

SECOND REGULAR SESSION

HOUSE BILL NO. 2332

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

3423H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 311.055 and 311.185, RSMo, and to enact in lieu thereof two new sections relating to alcohol.

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

Section A. Sections 311.055 and 311.185, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 311.055 and 311.185, to read as follows:

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

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

3. Any ~~beer brewed~~ **intoxicating liquor produced** under this section used at an organized event where an admission fee is paid for entry, at which the ~~beer~~ **intoxicating liquor** is available without a separate charge, shall not be deemed a sale of ~~beer~~

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.

18 **intoxicating liquor**, provided that the person who [~~brewed~~] **produced** the [~~beer~~] **intoxicating**
19 **liquor** receives none of the proceeds from the admission fee and all consumption is
20 conducted off licensed retail premises, under the premises of a temporary retail license issued
21 under section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt
22 organization's licensed premises as described in section 311.090.

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 of wine or distilled**
3 **spirits** may apply for and the supervisor of alcohol and tobacco control may issue a wine
4 direct shipper license **or a distilled spirit direct shipper license**, as provided in this section,
5 which allows a [~~wine~~] **manufacturer** to ship up to two cases of wine **or distilled spirits** per
6 month directly to a resident of this state who is at least twenty-one years of age for such
7 resident's personal use and not for resale. Before sending any shipment to a resident of this
8 state, the [~~wine~~] **manufacturer** shall first obtain a [~~wine~~] **direct shipper license** 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
12 winery **or distillery** license, **if applicable**, from the Alcohol and Tobacco Tax and Trade
13 Bureau.

14 2. All wine direct shipper licensees **and distilled spirit direct shipper licensees**
15 shall:

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

18 (2) Not use any carrier for shipping of wine **or distilled spirits** that is not licensed
19 under this section;

20 (3) Only ship wine **or distilled spirits** that [~~is~~] **are** properly registered with the
21 Alcohol and Tobacco Tax and Trade Bureau;

22 (4) Only ship wine **or distilled spirits** manufactured on the winery **or distillery**
23 premises;

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

29 (6) If the winery **or distillery** is located outside of this state, by January thirty-first,
30 make a report under oath to the supervisor of alcohol and tobacco control setting out the total
31 amount of wine **or distilled spirits** shipped into the state the preceding year;

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

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

39 (9) Permit the division of alcohol and tobacco control to perform an audit of the wine
40 direct shipper licensees' **or distilled spirit direct shipper licensees'** records upon request;
41 and

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

45 3. The wine direct shipper licensee **or distilled spirit direct shipper licensee** may
46 annually renew its license with the division of alcohol and tobacco control by providing the
47 division of alcohol and tobacco control all required items provided in subsection 1 of this
48 section.

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

56 5. All alcohol carrier licensees shall:

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

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

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

61 (4) Keep records of wine **or distilled spirits** shipped which include the license
62 number and name of the winery, **distillery**, or retailer[-]; quantity of wine **or distilled spirits**
63 shipped[-]; recipient's name and address[-]; and an electronic or paper form of signature from
64 the recipient of the wine **or distilled spirits**.

65 6. The division of alcohol and tobacco control may promulgate rules to effectuate the
66 provisions of this section. Any rule or portion of a rule, as that term is defined in section
67 536.010, that is created under the authority delegated in this section shall become effective
68 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,

69 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
70 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date
71 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
72 rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid
73 and void.

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