

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 29

99TH GENERAL ASSEMBLY

0265H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.020, 311.055, 311.179, 311.185, 311.275, 311.355, 311.420, 311.462, 311.510, and 311.540, RSMo, and to enact in lieu thereof twelve new sections relating to intoxicating liquor.

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

Section A. Sections 311.020, 311.055, 311.179, 311.185, 311.275, 311.355, 311.420, 2 311.462, 311.510, and 311.540, RSMo, are repealed and twelve new sections enacted in lieu 3 thereof, to be known as sections 311.020, 311.055, 311.179, 311.185, 311.186, 311.187, 4 311.188, 311.275, 311.355, 311.420, 311.510, and 311.540, to read as follows:

311.020. The term "intoxicating liquor" as used in this chapter shall mean and include 2 alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, 3 or combination of liquors, a part of which is spirituous, vinous, or fermented, and all 4 preparations or mixtures for beverage purposes, containing in excess of one-half of one percent 5 by volume. **The term "intoxicating liquor" shall include "powdered alcohol", which means 6 alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use 7 or for reconstitution in a nonalcoholic liquid.** All beverages having an alcoholic content of 8 less than one-half of one percent by volume shall be exempt from the provisions of this chapter, 9 but subject to inspection as provided by sections 196.365 to 196.445.

311.055. 1. No person at least twenty-one years of age shall be required to obtain a 2 license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family 3 use. ~~[The aggregate amount of intoxicating liquor manufactured per household shall not exceed 4 two hundred gallons per calendar year if there are two or more persons over the age of twenty- 5 one years in such household, or one hundred gallons per calendar year if there is only one person~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 ~~over the age of twenty-one years in such household.]~~ Any intoxicating liquor manufactured
7 under this section shall not be sold or offered for sale.

8 2. Beer brewed under this section may be removed from the premises where brewed for
9 personal or family use, including use at organized events, exhibitions, or competitions, such as
10 home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on
11 any premises under a temporary retail license issued under section 311.218, 311.482, 311.485,
12 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in
13 section 311.090.

14 3. Any beer brewed under this section used at an organized event where an admission
15 fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed
16 a sale of beer, provided that the person who brewed the beer receives none of the proceeds from
17 the admission fee and all consumption is conducted off licensed retail premises, under the
18 premises of a temporary retail license issued under section 311.218, 311.482, 311.485, 311.486,
19 or 311.487, or on any tax exempt organization's licensed premises as described in section
20 311.090.

311.179. 1. Any person possessing the qualifications and meeting the requirements of
2 this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international
3 airport located in a county with a charter form of government and with more than nine hundred
4 fifty thousand inhabitants **or in a county of the first classification with more than eighty-**
5 **three thousand but fewer than ninety-two thousand inhabitants and with a city of the**
6 **fourth classification with more than four thousand five hundred but fewer than five**
7 **thousand inhabitants as the county seat** may apply to the supervisor of [~~liquor control~~] **alcohol**
8 **and tobacco control** for a special permit~~[-. The permit shall allow]~~ **which:**

9 **(1) Allows** the premises located in the international airport in such county to open at 4
10 a.m. and sell intoxicating liquor by the drink at retail for consumption [~~on the premises where~~
11 ~~sold~~]. The provisions of this section and not those of section 311.097 regarding the time of
12 opening shall apply to the sale of intoxicating liquor by the drink at retail for consumption [~~on~~
13 ~~the premises where sold~~] on Sunday[-];

14 **(2) Allows persons to leave licensed establishments with an alcoholic beverage and**
15 **enter other airport designated areas located within such airport. No person shall take any**
16 **alcoholic beverage or beverages outside such designated areas, including onto any airplane;**
17 **and**

18 **(3) Requires every licensee within such international airport to serve alcoholic**
19 **beverages in containers that display and contain the licensee's trade name or logo or some**
20 **other mark that is unique to that license and licensee.**

21 2. An applicant granted a special permit pursuant to this section shall, in addition to all
22 other fees required by this chapter, pay an additional fee of three hundred dollars a year payable
23 at the time and in the same manner as its other license fees.

