the pledge agreement, the pledgee or the assignee of the pledge agreement may not negotiate, assign, transfer, or sell any warehouse receipt(s) without first obtaining the permission of the supervisor of Alcohol and Tobacco Control to do so.

(B) Request for permission can be submitted by the pledgee to the supervisor of Alcohol and Tobacco Control in writing and include the name of the proposed purchaser and whether or not the proposed purchaser intends to take possession of the liquor under the receipt(s). Under no circumstances may permission be given to the pledgee to sell any of the warehouse receipt(s) to any person or entity which intends to take possession of intoxicating liquor described in the receipt(s) unless the proposed purchaser is duly licensed as a wholesaler or manufacturer by the supervisor of Alcohol and Tobacco Control in Missouri.

(C) The pledgee seeking the permission to sell the warehouse receipt(s) should accompany the request by a copy of the pledge agreement and a copy of the warehouse receipt(s) which s/he desires to sell, together with an inventory of the liquor covered by the receipts, unless the inventory is contained in the receipts.

(3) Under no circumstances may any person or entity licensed by the supervisor of Alcohol and Tobacco Control import or cause to be imported or transport or cause to be transported into the state any intoxicating liquor which has been sold out of the state to satisfy the payment of any debt contracted outside of the state.

(4) No person or entity may be granted permission to sell warehouse receipts and no licensee of the supervisor of Alcohol and Tobacco Control may be given permission to purchase any warehouse receipt(s) unless the person or entity seeking permission, either to sell or to buy, agrees as a condition precedent to the granting of any permission that s/he shall make regular monthly reports for each calendar month by the fifteenth of the following month in accordance with forms designated by the supervisor of Alcohol and Tobacco Control. Any permission given will be promptly revoked unless the reports are made.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

11 CSR 70-2.180 Ceded Areas

PURPOSE: This rule exempts from tax and license fees in areas ceded to the federal government for military installations.

(1) Licenses are unnecessary for the retail sale of intoxicating liquor for establishments located on lands within the state ceded to the federal government for military purposes and upon which military installations exist or for United States military federal instrumentalities.

(2) No excise nor inspection fees may be imposed on any intoxicating liquor sold or offered for sale by establishments located on lands within the state ceded to the federal government and upon which military installations exist.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Dec. 14, 1987, effective March 11, 1988. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

11 CSR 70-2.190 Unlawful Discrimination and Price Scheduling

PURPOSE: This rule establishes procedures for price posting, deliveries, return of merchandise, and discounts.

(1) This regulation applies to spirituous liquor and wine products containing alcohol in excess of five percent (5%) by weight sold by a duly licensed wholesaler to a duly licensed retailer.

(2) For the purpose of this rule, substantively identical

products refers to products that are indistinguishable from one another and products where the UPC or barcode is the only distinguishing factor.

(3) Product Pricing Information.

(A) The product pricing information is to be made available to retailers five (5) days prior to the last day of the month and include the brand number, brand or trade name, capacity of individual packages, nature of contents, age and proof, the per bottle and per case price, the number of bottles contained in each case, and the size thereof.

(B) Supplemental pricing information is to be made available to retailers when a new product, new size, or new proof is added by a wholesaler during the month and not subject to change before the first of the month when regularly filed product pricing information is effective. A wholesaler is allowed to sell such items to retailers immediately upon production of such supplemental information. Supplemental pricing information includes the brand number, brand or trade name, capacity of individual packages, nature of contents, age and proof, the per bottle and per case price, the number of bottles contained in each case, and the size thereof.

(C) The wholesaler may sell at any price for any item as long as it is sold above their cost and they sell all substantively identical products at the same price to all retailers as indicated on their product pricing information.

(D) Close out items should be identified as such on the product pricing information that is made available to retailers at prices which may be below the wholesaler's costs for not less than six (6) consecutive months during which time the wholesaler may not purchase further inventory. The wholesaler should not use close out pricing as an inducement for retailers to purchase other intoxicating liquors.

(4) Discounts.

(A) The wholesaler may grant any discount up to one (1) per centum for quantity of spirituous liquor and wine and one (1) per centum for payment on or before a certain date.

(B) Quantity discounts. A quantity discount may be granted only for quantities of two (2) or more. If a price is listed for bottles only, then a quantity discount may be allowed on quantities of two (2) or more bottles. If a price is listed for both bottles and cases, then a quantity discount may be allowed only on quantities of two (2) or more unbroken cases. Quantity discounts may be graduated but not exceed the maximum one percent (1%).

(C) Discounts for time of payment. A discount for time of payment may be granted only for 1) payment for time of delivery, 2) payment on or before ten (10) days from the date of delivery, or 3) payment on or before fifteen (15) days from the date of delivery.

(D) The combination of discounts to be posted on the product pricing information are as follows: No discount, one percent (1%) for time of payment, one percent (1%) for quantity discounts, or one percent (1%) for time of payment and one percent (1%) for quantity.

