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# EMERGENCY RULE

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

**EMERGENCY AMENDMENT**

**11 CSR 70-2.010 Definitions.** The Division of Alcohol and Tobacco Control is adding a section (30).

*PURPOSE: This amendment clarifies the Division’s longstanding practice of treating legal entities the same way corporations are treated in evaluating their qualifications for licensure.*

*EMERGENCY STATEMENT: This emergency amendment informs applicants for a liquor license that all business entity types can be “persons” capable of obtaining a liquor license under sections 311.030 and 311.050, RSMo. This emergency amendment is necessary to protect a compelling governmental interest in that a recent Administrative Hearing Commission decision (Case Numbers 23-0288 and 23-0439) determined “a single member LLC, does not come within the definition of a “person” to be licensed. This holding, if adopted by a court of precedent, would mean fifty-four percent (54.3%) nine thousand two hundred eighty-eight of the seventeen thousand ninety-five (9,288 of the 17,095) primary licenses issued by the division would be unlawful and cannot be renewed next year. As a result, the division finds a compelling governmental interest, which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 22, 2024, becomes effective April 5, 2024, and expires January 15, 2025.*

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

*AUTHORITY: section 311.660, RSMo Supp. [2021] 2023. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed March 22, 2024, effective April 5, 2024, expires Jan. 15, 2025. An emergency amendment covering the same material will be published in the May 1, 2024, issue of the **Missouri Register**.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*