



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 12—Liquor Control

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming
Commission
Chapter 12—Liquor Control**

11 CSR 45-12.010 Excursion Liquor License Required

PURPOSE: This rule establishes requirements for liquor licenses issued by the commission.

(1) No intoxicating liquor may be served, offered for sale, or sold upon an excursion gambling boat or facility immediately adjacent to an excursion gambling boat that is owned and operated by the excursion gambling boat licensee unless a Class B licensee has obtained from the Missouri Gaming Commission (commission) an excursion liquor license. Only Class B licensees shall be eligible for an excursion liquor license issued by the commission.

(2) The commission shall have the authority to discipline for cause the excursion liquor licensee, any facility listed on the excursion liquor license, or the Class A or Class B licensee for any violation of Missouri law or these rules.

(3) Responsibility for Acts of Employees. Licensees at all times are responsible for the conduct of their business and at all times are directly responsible for any act or conduct of any employee on the premises which is in violation of the Missouri gaming law or the rules of the commission.

(4) No Class B licensee who has had its excursion liquor license suspended by order of the commission shall sell, give away, or permit the consumption of any intoxicating liquor, nor shall the licensee order or accept delivery of any intoxicating liquor during the period of time the order of suspension is in effect. Any licensee desiring to keep its premises open during the period of suspension shall display the order of suspension issued by the commission in a conspicuous place on the premises so that all persons visiting the premises may readily see the order of suspension. If the order of suspension only applies to a specific location listed on the excursion gambling boat's license, the prohibitions of this section shall apply only to that location.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013.* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan.

17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Emergency amendment filed Oct. 25, 1994, effective Nov. 4, 1994, expired March 3, 1995. Amended: Filed June 14, 1994, effective Jan. 29, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Jan. 27, 2010, effective Aug. 30, 2010. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016.

*Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.

11 CSR 45-12.020 Excursion Liquor License and Definitions

PURPOSE: This rule provides definitions and establishes requirements for excursion liquor licenses.

(1) As used in this chapter, the following terms mean:

(A) "Excursion liquor licensee," any Class B applicant or licensee who has been issued an excursion liquor license which authorizes the Class B applicant or licensee to serve, offer for sale, or sell intoxicating liquor aboard any excursion gambling boat or facility immediately neighboring the excursion gambling boat which is owned and operated by the Class B applicant or licensee;

(B) "Licensed premises," any and all property owned and operated by the Class B applicant or licensee immediately neighboring its riverboat gaming operation as defined in 11 CSR 45-1.090. 11 CSR 45-12.091 to the contrary notwithstanding, hotel guest rooms are not considered to be on the licensed premises;

(C) "Liquor," any beverage containing alcohol in excess of one-half of one percent (.5%) by volume including, but not limited to, beer, malted liquor, wine, brandy, and distilled liquors;

(D) "Original package," any package containing three (3) or more standard bottles or cans of malt liquor, fifty (50) milliliters (1.7 ounces) or more of spirituous liquors and one hundred (100) milliliters (3.4 ounces) or more of vinous liquors in the manufacturer's original container. A standard bottle is any bottle or can containing sixteen (16) ounces or less of malt liquor; and

(E) "Wine," a vinous liquor produced by fermentation of juices of grapes, berries, or other fruits or a preparation of certain vegetables by fermentation, and containing alcohol not in excess of twenty-two percent (22%)

by volume.

(2) An excursion liquor license shall be a license granted for a one- (1-) year term by the commission for sale of intoxicating liquor by the drink at retail for consumption on the licensed premises, and the sale of intoxicating liquor in the original package at locations specifically indicated on the license for consumption off the licensed premises. The excursion liquor license authorizes the Class B licensee to sell bottles of wine in areas off the gaming floor for consumption on the premises with a meal.