(E) No person licensed to sell spirituous liquor and wine at retail may accept any discount, rebate, free goods, allowances, or other inducement from any wholesalers except the discount for payment and quantity discount on or before a certain date.

(5) Case Size. For the purpose of this regulation, a case of spirituous liquor or a case of wine is declared to be a cardboard, wooden, or other container, containing bottles of equal size filled with spirituous liquor or wine of the same brand, age, and proof. The following table depicts the number of bottles considered to be a case of various bottle sizes for both the English and metric systems of measure, for pricing purposes:

Size of Bottle	Number of Bottles per Case
Less than 8 oz.	48, 60, 96, 120, 144, 192 or 240
8 oz. up to, but not including, 10 oz.	48
10 oz. up to, but not including, 21 oz.	24
21 oz. up to, but not including, 43 oz.	12
43 oz. up to, but not including, 85 oz.	6
85 oz. up to, but not including, 128 oz.	3, 4, 6
128 oz. or more	2

(A) The Universal Coding of Alcoholic Beverages for Products by container size is to be used to code the bottle size. An item is declared to be either a bottle or a case of spirituous liquor or wine scheduled as required;

(B) All sizes less than one-half (1/2) pint or eight (8) ounces under the English system of measure are defined as miniatures. Under the metric system of measure, miniatures are defined as fifty (50) milliliters (1.7 ounces) for spirituous liquors and one hundred (100) milliliters (3.4 ounces) for vinous liquors. Acceptable case sizes for miniatures are 240, 192, 144, 120, 96, 60, and 48 bottles. Miniatures may be sold in only one (1) case size for each bottle size sold; and

(C) If a spirituous liquor or wine product is packaged by the manufacturer in a bottle quantity for that bottle size exceeding one (1) bottle but either more or less than the case quantity for the bottle size listed in section (4), a wholesaler may sell that package for a total price that reflects the same per bottle price as the per bottle price in the posted case price, if the wholesaler's invoice specifies the quantity in the package.

(6) The price to retailers, except retailers operating railroad cars, should include federal custom duties, internal revenue taxes, state excise tax, bottling and handling charges, and the cost of delivery to the retailer. The price to retailers operating railroad cars may be scheduled at a price "ex state excise tax," but shall include all other taxes and costs computed in prices to other retailers. No charge(s) may be made in addition to the price except that on past due accounts there may be imposed a finance (interest) charge in accord with that permitted by law. Provided, however, that if a wholesaler elects to impose a finance (interest) charge on past due account the charge shall be of uniform rate to all retailers and imposed on all retailers who have past due accounts.

(7) Delivery. Any brand of spirituous liquor or wine sold to a retailer is to be shipped to and received by the retailer at the price in effect for that calendar month in which the delivery occurs. Delayed shipment orders may be taken the last five (5) days of the month and delivered in the first five (5) days of the following month.

(8) Returns. Merchandise returns exceeding seven (7) days from delivery date may not be accepted for return from a retailer, except pursuant to a court order or with prior approval from the supervisor for any of the following reasons:

(A) The merchandise delivered does not conform to the merchandise ordered, whether an error was made at the time the order was taken or when the merchandise was delivered. Requests to return merchandise delivered in error should be submitted to the supervisor within thirty (30) days of the

original invoice; or

(B) The retailer is abandoning the retail liquor business.

(9) Breakage, Samples, Expenses. As part of its regular books and records, each wholesaler licensed to sell spirituous liquor or wine is required to keep a monthly record of all allowances for breakage containing the name, address, and license number of the customer, the amount of breakage allowance, and the date and number of the invoice of sale for which allowance is given. No allowance for breakage may be given unless the broken bottle is returned to the seller within seventy-two (72) hours after delivery. Broken bottles are to be kept available on the wholesaler's licensed premises for inspection by representatives of the supervisor and may not be removed from the licensed premises or destroyed except with permission from the supervisor.

(10) Posting of Contraband Spirituous Liquors and Wines Purchased from Supervisor. Bottles or cases of spirituous liquor or wine as described in section (4) which have been declared contraband and purchased by a wholesaler from the supervisor or the officer who seized the same under the provisions of sections 311.820 and 311.840, RSMo, or by a wholesaler from a wholesaler who so purchased the same, may be posted by the wholesaler at prices less than other spirituous liquors and wines of the same brand, age, and proof. When the spirituous liquors and wines are so posted, the pricing is to be accompanied by a writing on which the spirituous liquors and wines are exactly described and the quantity(ies) available for purchase set forth and upon sale of all or any part of the quantity a copy of the invoice shall be sent to the supervisor upon the day it is prepared. Only spirituous liquors and wines so purchased by a wholesaler may be sold at the posted prices.

(11) Discriminatory Agreements.

(A) No person holding a license as a manufacturer-solicitor or outstate solicitor of spirituous liquor or wine may enter into or participate in any combination or agreement with any person holding a license as a wholesaler for the sale of spirituous liquor or wine which restrict the customers to whom the wholesaler may sell merchandise which s/he owns.