311.185. 1. Notwithstanding any rule, law, or regulation to the contrary, any person
2 currently licensed in this state or any other state as a wine manufacturer may apply for and the
3 supervisor of alcohol and tobacco control may issue a wine direct shipper license, as provided
4 in this section, which allows a wine manufacturer to ship up to two cases of wine per month
5 directly to a ~~[resident of]~~ **person within** this state who is at least twenty-one years of age for such
6 ~~[resident's]~~ **person's** personal use and not for resale. Before sending any shipment to a ~~[resident~~
7 ~~of]~~ **person within** this state, the wine manufacturer shall first obtain a wine direct shipper license
8 as follows:

9 (1) File an application with the division of alcohol and tobacco control; ~~[and]~~
10 (2) Provide to the division of alcohol and tobacco control a true copy of its current
11 alcoholic beverage license issued in this state or any other state, as well as a copy of the winery
12 license from the Alcohol and Tobacco Tax and Trade Bureau; **and**

13 **(3) Pay a license fee of one hundred dollars per year.**

14 2. All wine direct shipper licensees shall:

15 (1) Not ship more than two cases of wine per month to any person for his or her personal
16 use and not for resale;

17 (2) Not use any carrier for shipping of wine that is not licensed under ~~[this]~~ section
18 **311.186;**

19 (3) Only ship wine that is properly registered with the Alcohol and Tobacco Tax and
20 Trade Bureau;

21 (4) Only ship **from the winery premises** wine **that is** manufactured on the winery
22 premises;

23 (5) Ensure that all containers of wine delivered directly to ~~[a resident of]~~ **persons within**
24 this state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF
25 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled
26 with wording preapproved by the division of alcohol and tobacco control;

27 (6) If the winery is located outside of this state, ~~[by January thirty-first]~~ **on or before the**
28 **fifteenth day of each calendar month**, make a report under oath to the supervisor of alcohol
29 and tobacco control setting out the total amount of wine shipped into the state the preceding
30 ~~[year]~~ **month;**

31 (7) If the winery is located outside of this state, pay the division of alcohol and tobacco
32 control all excise taxes due on the amount to be calculated as if the sale were in this state at the
33 location where the delivery is made;

34 (8) If the winery is located within this state, provide the division of alcohol and tobacco
35 control any additional information deemed necessary beyond that already required for retail sales
36 from the winery tasting room to ensure compliance with this section;

37 (9) Permit the division of alcohol and tobacco control to perform an audit of the wine
38 direct shipper licensees' records upon request; and

39 (10) Be deemed to have consented to the jurisdiction of the division of alcohol and
40 tobacco control or any other state agency and the Missouri courts concerning enforcement of this
41 section and any related laws, rules, or regulations.

42 3. The wine direct shipper licensee may annually renew its license with the division of
43 alcohol and tobacco control by providing the division of alcohol and tobacco control all required
44 items provided in subsection 1 of this section.

45 4. ~~[Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply~~
46 ~~for and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as~~
47 ~~provided in this section, which allows the carrier to transport and deliver shipments of wine~~
48 ~~directly to a resident of this state who is at least twenty-one years of age or older. Before~~
49 ~~transporting any shipment of wine to a resident of this state, the carrier shall first obtain an~~
50 ~~alcohol carrier license by filing an application with the division of alcohol and tobacco control.~~

51 ~~5. All alcohol carrier licensees shall:~~

52 ~~(1) Not deliver to any person under twenty-one years of age, or to any intoxicated person,~~
53 ~~or any person appearing to be in a state of intoxication;~~

54 ~~(2) Require valid proof of identity and age;~~

55 ~~(3) Obtain the signature of an adult as a condition of delivery; and~~

56 ~~(4) Keep records of wine shipped which include the license number and name of the~~
57 ~~winery or retailer, quantity of wine shipped, recipient's name and address, and an electronic or~~
58 ~~paper form of signature from the recipient of the wine.~~

59 ~~6.]~~ The division of alcohol and tobacco control may promulgate rules to effectuate the
60 provisions of this section. Any rule or portion of a rule, as that term is defined in section
61 536.010, that is created under the authority delegated in this section shall become effective only
62 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
63 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
64 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
65 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
66 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

**311.186. 1. Notwithstanding any other provision of law, rule, or regulation to the
2 contrary, any carrier may apply for, and the supervisor of alcohol and tobacco control may
3 issue, an alcohol carrier license, as provided in this section, which allows the carrier to**

4 transport and deliver shipments of intoxicating liquor for personal use and not for resale
5 directly to a person within this state who is at least twenty-one years of age. Before
6 transporting any such shipment of intoxicating liquor to a person within this state, the
7 carrier shall first obtain an alcohol carrier license by filing an application with the division
8 of alcohol and tobacco control and paying a license fee of five hundred dollars per year.