AUTHORITY: sections 313.004, 313.805, and 313.840, RSMo 2016.* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Emergency amendment filed Oct. 25, 1994, effective Nov. 4, 1994, expired March 3, 1995. Amended: Filed June 14, 1994, effective Jan. 29, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 30, 2006, effective March 30, 2007. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016. Amended: Filed March 1, 2018, effective Oct. 30, 2018.

*Original authority: 313.004, RSMo 1993, amended 1994, 2014; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.

11 CSR 45-12.030 License Criteria

PURPOSE: This rule establishes excursion liquor license criteria.

(1) An excursion liquor license shall be granted to a Class B licensee unless—

(A) The licensee or any key person has had a liquor license revoked by any agency in this state; or

(B) The licensee or any key person has a financial interest of five percent (5%) or more in a distiller, wholesaler, winemaker, or brewer.

(2) The Missouri Gaming Commission (commission) may, in its discretion, deny, revoke, suspend, or impose any other form of discipline against an excursion liquor license applicant or license holder or any specific location listed on its license if the applicant, licensee, or any key person has had a liquor license revoked by any agency in another state.



(3) The commission may, in its discretion, deny, revoke, suspend, or impose any other form of discipline against an excursion liquor license applicant or license holder or any specific location listed on its license if the applicant, licensee, or any key person has been convicted of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquors.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013.* *Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Amended: Filed May 4, 1994, effective Sept. 30, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.*

11 CSR 45-12.040 Applications

PURPOSE: This rule establishes the requirements for an excursion liquor license.

(1) Application for an excursion liquor license must be made on forms provided by the Missouri Gaming Commission (commission).

(2) The application shall describe with particularity the locations on the premises in which intoxicating liquors will be served, sold, and stored.

(3) On approval of the application and payment of the licensing fee, the commission shall grant the applicant an excursion liquor license which expires with the thirtieth day of June next succeeding the date of the license.

(4) Change of Facts. If, during the period for which a license is granted, any change of facts or information occurs differing from that set forth in the original or in any renewal application on file with the commission, written notice shall be given within seven (7) days after the change or within such other time period as ordered by the commission.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013.* *Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan.*

17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Aug. 30, 2006, effective March 30, 2007. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016.

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.*

11 CSR 45-12.050 Excursion Liquor License Fees

PURPOSE: This rule establishes fees for excursion liquor licenses.

(1) The initial one (1)-time nonrefundable fee for an excursion liquor license for the premises shall be five hundred dollars (\$500).

(2) The annual renewal fee for an excursion liquor license for the premises shall be five hundred dollars (\$500).

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013.* *Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.*

11 CSR 45-12.060 Renewal

PURPOSE: This rule establishes the procedures for renewal of excursion liquor licenses.

(1) Within thirty (30) days of the expiration date, each excursion liquor licensee shall register for renewal of its license using forms provided by the Missouri Gaming Commission.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013.* *Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.*

11 CSR 45-12.070 Posting Licenses and Tax Stamps

PURPOSE: This rule establishes the requirement of posting liquor licenses and having tax stamps on liquor.

(1) Before commencing or doing any business for the time for which an excursion liquor license has been granted, the license shall be posted at all times during the term of the license in a conspicuous place on the premises where the business is conducted, so that persons visiting the premises may readily see the license.

(2) No excursion liquor license shall be effective, and no right granted by the license shall be exercised by the licensee, unless and until the licensee shall have obtained, and securely affixed to the license in the space provided for it, an original stamp or other form of receipt issued by the duly authorized representative of the federal government, evidencing the payment by the licensee to the federal government of whatever excise or occupational tax is by any law of the United States required to be paid by a dealer engaged in the occupation designated in the license. Within ten (10) days from the issuance of the federal stamp or receipt, the licensee shall file with the Missouri Gaming Commission (commission) a photostat copy of the stamp or receipt, or a duplicate or indented and numbered stub therefrom as the federal government may have issued to the taxpayer with the original. Every excursion liquor licensee shall keep displayed prominently at all times while the license is in effect, on the licensed premises, all federal tax stamps issued to it or to any other person designating it or the licensed premises as a business or place authorized by the federal government to deal in intoxicating liquors. The licensee shall submit all federal tax stamps to the commission or any agent of the commission, for examination, at any time requested by the commission or the agent to do so and permit the commission or agent to take a copy of the tax stamps.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013.* *Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 14,*



2016, effective Aug. 30, 2016.