(B) No person holding a license as the wholesaler for the sale of spirituous liquor or wine may enter into or participate in any combination or agreement with any person holding a license as a manufacturer-solicitor or outstate solicitor of spirituous liquor or wine, which restricts the customers to whom the wholesaler may sell merchandise which s/he owns.

(12) Universal Numeric Codes on Invoices. The Universal Numeric Code for Alcoholic Beverages and Missouri's brand number is to be used to code all wines on all invoices written by any manufacturer, vintner, solicitor, and/or wholesaler licensed by the Division of Alcohol and Tobacco Control of Missouri; this includes invoices written by wholesalers to retail licensee. In addition, the descriptive data for spirituous liquors and wines includes the age or vintage, proof or percent of alcohol by weight, class and type, and brand name. Missouri wholesalers are to include brand name, age, and proof for spirituous liquors and vintage for wines on all invoices to retailers when the vintage creates a cost differential for the same type of wine. Any failure of any person, firm, or corporation licensed under any provisions of Chapter 311, RSMo, to comply in all respects with the rules and any violation by any licensee of these rules may be deemed to be cause for the revocation or suspension of the license of the offending licensee.

AUTHORITY: section 311.660, RSMo Supp. 2022. This version of rule filed Dec. 22, 1975, effective Jan. 1, 1976. Amended: Filed Sept. 30, 1976, effective April 15, 1977. Amended: Filed Jan. 26, 1977, effective July 11, 1977. Amended: Filed Sept. 1, 1977, effective Dec. 11, 1977. Amended: Filed Dec. 6, 1985, effective Feb. 24, 1986. Amended: Filed April 20, 1987, effective July 11, 1987. Amended: Filed Aug. 17, 1999, effective March 30, 2000. Amended: Filed Oct. 10, 2018, effective May 30, 2019. ** Amended: Filed May 27, 2022, effective Jan. 30, 2023.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

***Pursuant to Executive Order 21-09, 11 CSR 70-2.190, section (6) was suspended from October 13, 2021 through December 31, 2021. Pursuant to Executive Order 21-09, 11 CSR 70-2.190, sections (1) and (7) was suspended from April 27, 2020 through December 31, 2021.*

11 CSR 70-2.200 Salesmen

(Rescinded January 30, 2019)

AUTHORITY: section 311.660, RSMo Supp. 1989. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Rescinded: Filed June 5, 2018, effective Jan. 30, 2019.

11 CSR 70-2.210 Samples

(Rescinded May 30, 1997)

AUTHORITY: section 311.660, RSMo 1994. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Jan. 22, 1996, effective July 30, 1996. Rescinded: Filed Nov. 21, 1996, effective May 30, 1997.

11 CSR 70-2.220 Prohibiting Manufacturers and Solicitors of Intoxicating Liquor and Licensed Retailers From Contacting Each Other for Business Purposes

(Rescinded January 30, 2019)

AUTHORITY: section 311.660, RSMo Supp. 1989. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Rescinded: Filed July 9, 2018, effective Jan. 30, 2019.

11 CSR 70-2.230 Multiple Store Retailers

PURPOSE: This rule establishes procedure for storage and transfer from a central warehouse by multiple licensed intoxicating liquor licensees.

(1) This regulation applies to all persons or entities who own and operate more than one (1) premises licensed to sell intoxicating liquor at retail.

(2) Any person or entity set forth in section (1), with the permission of the supervisor of Alcohol and Tobacco Control, may designate one (1) or more places as a central warehouse to which intoxicating liquors ordered and purchased by a person or entity from licensed wholesalers may be delivered by licensed wholesalers and at which intoxicating liquors so owned by a person or entity may be stored.

(3) Any person or entity set forth in section (1) owning and storing intoxicating liquors in a central warehouse as provided in section (1) may transfer all or any part of the intoxicating liquors so stored from the central warehouse to any premises

licensed to sell intoxicating liquors at retail which is owned and operated by the same person or entity and which is located in the same county in which the central warehouse is located, or is located in a county adjoining and contiguous to the county in which the central warehouse is located, but not otherwise; except that private brands of intoxicating liquor owned and sold exclusively by only one (1) person or entity as set forth in section (1), and brands not privately owned but sold exclusively by only one (1) person or entity may be transferred from the warehouse to any licensed premises in the state owned by a person or entity, who is the exclusive retail dealer of the brand; provided, however, that malt liquor is not transferred from the central warehouse to another licensed premises unless the licensed premises is located in the same designated geographic area of the wholesaler from whom the malt liquor was purchased. The City of St. Louis is deemed to be a county for the purposes of this regulation.

