

FIRST REGULAR SESSION

# HOUSE BILL NO. 1153

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HOUX.

2357H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 311.185, RSMo, and to enact in lieu thereof one new section relating to shipments of alcohol to residents.

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

Section A. Section 311.185, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.185, to read as follows:

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

(1) File an application with the division of alcohol and tobacco control; and

(2) Provide to the division of alcohol and tobacco control a true copy of its current alcoholic beverage license issued in this state or any other state, as well as a copy of the winery license from the Alcohol and Tobacco Tax and Trade Bureau.

2. All wine direct shipper licensees shall:

(1) Not ship more than ~~two~~ **twenty-four** cases of wine per ~~month~~ **year** to any person for his or her personal use and not for resale;

(2) Not use any carrier for shipping of wine that is not licensed under this section;

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.

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

19 (4) Only ship wine manufactured on the winery premises;

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

24 (6) If the winery is located outside of this state, by January thirty-first, make a report  
25 under oath to the supervisor of alcohol and tobacco control setting out the total amount of  
26 wine shipped into the state the preceding year;

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

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

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

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

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

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

48 5. All alcohol carrier licensees shall:

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

51 (2) Require valid proof of identity and age;

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

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

56           6. The division of alcohol and tobacco control may promulgate rules to effectuate the  
57 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
58 536.010, that is created under the authority delegated in this section shall become effective  
59 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
60 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
61 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date  
62 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
63 rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid  
64 and void.

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