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.*

11 CSR 45-12.080 Hours of Operation

PURPOSE: This rule establishes the time liquor may be served, offered for sale, sold or supplied.

(1) Any excursion liquor licensee may serve, offer for sale, sell, or supply intoxicating liquor only during the times authorized by the Missouri Gaming Commission (commission). Intoxicating liquor may be served on an excursion gambling boat from 8:00 a.m. to 3:00 a.m. the following day. Intoxicating liquor may be served, offered for sale, sold, or supplied in nongaming areas from 8:00 a.m. to 1:30 a.m. the following day, unless the commission specifically approves other hours of operation. A licensee shall submit, with its application, the proposed hours for approval by the commission.

(2) An excursion liquor licensee is prohibited from serving, offering for sale, selling, giving away, or otherwise allowing the consumption of intoxicating liquor in any quantity after the hours the commission has approved for that licensee to serve, sell, offer for sale, or supply intoxicating liquor.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Dec. 7, 1995, effective Dec. 17, 1995, expired June 13, 1996. Amended: Filed Dec. 7, 1995, effective June 30, 1996. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Oct. 26, 2006, effective May 30, 2007. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.*

11 CSR 45-12.090 Rules of Liquor Control

PURPOSE: This rule reinforces the effect of other rules.

(1) Inspection. All licensees shall allow the licensed premises, including all rooms, pas-

sageways, closets, vaults, attics, docks, yards, and all buildings used in connection with the operations carried on under the license and which are in their possession or under their control, and all places where they keep or have liquor stored, to be inspected by the Missouri Gaming Commission (commission) and their agents. Licensees shall cooperate fully with the commission and their agents during the inspections.

(2) Record Keeping. All licensees are required to keep complete and accurate records of all purchases and of all sales of intoxicating liquor made by them. These records must include the names and addresses of all persons from whom the liquor is purchased, the dates, kinds and quantities of the purchases, and the dates and amounts of payments on account. They shall also include the daily gross returns from sales.

(A) All licensees shall keep all files, books, records, papers, state, county and city licenses, federal tax stamps, accounts and memoranda pertaining to the business conducted by the licensee on the licensed premises, and, upon request of the commission or their duly authorized agents and auditors, the licensees shall promptly allow an inspection and audit to be made by the commission or its agents, of files, books, records, papers, state, county and city licenses, federal tax stamps, accounts and memoranda and shall permit copies to be made and taken of them.

(B) All records required to be kept by this chapter must be kept and preserved for a period of at least two (2) years from the date the record was made.

(3) Sale to Minors and Other Persons. An excursion liquor licensee shall not, through actions of its own or of an agent or employee, sell, vend, give away its or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, to any person intoxicated or appearing to be in the state of intoxication, or to a habitual drunkard. A licensee shall not permit any person under the age of twenty-one (21) years, any intoxicated person, or any habitual drunkard to consume intoxicating liquor on the licensed premises.

(A) Any licensee who in good faith relies on a valid and unexpired driver's or commercial driver's license issued under the provision of section 302.177, RSMo or under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card as provided under section 302.181, RSMo, or under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card issued by any

uniformed service of the United States, or a valid and unexpired passport shall not be disciplined for a sale to a minor in violation of section (1).

(B) In order to be deemed acting in good faith, the licensee or the licensee's agent or employee, upon presentation, must compare the photograph and physical characteristics of the person presenting the identification.

(4) Orderly Place. The licensee shall at all times maintain an orderly place.