(4) Any person or entity set forth in section (1) desiring to transfer intoxicating liquor from a premises licensed to sell intoxicating liquors at retail-owned and controlled by a person or entity to another premises so licensed and owned and controlled by the same person or entity, should first notify the supervisor of Alcohol and Tobacco Control in writing describing the type, brand, size containers, and amount of intoxicating liquors to be so transferred, the license numbers of the premises from which and to which the transfer is to be made, and the true reason for the transfer and no transfer may be made until the supervisor of Alcohol and Tobacco Control has assented to the transfer or until three (3) full days (not counting Saturdays, Sundays, and holidays) has elapsed after the receipt of the notice by the supervisor of Alcohol and Tobacco Control during which time the supervisor did not refuse the transfer.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed May 15, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

11 CSR 70-2.240 Advertising of Intoxicating Liquor

PURPOSE: This rule allows manufacturers of intoxicating liquor to offer consumer rebate coupons and clarifies the advertising regulation as it applies to the advertising of sales price below cost.

(1) No person engaged in business as a producer, manufacturer, brewer, bottler, importer, wholesaler, or retailer of intoxicating liquor, directly or indirectly, may publish or disseminate or cause to be published or disseminated any advertisement of intoxicating liquor unless the advertisement is in conformity with this regulation.

(2) The term advertisement includes any dissemination of information by print, audio or video means, whether through the media or otherwise, including but not limited to radio, television, motion pictures, newspapers, Internet, email, texting, website, mobile applications, magazines or similar publications or other printed or graphic matter, or any electronic means, except that the term shall not include –

(A) Any label affixed to any container of intoxicating liquor or any individual covering, carton, or other wrapper of a container; and

(B) Any editorial in any periodical or publication or newspaper for the preparation or publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any person subject to these regulations.

(3) Mandatory statements include –

(A) The name and address of the producer, manufacturer, bottler, brewer, importer, wholesaler, or retailer responsible for its publication;

(B) A conspicuous statement of the class and type or other designation of the product, corresponding with the complete designation which appears on the brand label of the product;

(C) The alcoholic content stated in the manner and form in which it appears on the labels of intoxicating liquor advertised;

(D) In the case of distilled spirits (other than cordials, liqueurs and specialties) produced by blending or rectification, if neutral spirits have been used in the production of distilled spirits, the percentage of neutral spirits so used and the name of the commodity from which the neutral spirits have been distilled in substantially the manner and form in which these statements appear on the labels of the distilled spirits advertised. In the case of neutral spirits or of gin produced by a process of continuous distillation, the name of the commodity from which the neutral spirits or gin have been distilled substantially in the manner and form in which this statement appears on the labels of the distilled spirits advertised;

(E) Where an advertisement does not mention a specific product but merely refers to a class of intoxicating liquor (such as whiskey or beer) and the advertiser markets more than one (1) brand of intoxicating liquor of that class, or where the advertisement refers to several classes of intoxicating liquor (such as whiskey, brandy, rum, gin, liqueur, wine, beer, etc.) marketed under a single brand, the only mandatory information prescribed by section (1) applicable to advertisement would be the name and address of the responsible advertiser; and

(F) Advertisements by retail establishments which merely refer to the availability of intoxicating liquor in these establishments, but which otherwise make no reference to a specific brand of intoxicating liquor are subject only to the prohibited statements provisions of section (5) of this rule.

(4) Statements required by these regulations to be stated in any written, printed, or graphic advertisement should appear in lettering or type of a size, kind, and color sufficient to render them both conspicuous and readily legible. In particular –

(A) Required information shall be stated against a contrasting background and in type or lettering which is at least the equivalent of eight- (8-) point type;

(B) Mandated information should be so stated as to appear to be a part of the advertisement and not be separated in any manner from the remainder of the advertisement;

(C) Where an advertisement relates to more than one (1) product, the necessary information is to appear in a manner as to clearly indicate the particular products to which it is applicable; and

(D) No mandated information may be buried or concealed in unrequired descriptive matter or decorative designs.

(5) No advertisements of intoxicating liquor may contain –

(A) Any statement, design, device, or representation that is false or misleading, including any false or misleading statement that creates an impression about the effects of alcohol consumption on health, and any false or misleading statement that explicitly or implicitly disparages a competitor's product. This does not prevent truthful and accurate comparisons

between products or statements of opinion;

(B) Any statement, design, or device representing that the use of any intoxicating liquor has curative or therapeutic effects or tending to create an impression that it has curative or therapeutic effects;

(C) Any statement, design, device, or representation which is obscene, indecent, or conveys a derogatory connotation; and

(D) Any statement that the product is produced, blended, brewed, made, bottled, packaged, sold under or in accordance with any authorization, law, or regulation of any municipality, county, state, federal, or foreign government unless the statement is necessary or specifically authorized by the laws or regulations of the government and, if a municipality, county, state, or federal permit number is stated, the permit number shall not be accompanied by an additional statement relating to it.

(6) No advertisement may contain any statement concerning a brand or lot of intoxicating liquor that is inconsistent with any statement on the labeling.