9 2. It shall be unlawful for any person, firm, partnership, or corporation to deliver
10 intoxicating liquor, as defined in section 311.020, from outside the state of Missouri, in any
11 quantity, directly to a person within this state for personal use and not for resale without
12 first obtaining an alcohol carrier license.

13 3. All alcohol carrier licensees shall:

14 (1) Ensure that all containers of intoxicating liquor delivered directly to a person
15 within this state for personal use and not for resale are conspicuously labeled with the
16 words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
17 REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved
18 by the division of alcohol and tobacco control;

19 (2) Not deliver to any person under twenty-one years of age, or to any intoxicated
20 person, or any person appearing to be in a state of intoxication;

21 (3) Require valid proof of identity and age;

22 (4) Obtain the signature of a person at least twenty-one years of age as a condition
23 of delivery;

24 (5) Keep records for a period of two years of intoxicating liquor shipped which
25 include the name of the winery or retailer, weight of intoxicating liquor shipped,
26 purchaser's name, recipient's name and address, and an electronic or paper form of
27 signature from the recipient of the intoxicating liquor;

28 (6) Only deliver intoxicating liquor to persons within this state for personal use and
29 not for resale from persons licensed by the division of alcohol and tobacco control as:

30 (a) Wine direct shippers, licensed under section 311.185; or

31 (b) Retailers, licensed under chapter 311; and

32 (7) Provide the division of alcohol and tobacco control a quarterly report of all
33 intoxicating liquor shipments made by each shipper to persons within this state for
34 personal use and not for resale during the preceding quarter. The alcohol carrier's
35 quarterly report shall detail the:

36 (a) Business name for each shipper of intoxicating liquor;

37 (b) Name and address of the person within this state who received the intoxicating
38 liquor;

39 (c) Weight of intoxicating liquor shipped; and

40 (d) Date of delivery.

41 4. Upon request by the licensed alcohol carrier, the division of alcohol and tobacco
42 control shall provide an electronic copy of all licensees that may ship intoxicating liquor
43 to persons within this state for personal use and not for resale.

311.187. 1. Notwithstanding any provision of law, rule, or regulation to the
2 contrary, any retailer located and conducting business in this state and who is licensed
3 under this chapter may deliver intoxicating liquor directly to persons within this state for
4 personal use and not for resale, excluding powdered alcohol as prohibited under section
5 311.188.

6 2. Missouri retailers who make deliveries directly to persons within this state for
7 personal use and not for resale shall:

8 (1) Consummate the sale of intoxicating liquor on the licensed premises. The sale
9 may be made in person, by phone, or by other electronic means;

10 (2) Ensure that all containers of intoxicating liquor delivered directly to a person
11 within this state for personal use and not for resale are conspicuously labeled with the
12 words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
13 REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved
14 by the division of alcohol and tobacco control;

15 (3) Ensure the delivery driver is at least twenty-one years of age;

16 (4) Not deliver to any person under twenty-one years of age, or to any intoxicated
17 person, or any person appearing to be in a state of intoxication;

18 (5) Require valid proof of identity and age;

19 (6) Obtain the signature of a person at least twenty-one years of age as a condition
20 of delivery; and

21 (7) Keep records for a period of two years of intoxicating liquor delivered, which
22 include the name of the purchaser, the weight of intoxicating liquor delivered, a copy of the
23 invoice or receipt, the recipient's name and address, and an electronic or paper form of
24 signature from the receipt of the intoxicating liquor.

311.188. No person shall ship or deliver powdered alcohol, as defined in section
2 311.020, to a resident of this state for personal use and not for resale except through an
3 alcohol carrier licensed under subsection 4 of section 311.185.