(5) Improper Acts. At no time, under any circumstances, shall any licensee or its employees or agents fail to prevent or immediately suppress improper or unlawful conduct by any person upon the licensed premise, nor shall any licensee or its employees and agent allow any indecent or obscene entertainment, literature, or advertising material upon the licensed premises.

(6) Lewdness. No Class B licensee or its employee or agent shall permit in or upon its licensed premises—

(A) The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

(B) The displaying of any portion of the areola of the female breast;

(C) The actual or simulated touching, caressing, or fondling of another person's breast, anus, or genitals;

(D) The actual or simulated displaying of the pubic hair, anus, vulva, or genitals;

(E) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus; and

(F) The displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by this regulation or by any other law.

(7) Employees.

(A) No Class B licensee as holder of an excursion liquor license shall give to, sell, or permit to be given to or sold any intoxicating liquor, in any quantity, to any employee of the Class A or B licensee on the gaming floor or to any on-duty employee off the gaming floor, with the following exceptions:

1. An excursion liquor licensee may submit to the director a written request for authorization for—

A. Level I licensees or applicants, the licensee's food and beverage director, or corporate officers to consume alcoholic beverages in the nongaming areas of the premises while on-duty for business purposes. The director's authorization or denial shall be in



writing; or

B. A brewmaster, winemaker, or distiller while on-duty to taste test products produced by the Class B licensee for quality control in nongaming areas of the premises. The director's authorization or denial shall be in writing; and

2. An excursion liquor licensee may conduct taste testing sessions in the nongaming areas of the premises closed to the public at which on-duty food and beverage employees may consume alcoholic beverages for the purpose of training to inform them about the characteristics of beverages offered by the licensee.

(B) Except as permitted in subsection (7)(A) or as specifically required to provide intoxicating liquor service to patrons in the performance of one's job functions, no on-duty employee of a Class A or Class B licensee shall, while on the premises of the riverboat gaming operation by which so employed, purchase, consume, or otherwise possess any intoxicating liquor in any quantity.

(C) An excursion liquor licensee may not permit a person under the age of twenty-one (21) years to sell or assist in the sale or dispensing of intoxicating liquor, except persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in areas where the excursion liquor licensee sells food for on-premises consumption, and if at least fifty percent (50%) of all sales in those areas consists of food or if two hundred thousand dollars (\$200,000) in gross annual sales is from the sale of prepared meals or food. Nothing in this section shall authorize persons under twenty-one (21) years of age to mix or serve intoxicating liquors across the bar.

(D) No holder of an excursion liquor license shall permit any patron to give to any employee any intoxicating liquor, in any quantity, or to purchase it for any employee in the establishment or on the premises of the licensee.

(8) Purchase of Intoxicating Liquor. An excursion liquor licensee may purchase intoxicating liquor only from a wholesale liquor dealer duly licensed by the Missouri Supervisor of Liquor Control. No excursion liquor licensee or any of its employees or agents, shall—

(A) Offer or give an order for such intoxicating liquor to a person licensed as a manufacturer (brewer, distiller, or winemaker) or solicitor of intoxicating liquor, or its officers, directors, employees, agents, or representatives; and

(B) Call upon, contact, or meet at places other than the retailer's place of business with the manufacturers or solicitors of any of

his/her or its officers, directors, employees, agents, or representatives for any purpose in any way connected with or related to intoxicating liquor by any means or place.

(9) May Not Possess Unless Purchased from a Wholesaler or Manufactured by Licensee Pursuant to a Valid Microbrewer's License. No excursion liquor licensee shall possess any intoxicating liquor which has not been purchased from, by, or through wholesalers duly licensed by the Missouri Supervisor of Liquor Control, or brewed by the licensee pursuant to a valid microbrewer's license issued to the licensee by the Missouri Supervisor of Liquor Control. Nothing in this section shall prohibit parties renting facilities for a private function from providing their own intoxicating liquor and permitting employees of the licensee to serve the liquor at the private function.