(7) No advertisement may contain any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to, the armed forces of the United States or of the American flag, any state flag, or of any emblem, seal, insignia, or decoration associated with any such flag or the armed forces of the United States; nor may any advertisement containing any statement device, design, or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumer to believe that the product has been endorsed, made or used by, or produced for or under the supervision of or in accordance with the specifications of the government, organization, family, or individual with whom the flag, seal, coat of arms, crest, or insignia is associated.

(8) No advertisement for distilled spirits may contain —

(A) The words bond, bottled in bond, aged in bond, or phrases containing these or synonymous terms unless these words or phrases appear upon the labels of the distilled spirits advertised and are stated in the advertisement in the manner and form in which they appear upon the label; and

(B) Any statement, design, or device, directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the labels of the advertised product. When any statement, design, or device concerning age or maturity is contained in any advertisement, it shall include (in direct conjunction with the advertisement and with substantially equal conspicuousness) all parts of the statement concerning age and percentages, if any, which appear on the label. However, an advertisement for any whiskey or brandy that does not bear a statement of age on the label or an advertisement for rum which is four (4) years or more old may contain general inconspicuous age, maturity or other similar representations, for example aged in wood, mellowed in fine oak cask.

(9) No advertisement for wine may contain —

(A) Any statement of bonded winecellar or bonded winery numbers unless stated in direct conjunction with the name and address of the person operating the winery or storeroom. Statement of bonded winecellar and bonded winery numbers may be made in the following form: "Bonded Winecellar No...," "Bonded Winery No...," "B.W.C. No...," or "B.W. No...." No additional reference to numbers shall be made, or any use be made of a statement that may convey the impression that the wine has been made or matured under United States government or any state government supervision or in accordance with United States government or any state government specifications or standards; and

(B) Any statement, design, device, or representation which relates to alcoholic content or which tends to create the impression that a wine is unfortified or has been fortified or has intoxicating qualities or contains distilled spirits except for a reference to distilled spirits in a statement of composition where the statement is required by these regulations to appear as a part of the designation of the product.

(10) No statement of age or representation relative to age (including words or devices in any brand name or mark) may be made, except that —

(A) In the case of vintage wine, the year of vintage may be stated if it appears on the label; and

(B) Truthful references of a general and informative nature relating to methods of production involving storage or aging, for example "This wine has been mellowed in oak casks," "Stored in small barrels," or "Matured at regulated temperatures in our cellars," may be made.

(11) The statement of any bottling date is not deemed to be a representation relative to age, if the statement appears without undue emphasis in the following form: "bottled in ...." (inserting the year in which the wine was bottled).

(12) No date, except as provided in this section and section (11) of this rule with respect to statement of vintage year and bottling date, may be stated unless, in addition to the year and date and in direct conjunction with the year and date, in the same size and kind of printing, an explanation of the significance of the date is stated. If any date refers to the date of establishment of any business, this date is to be stated without undue emphasis and in direct conjunction with the name of the person to whom it refers.

(13) No advertisement may represent that the wine was manufactured in, or imported from, a place or country other than that of the actual origin or produced or processed by one who was not in fact the actual producer or processor.

(14) No retail licensee may advertise for sale any brand of intoxicating liquor unless s/he has the particular brand and size of container or package of intoxicating liquor in his/her licensed premises for sale.

(15) No wholesale licensee may allow any sign owned by him/her or advertising his/her product to be placed or allowed to remain on or upon any building unless the building has an occupant holding a license issued by the supervisor.

AUTHORITY: section 311.660, RSMo Supp. 2024. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Dec. 12, 1986, effective Feb. 28, 1987. Amended: Filed Jan. 22, 1996, effective July 30, 1996. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Jan. 17, 2019, effective Sept. 30, 2019. Amended: Filed Aug. 1, 2024, effective March 30, 2025.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

State ex rel. Letz v. Riley, *559 SW2d 631 (Mo. App. 1977). Despite the issuance by the attorney general of a "no action" letter stating*

that certain games in theory were not violative of Chapter 563, RSMo, the doctrine of equitable estoppel was not available to support an injunction restraining the supervisor of the Division of Liquor Control from enforcing Liquor Control Regulation 15(k) (prohibiting any licensee from allowing any sort of gambling upon licensed premises) and 25II(c)(1)(g) (restricting advertisement of intoxicating liquor and nonintoxicating beer).

Milgram Food Stores, Inc. v. Ketchum, *384 SW2d 510, (Mo. App. 1965) cert. denied, 382 U.S. 801. Regulation 15(f)(5) (now covered by 11 CSR 70-2.240(2) and (5)(G) and (H)) prohibiting the advertisement of intoxicating liquor which offers any coupon, premium, prize, rebate as an inducement to purchase such intoxicating liquor, did have a reasonable relation to and in accord with the provisions and purposes of the Liquor Control Law; and that rule is not unreasonable, arbitrary and capricious as claimed by the respondent, as to "free" Santa Claus covers offered in advertisement with purchase of certain liquors, this fell within prohibited practices and suspension of respondent's license for twenty-five (25) days was not unreasonable.*

11 CSR 70-2.250 Salvaged Alcoholic Beverages

PURPOSE: This rule establishes licensing and procedure for disposal of salvaged alcoholic beverages.