311.275. 1. For purposes of tax revenue control, beginning January 1, 1980, no holder
2 of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within
3 this state, other than a wholesale-solicitor, shall solicit, accept, or fill any order for any
4 intoxicating liquor from a holder of a wholesaler's license issued under this chapter, unless the
5 holder of such solicitor's license has registered with the division of alcohol and tobacco control

6 as the primary American source of supply for the brand of intoxicating liquor sold or sought to
7 be sold. The supervisor of alcohol and tobacco control shall provide forms for annual
8 registration as the primary American source of supply, and shall prescribe the procedures for
9 such registration.

10 2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this
11 chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a
12 wholesale-solicitor, unless the solicitor has registered with the division of alcohol and tobacco
13 control as the primary American source of supply for the brand of intoxicating liquor ordered,
14 purchased or received.

15 3. The term "primary American source of supply" as used herein shall mean the distiller,
16 producer, the owner of the commodity at the time it became a marketable product, the bottler,
17 or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement
18 being that the nonresident seller be the first source closest to the manufacturer in the channel of
19 commerce from whom the product can be secured by American wholesalers.

20 4. Any vintage wine solicitor licensed under section 311.180 may register as the primary
21 American source of supply for vintage wine with the division of alcohol and tobacco control,
22 provided that another solicitor is not registered as the primary American source of supply for the
23 vintage wine and the vintage wine has been approved for sale by the federal Alcohol and
24 Tobacco Tax and Trade Bureau.

25 **5. The supervisor of alcohol and tobacco control shall approve or deny any**
26 **application for primary American source of supply for any intoxicating liquor product**
27 **within five working days following the receipt of a properly completed application. Any**
28 **such application for an intoxicating liquor product received by the supervisor of alcohol**
29 **and tobacco control that is not approved or denied within five working days shall be**
30 **considered conditionally approved and such intoxicating liquor product may be solicited,**
31 **sold, shipped, ordered, purchased, and received in this state.**

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

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

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

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

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

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

12 2. Manufacturers of intoxicating liquor including beer and wine may offer coupons
13 redeemable for nonalcoholic merchandise, except that such redeemable coupons must be made
14 available without a purchase requirement to consumers at the point of sale, or by request through
15 the mail, or at the retailer's cash register. Redeemable coupons may be published or advertised
16 by manufacturers in newspapers, magazines and other mass media. Advertisements must state
17 that no purchase is required to obtain the nonalcoholic merchandise and provide information on
18 the procedure to obtain such merchandise. The retail value of the nonalcoholic merchandise
19 shall not be stated in the advertisement or on the product. Wholesalers and manufacturers may
20 deliver these redeemable coupons at the point of sale or in connection with packaging.

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

311.420. 1. No person, except carriers regulated by the motor carrier and railroad safety
2 division of the department of economic development under chapters 387, 389 and 390, shall
3 transport into, within, or through the state of Missouri any intoxicating liquors in quantities
4 larger than five gallons unless such person holds a valid license or permit from the supervisor
5 of alcohol and tobacco control of the state of Missouri to do so. For such license, there shall be
6 paid to the director of revenue the sum of ten dollars per annum. Application for such license
7 shall be made to the supervisor of alcohol and tobacco control of the state of Missouri and each
8 applicant shall submit with his application a bond in the penal sum of one thousand dollars with
9 sufficient surety to be approved by the supervisor of alcohol and tobacco control, conditioned
10 that he will not violate any provisions of the liquor control laws of this state or any regulation
11 promulgated under such liquor control laws, and any violation of such condition shall work a
12 forfeiture of such bond to the state of Missouri. The license year shall end on June thirtieth, and
13 the applicant shall pay as many twelfths as there are months, with each part of a month being
14 counted as a month, remaining from the date of the license to the next succeeding July first. The
15 supervisor of alcohol and tobacco control may issue single transaction licenses, for which there
16 shall be paid to the director of revenue the sum of five dollars, and, if the value of the liquor to
17 be transported exceeds one hundred dollars, the permit shall not be issued until the bond
18 provided for above in this section is given to the state. No such transporter's license shall be
19 required of any person licensed by the supervisor of alcohol and tobacco control whose licensed
20 premises are located in the state of Missouri, nor shall it be necessary to procure a license to
21 transport liquor purchased from a retail liquor dealer duly licensed by the supervisor of alcohol
22 and tobacco control of the state of Missouri. No license or permit shall be required to transport
23 industrial alcohol.