(10) Commercial Credit. No excursion liquor licensee shall accept any equipment, money, credit, or property of any kind, except ordinary commercial credit for liquors purchased from a distiller, wholesaler, winemaker, or brewer.

(A) Ordinary commercial credit as used in the malt beverage and nonintoxicating beer industry shall be credit on such terms as shall require payment to be made by the excursion licensee by the last day of the month for malt beverages or nonintoxicating beer which is delivered to the excursion licensee on or after the first day of the month and up to and including the fifteenth day of the month and by the fifteenth day of the month next succeeding for malt beverages or nonintoxicating beer which is delivered to the excursion licensee on or after the sixteenth day of the month and up to and including the last day of the month. No brewer or wholesaler shall sell or deliver to any excursion licensee any malt beverage or nonintoxicating beer while the excursion licensee owes the brewer or wholesaler for any malt beverage or nonintoxicating beer beyond the period of time as indicated in this subsection.

(B) Ordinary commercial credit as used in the intoxicating liquor industry, other than the malt beverage industry, shall be credit on such terms as shall require payment to be made by the excursion liquor licensee within thirty (30) days after the delivery of any intoxicating liquor, other than malt beverage, to the excursion licensee. No distiller, wholesaler, or winemaker shall sell or deliver to any retail licensee any intoxicating liquor, other than malt beverage, while the licensee owes the distiller, wholesaler, or winemaker for any intoxicating liquor, other than malt beverage, beyond the period of time as indicated in this subsection.

(11) Retailers Shall Accept Only Ordinary Credit—May Supply Retailers with Following Items. No excursion liquor licensee, directly or indirectly, shall accept any loans, equipment, money, credit, or property of any kind, except ordinary commercial credit. No excursion liquor licensee shall permit any distiller, wholesaler, winemaker, brewer, or its employees, officers, or agents, under any circumstances, directly or indirectly, to have any financial interest in its retail business for the sale of intoxicating liquor and the licensee shall not accept, directly or indirectly, from a distiller, wholesaler, winemaker, brewer, or its employees, officers, or agents any loan, gifts, equipment, money, credit, or property of any kind except ordinary commercial credit for intoxicating liquor sold to the licensee.

(A) Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker, or brewer, or its employees, officers, or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter:

1. The distiller, wholesaler, winemaker, or brewer may give or sell product displays, as defined in section 311.070, RSMo, to a retail business if all of the following requirements are met:

A. The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars (\$300) per brand at any one time in any one authorized location on the premises. There shall be no combining or pooling of the three hundred dollar (\$300) limits to provide an authorized location a product display in excess of three hundred dollars (\$300) per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

B. All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker, or brewer. The name and address of the authorized location may appear on the product displays; and

C. The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker, or brewer on the retail business in order for such retail business to obtain the product display;

2. Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker, or brewer may provide, give, or sell any permanent point-of-sale advertising materials, temporary point-of-sale advertising



materials, and consumer advertising specialties, as those terms are defined in section 311.070, RSMo, to a retail business if all the following requirements are met:

A. The total value of all permanent point-of-sale advertising materials provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred dollars (\$500) per calendar year, per brand, per authorized location on the premises. The value of permanent point-of-sale advertising materials is the actual cost to the distiller, wholesaler, winemaker, or brewer who initially purchased such item. Transportation and installation costs shall be excluded. All permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records shall be maintained for a period of three (3) years;

B. The provider of permanent point-of-sale advertising materials shall own and otherwise control the use of permanent point-of-sale advertising materials that are provided by any distiller, wholesaler, winemaker, or brewer;

C. All permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker, or brewer. The name, address, and logos of the authorized location may appear on the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer advertising specialties; and

D. The distiller, wholesaler, winemaker, or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or consumer advertising specialties, or for any incidental expenses arising from their use or distribution.