(1) Intoxicating liquors which are damaged in this state as a result of flood, wreck, fire, or similar occurrence may be sold for salvage.

(2) Intoxicating liquors so salvaged may be sold to a Missouri licensee, upon the approval of the supervisor under the following terms and conditions:

(A) Application shall be made to the supervisor for authority to sell distressed merchandise in Missouri including the name of the person desiring to sell the merchandise, the nature of the damage, a description of the merchandise, and whether the contemplated sale is to be to a Missouri licensee;

(B) The distressed merchandise is to be examined at the scene of the occurrence, as soon as practicable, by a representative of the Department of Health and Senior Services and the sale is not to be approved by the supervisor until notified by the representative that the merchandise is fit for human consumption;

(C) Written approval and release for the sale of distressed merchandise cannot be issued until an inspection of the distressed merchandise is made by an agent of the Division of Alcohol and Tobacco Control who will determine whether the merchandise is within the meaning of this regulation and that all Missouri taxes have been paid; and

(D) No merchandise may be sold under this regulation where the original packages have been so damaged so as to render the label on the package not within the requirements under 11 CSR 70-2.060(1).

(3) Intoxicating liquors so salvaged are referred to as distressed merchandise.

(A) Each container of intoxicating liquors sold pursuant to this regulation shall bear a label, to be provided by the Division of Alcohol and Tobacco Control, certifying the merchandise as distressed merchandise.

(B) No distressed merchandise salvaged outside of the state may be imported into Missouri for sale pursuant to this regulation.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

11 CSR 70-2.260 State of Emergency

PURPOSE: This rule establishes authority for the supervisor of liquor control when a state of emergency is declared.

(1) Whenever, pursuant to the Constitution and laws of Missouri, the governor or acting governor of this state declares a state of emergency, calls out the organized militia or any portion or individual of the militia to execute or ensure obedience to law or declare a state of martial law in any section of this state, all persons, partnerships, or entities licensed under the laws of Missouri to sell, dispense, or otherwise deal with intoxicating liquor, upon notice from the supervisor of Alcohol and Tobacco Control, announced publicly or delivered personally, are to suspend further business under the licenses issued to the persons, partnerships, or entities until the time as the supervisor determines and so informs the licensees that the proclamation of emergency or crisis as issued by the governor or acting governor has been terminated, provided that the supervisor of Alcohol and Tobacco Control may specify the geographical limit within the state within which area the licenses shall be suspended.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

**Original authority: 311.660, RSMo 1939, amended 1989.*

11 CSR 70-2.270 Transfer and Registration of Lines or Brands of Spirituous Liquor and Wine

PURPOSE: This rule provides procedures for a supplier of spirituous liquor and wine to remove and/or create any additional distributor or any line or brand of product.

(1) The term supplier, as used in this regulation, means any person, partnership, or entity licensed as a manufacturer, distiller, vintner, rectifier, solicitor (or any employee or agent of the solicitor) which distributes wine or spirituous liquor to duly licensed wholesalers in this state.

(2) The term wholesaler, as used in this regulation, means any person, partnership, or entity (or any employee or agent of the enterprise) licensed to sell wine or spirituous liquor to duly licensed retailers in this state.

(3) No supplier may encourage, solicit, cause, or conspire with a wholesaler to evade or disobey any laws or regulations of the state of Missouri relating to intoxicating liquor. No supplier may, directly or indirectly, threaten to remove or remove a line or brand from a wholesaler because of the refusal or failure of the wholesaler to evade or disobey any laws or regulations of Missouri relating to intoxicating liquor. Nor may any supplier, directly or indirectly, threaten to or create an additional distributorship in retaliation against a wholesaler who refuses to evade or disobey any laws or regulations of Missouri relating

to intoxicating liquor.

(4) All suppliers are to register with the supervisor of Alcohol and Tobacco Control the lines, brands, or both of alcoholic beverages which they handle and distribute in this state, as well as each wholesaler assigned to the supplier's distribution. No supplier may add an additional line, brand, or wholesaler without first filing a statement under oath with the supervisor and with every other wholesaler affected. The statement shall contain the following:

(A) The name of each line or brand of spirituous liquor or wine which they will handle and distribute in this state and the anticipated date upon which the distribution of the line or brand is to begin;

(B) A certification that this additional line or brand is not being added in collusion with any supplier in retaliation against another wholesaler who refuses to evade or disobey any laws or regulations of Missouri relating to intoxicating liquor; and

(C) Prior to making any sale of any additional line or brand, each wholesaler shall comply with all other requirements relating to the posting of wholesale prices.