24 2. The qualifications prescribed for the issuance of other licenses by the provisions of
25 the liquor control law shall not apply to licenses issued under this section, but no license shall
26 be issued to any person who is not of good moral character or who has been convicted since the
27 ratification of the twenty-first amendment to the Constitution of the United States of the violation
28 of any law applicable to the manufacture or sale of intoxicating liquor, nor to any person who
29 has had a license from the supervisor of alcohol and tobacco control revoked. If applicant is a
30 corporation, the managing officer thereof must possess the qualifications prescribed in this
31 section.

32 3. Carriers licensed under this section or carriers exempt from holding a permit under
33 this section shall not deliver ~~[wine]~~ **intoxicating liquor from outside the state of Missouri, in**
34 **any quantity, directly** to a ~~[resident of]~~ **person within** this state without obtaining an alcohol
35 carrier license under section ~~[311.185]~~ **311.186.**

311.510. 1. It shall be the duty of the supervisor of liquor control to cause to be
2 inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed,
3 manufactured or sold in this state, and he **or she** shall determine whether such beer or other
4 intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure
5 barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and
6 whether the package containing such beer or intoxicating malt liquor has been correctly labeled
7 to show that the same has been made from wholesome ingredients.

8 2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor
9 control shall not require product samples and shall not require the testing of product samples to
10 determine alcohol content prior to granting approval for the sale of any such beer or other
11 intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is
12 provided with a copy of a certificate of label approval issued by the ~~[Federal Bureau of Alcohol,~~
13 ~~Tobacco and Firearms]~~ **Alcohol and Tobacco Trade Bureau** ~~[which verifies the alcohol content~~
14 ~~of the product]~~ .

15 **3. Notwithstanding the provisions of subsection 1 of this section, the supervisor of**
16 **liquor control shall not require product samples prior to granting approval for the sale of**
17 **any beer or other intoxicating malt liquors brewed, manufactured, and sold exclusively in**
18 **this state if the supervisor of liquor control is provided a label. The supervisor of liquor**
19 **control shall have sole authority to approve all labels for keg collars, bottles, and cans of**
20 **such beer or other intoxicating malt liquor and any inspections to determine labeling**
21 **compliance for such products shall be under the sole authority of the supervisor of liquor**
22 **control, with no approval or inspection by the Alcohol and Tobacco Tax and Trade Bureau**
23 **required.**

311.540. 1. Every person, persons or corporation who shall manufacture or distill
2 spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within
3 this state, and wholesale or retail dealers or any other person who shall import such intoxicating
4 liquors into this state, for the purpose of sale or offering the same for sale in this state, shall,
5 before offering the same for sale, cause the same to be inspected and gauged by the supervisor
6 of liquor control, **or his or her designee**. It shall be the duty of the supervisor of liquor control,
7 **or his or her designee**, to inspect and gauge such character of intoxicating liquor referred to in
8 this section and to ascertain whether the same is correctly labeled.

9 2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor
10 control shall not require product samples and shall not require the testing of product samples to
11 determine alcohol content prior to granting approval for the sale of any such spirituous liquors
12 product in the state if the supervisor of liquor control, **or his or her designee**, is provided with
13 a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and
14 Firearms which verifies the alcohol content of the product.

~~311.462. 1. Notwithstanding any other provision of law, a holder of a
2 retailer alcoholic beverage license in this state or a state which affords Missouri
3 licensees an equal reciprocal shipping privilege may ship, for personal use and
4 not for resale, not more than two cases of wine, each case containing not more
5 than nine liters, per year to any adult resident of this state. Delivery of a
6 shipment pursuant to this section shall not be deemed to constitute a sale in this
7 state.—~~

~~8 2. The shipping container of any wine sent into or out of this state under
9 this section shall be clearly labeled to indicate that the package cannot be
10 delivered to a person under the age of twenty-one years or to an intoxicated
11 person.—~~

~~12 3. No broker within this state may solicit consumers to engage in
13 interstate reciprocal wine shipments under this section. No shipper located
14 outside this state may advertise such interstate reciprocal wine shipments in this
15 state.]~~

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