(B) Notwithstanding the statements of section (11), to properly preserve and serve draught beer only and to facilitate the delivery to the licensee, the licensee may accept, any of the following items or any of the following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps, portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways, and repair of damage caused by any beer delivery

excluding normal wear and tear. A complete record of equipment, repairs, and service accepted must be kept for a period of not less than one (1) year.

(C) Notwithstanding the provisions of subsection (11)(B), to properly preserve and serve draught wine, wine tapping accessories, such as standards, faucets, rods, vents, taps, tap standards, hoses, washers, coupling, gas gauges, vent tongues, shanks, and check valves may be purchased if the tapping accessories are purchased at a price not less than the cost to the distiller, winemaker, brewer, or wholesaler who initially purchased them and if the price is collected within thirty (30) days of the date of sale. Coil cleaning service may be accepted by a licensee.

(D) Defining certain sales to be a gift of money or property. A sale by a licensed wholesaler to an excursion liquor licensee at a price which is less than the cost of the intoxicating liquor to the licensed wholesaler making the sale is presumed (subject to rebuttal as set out in this rule) to constitute a gift of money or property to the licensed retailer in violation of this rule. The presumption may be rebutted by reasonable proof that the fair wholesale market value of the intoxicating liquor in question is less than the cost of intoxicating liquor to the wholesaler selling the same.

(E) Defining the word cost. The word cost as used in this rule shall mean the actual charge for the merchandise in question by the supplier of the merchandise to the wholesaler, plus the cost of transportation of the merchandise to the wholesaler and all federal and Missouri excise taxes and custom duties allocable to the merchandise.

(12) Advertising.

(A) Prohibited Advertising. No advertisement of intoxicating liquor visible outside the premises shall contain any statement offering any coupon, premium, prize, rebate, or sale price below the licensee's actual cost or at a discount, as an inducement to purchase intoxicating liquor.

(B) Fee Not to be Accepted For Advertising Product. No licensee shall accept payment of any fee, rental, or other consideration from manufacturers, wholesalers, or distributors for the use of any part of the licensed retail premises for advertising any brand name of distilled spirits, wine, malt liquor, or nonintoxicating beer or for the purpose of advertising the name, trademark, or trade name of any maker thereof from any distiller, wholesaler, winemaker, brewer or its employees, officers, or agents.

(13) Liquor In Storage. No licensee shall have consigned to it, receive or accept the delivery of, or keep in storage any intoxicat-

ing liquors or upon any premises other than those described in its license without first having obtained the written permission of the commission.

(14) Labeling. No person shall sell any intoxicating liquors, as defined in this rule, within this state, which have not been inspected and labeled according to the provisions of this rule and the Missouri Liquor Control Law and corresponding rules.

(15) Substitution. No excursion liquor licensee, through actions of its own or an employee, may sell malt liquor, or any other intoxicating liquor in this state, or shall offer for sale any such malt liquor, or any other intoxicating liquor, whatsoever, in substitution for, or with a representation that any such malt liquor or other intoxicating liquor is any other brand or product.

(16) Manufacturer's Label. No licensee shall sell, give away, or possess any spirituous liquor from, or in, any container when the intoxicating liquor is not that set out on the manufacturer's label on the container or does not have the alcoholic content shown on the manufacturer's label.

(17) Licensee Must Not Bottle. No excursion liquor licensee may bottle any intoxicating liquor, unless produced pursuant to a valid liquor license issued by the Missouri Supervisor of Liquor Control, from any barrel or other container nor may the licensee refill any bottle or add to the contents of the bottle from any barrel or other container.

(18) Adulteration. No excursion licensee, through actions of its own or of an employee, for any purpose whatsoever may mix, or permit, or cause to be mixed with any intoxicating liquor kept for sale, sold, or supplied by the licensee as a beverage, any drug or form of methanol alcohol or impure form of alcohol.

