
EMERGENCY RULE

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

EMERGENCY AMENDMENT

11 CSR 70-2.020 Application for License. The division of Alcohol and Tobacco Control is adding a section (18).

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 the Division of Alcohol and Tobacco Control will use the guidelines set out in section 311.060, RSMo, to determine the qualifications of all legal entities applying for a liquor license. 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) would force the division to make arbitrary distinctions between corporations and all other applicants for a liquor license. Further, the decision would require the division to change its decades-long practice of treating all legal entities the same way as it treats corporations in determining who is qualified for a license. As a result, the division finds a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment 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.*

(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 for a corporation described therein.

(A) No entity shall be granted a liquor license if any of its owners, 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.

(B) This section shall not apply to trusts.

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