(5) Prior to removing a line or brand from one (1) wholesaler and/or prior to creating an additional distributorship on a line or brand, suppliers are to file with the supervisor a statement under oath containing the following:

(A) The name and address of each wholesaler to whom a line, brand, or both is being transferred or added;

(B) The name and address of each wholesaler from whom a line or brand is being removed;

(C) The name of each line or brand to be removed, transferred, or added; and

(D) A certification that this removal, transfer, or creation of an additional distributorship is not in retaliation against any wholesaler who refuses to evade or disobey any existing laws or regulations of Missouri relating to intoxicating liquor.

(6) A copy of this statement shall at the same time be delivered by mail or personal service to every wholesaler affected.

AUTHORITY: section 311.660, RSMo Supp. 2024. This version of rule filed April 16, 1975, effective April 26, 1975. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Aug. 1, 2024, effective March 30, 2025.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021.*

Brown-Forman Distillers Corp. v. Stewart, *520 SW2d 1 (Mo. banc 1975). Regulation 28, permitting supervisor of liquor control to prohibit the transfer of a brand or the creation of a dual distributorship absent the showing of a good business reason, ("without reasonable cause, which cause must be submitted to the supervisor of liquor control in writing") the employment of "reasonable cause" in regulation 28 renders it invalid and void because the language used is so sweeping and broad that it clothes the supervisor with arbitrary power that is incompatible with the test of "reasonableness" and it is "inconsistent" with the objectives of the Liquor Control Law and the legitimate evils sought to be eliminated.*

11 CSR 70-2.280 Standards for Using Minors in Intoxicating Liquor Investigations

PURPOSE: This rule establishes standards for the use of minors in intoxicating liquor investigations by a state, local, municipal, or other local law enforcement authority.

(1) On-site Investigations. The following are standards for the use of minors in intoxicating liquor investigations by a state, county, municipal, or other local law enforcement authority where intoxicating liquor is purchased by the minor on or about the licensed premises:

(A) The minor must be eighteen (18) or nineteen (19) years of age;

(B) The minor must have a youthful appearance. The minor must not have facial hair or a receding hairline, or wear excessive makeup or excessive jewelry, or wear headgear that will obstruct a clear view of the face or hairline. If the minor is wearing headgear or facial coverings required by law, executive order, or any official mandate from the city, county, state, or federal government, or if the business requests the minor to wear certain headgear or facial coverings, the minor shall be permitted to wear such item(s), but must temporarily remove said item(s) upon request by the seller of the intoxicating liquor so as to provide a clear view of the face and hairline;

(C) The minor must carry his or her own valid government-issued identification showing the minor's correct date of birth and, upon request, produce such identification to the seller of the intoxicating liquor at the licensed establishment; and the state, county, municipal, or other local law enforcement agency conducting the investigation must search the minor prior to the investigation to ensure that the minor is not in possession of any other valid or fictitious identification;

(D) The minor must answer truthfully any questions about his or her age and must not remain silent when asked questions regarding his or her age, nor misrepresent anything in order to induce a sale of intoxicating liquor;

(E) The state, county, municipal, or other local law enforcement agency must make a copy of the minor's valid identification showing the minor's correct date of birth;

(F) The state, county, municipal, or other local law enforcement agency conducting such investigations must videotape or audiotape any attempt by the minor to purchase intoxicating liquor in a good faith effort to record all statements made by the minor and the seller;

(G) No state, county, municipal, or other local law enforcement agency may employ minors on an incentive or quota basis;

(H) If a violation occurs, the state, county, municipal, or other local law enforcement agency must make reasonable efforts to confront the seller in a timely manner, and within forty-eight (48) hours contact or take all reasonable steps to contact the owner, manager, or managing officer of the establishment;

(I) The state, county, municipal, or other local law enforcement agency must maintain records of each visit to an establishment where a minor is used by the agency during an intoxicating liquor investigation for a period of at least one (1) year following the investigation regardless of whether a violation occurs at each investigation, and such records must, at a minimum, include the following information:

1. An Information and Consent document, completed by the minor in advance of the investigation, on the division form or a similar form approved by the division;

2. An Alcohol and Compliance Buy Checklist, signed by the minor and the peace officer responsible for reviewing the checklist with said minor, on the division form or a similar form approved by the division;

3. A photograph of the minor taken immediately prior to the investigation;

4. A copy of the minor's valid identification, showing the minor's correct date of birth;

5. The audiotape or videotape specified in subsection (1)(F) above; and

6. A written Minor Report on the division form or a similar form approved by the division;

(J) The state, county, municipal, or other local law enforcement agency must provide pre-recorded currency to the minor, to be used in the investigation. If a violation occurs, said agency should attempt to recover the pre-recorded funds tendered to the seller, or an amount equal thereto, and return any change tendered to the minor, and should further secure and inventory any intoxicating liquor product(s) purchased; and

(K) The state, county, municipal, or other local law enforcement agency, in advance of the investigation, must train the minor who will be used in the investigation. Training, at a minimum, must include:

1. Instruction to enter the designated establishment and to proceed immediately to attempt to purchase or be supplied with an intoxicating liquor product;

2. Instruction to provide the minor's valid identification upon a request for identification by the seller;

3. Instruction to answer truthfully all questions about age;

4. Instruction not to lie to the seller to induce a sale of intoxicating liquor products;

5. Instruction on the use of pre-recorded currency; and

6. Instruction on the other matters set out in this regulation.

(2) Off-site Investigations. The following are standards for the use of minors in intoxicating liquor investigations by a state, county, municipal, or other local law enforcement authority where intoxicating liquor is delivered or shipped to the minor at a location other than the licensed establishment:

(A) For the purposes of this section, licensees are at all times responsible for the actions and conduct of any employees, agents, or third parties delivering or shipping intoxicating liquor on the licensee's behalf pursuant to an order by internet, telephone, mail, or any method of ordering other than in person on the licensed premises;

(B) The minor must be eighteen or nineteen years of age;

(C) The minor must have a youthful appearance. The minor must not have facial hair or a receding hairline, or wear excessive makeup or excessive jewelry, or wear headgear that will obstruct a clear view of the face or hairline. If the minor is wearing headgear or facial coverings required by law, executive order, or any official mandate from the city, county, state, or federal government, the minor shall be permitted to wear such item(s), but must temporarily remove said item(s) upon request by the person delivering or shipping the intoxicating liquor so as to provide a clear view of the face and hairline;

(D) The minor must carry his or her own valid government-issued identification showing the minor's correct date of birth and, upon request, produce such identification to the person delivering or shipping the intoxicating liquor; and the state, county, municipal, or other local law enforcement agency conducting the investigation must search the minor prior to the investigation to ensure that the minor is not in possession of any other valid or fictitious identification;

(E) The minor must answer truthfully any questions about his or her age and must not remain silent when asked questions regarding his or her age, nor misrepresent anything in order to induce a delivery or shipment of intoxicating liquor;

(F) The state, county, municipal, or other local law enforcement agency must make a copy of the minor's valid identification showing the minor's correct date of birth;

(G) The state, county, municipal, or other local law enforcement agency conducting such investigations must videotape or audiotape the delivery or shipment of the intoxicating liquor in a good faith effort to record all statements made by the minor and the person delivering or shipping the intoxicating liquor;

(H) No state, county, municipal, or other local law enforcement agency may employ minors on an incentive or quota basis;

(I) If a violation occurs, the state, county, municipal, or other local law enforcement agency must make reasonable efforts to confront the person who delivered or shipped the intoxicating liquor product(s) in a timely manner, and within forty-eight (48) hours contact or take all reasonable steps to contact the owner, manager, or managing officer of the establishment that sold the intoxicating liquor;

(J) The state, county, municipal, or other local law enforcement agency must maintain records of each delivery or shipment where a minor is used by the agency during an intoxicating liquor investigation for a period of at least one (1) year following the investigation, regardless of whether a violation occurs at each investigation, and such records must, at a minimum, include the following information:

1. An Information and Consent document, completed by the minor in advance of the investigation, on the division form or a similar form approved by the division;

2. An Alcohol and Compliance Buy Checklist, signed by the minor and the peace officer responsible for reviewing the checklist with said minor, on the division form or a similar form approved by the division;

3. A photograph of the minor taken immediately prior to the investigation;

4. A copy of the minor's valid identification, showing the minor's correct date of birth;

5. The audiotape or videotape specified in subsection (2)(H) above; and

6. A written Minor Report on the division form or a similar form approved by the division;

(K) The state, county, municipal, or other local law enforcement agency must place the order using the minor's information. Regardless of whether a violation occurs, said agency should attempt to recover any funds tendered to the seller and the person delivering or shipping the intoxicating liquor, or an amount equal thereto, and should further secure and inventory any intoxicating liquor delivered or shipped; and

(L) The state, county, municipal, or other local law enforcement agency, in advance of the investigation, must train the minor who will be used in the investigation. Training, at a minimum, must include:

1. Instruction to respond to the designated delivery or shipment spot and proceed immediately to attempt to take possession of or be supplied with the intoxicating liquor product(s);

2. Instruction to provide the minor's valid identification upon a request for identification by the person delivering or shipping the intoxicating liquor;

3. Instruction to answer truthfully all questions about age;

4. Instruction not to lie to the person delivering or shipping the intoxicating liquor to induce a delivery or shipment of intoxicating liquor products;

5. Instructions on the use of pre-recorded currency; and

6. Instruction on the other matters set out in this regulation.

AUTHORITY: section 311.722, RSMo 2016. Original rule filed Jan. 13, 2006, effective Aug. 30, 2006. Amended: Filed Oct. 10, 2018,

effective May 30, 2019. Amended: Filed May 27, 2022, effective Jan. 30, 2023.

**Original authority: 311.722, RSMo 2005, amended 2009.*