(19) Container Sizes. No excursion liquor licensee shall sell or possess any spirituous liquor in any package or container holding less than fifty (50) milliliters (1.7 ounces) or more than one (1) gallon. No excursion liquor licensee shall sell or possess any wine in any package or container holding less than one hundred (100) milliliters (3.4 ounces) or more than fifteen and one-half (15.5) gallons.

(20) Dispensing by Mechanical Devices Prohibited. No retail licensee shall use or permit to be used upon its licensed premises any self-service, coin-operated, mechanical devices, or automatic dispensers for the purpose of selling or dispensing intoxicating



liquor, other than beer and wine off the gaming floor. This shall not prohibit sales using a controlled access liquor cabinet system as provided in 11 CSR 45-12.091.

(21) Self-Dispensing Systems. A licensee may use a self-dispensing system off the gaming floor, which is monitored and controlled by the licensee and allows patrons to dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

(22) Prohibited Dispensing. No licensee or employee shall mix or pour, or permit to be mixed or poured, any intoxicating liquor directly into any person's mouth upon or about the licensed premises.

(23) Sale Off-Premises Prohibited. No excursion liquor licensee or the licensee's agent or employee shall sell intoxicating liquor in any place other than that designated on the license or at any other time or otherwise authorized by the license. Nothing in this section shall prohibit a licensee from selling intoxicating liquor off-premises pursuant to a valid liquor license issued by the Missouri Supervisor of Liquor Control.

(24) Sale for Resale—Prohibited. No person holding a license authorizing the retail sale of intoxicating liquor shall sell or deliver any liquor to any person with knowledge or with reasonable cause to believe, that the person to whom the liquor is sold or delivered has acquired the liquor for the purpose of reselling it.

(25) Complimentary Service of Intoxicating Liquor. An excursion liquor licensee shall not, through actions of its own or of an employee, supply any intoxicating liquor in any quantity whatsoever free of charge or as a complimentary to any person on the gaming floor of the premises.

(26) Unfinished bottles of wine may be carried out of a restaurant bar, when—It shall not be unlawful for the excursion liquor licensee or employee of a food and beverage outlet located in nongaming areas to allow patrons to carry out one (1) or more bottles of unfinished wine under the following conditions:

- (A) The patron must have ordered a meal;
- (B) The bottle(s) of wine must have been at least partially consumed during the meal;
- (C) The restaurant bar must provide a dated receipt for the unfinished bottle(s) of

wine; and

(D) The restaurant bar must securely reseal the bottle(s) of wine and place them in one (1) or more one- (1-) time-use, tamperproof, transparent bags and securely seal the bags.

(27) Activities for certain organizations allowed, when—Excursion liquor licensees may, in nongaming areas of their licensed premises, permit charitable or religious organizations as defined in section 313.005, RSMo, or educational institutions, to hold—

(A) Events or activities for which admission is charged and liquor which has been donated, delivered, or caused to be delivered pursuant to the provisions of section 311.332, RSMo, is available without a separate charge. Such occurrences shall not constitute resale for the purposes of this rule; or

(B) Auctions of liquor in the original package for fund-raising purposes pursuant to the provisions of section 311.332, RSMo; provided that all remaining liquor so donated, delivered, or caused to be delivered to the charitable or religious organization or educational institution at the close of the event, activity, or auction shall remain the property and responsibility of the charitable or religious organization or educational institution and shall not be converted to the benefit of the excursion liquor licensee.

AUTHORITY: sections 311.205, 313.004, 313.805, and 313.840, RSMo 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Amended: Filed May 4, 1994, effective Sept. 30, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed April 3, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 7, 2001, effective June 30, 2002. Amended: Filed Aug. 27, 2004, effective March 30, 2005. Amended: Filed Aug. 30, 2006, effective March 30, 2007. Amended: Filed Dec. 1, 2010, effective July 30, 2011. Amended: Filed Sept. 29, 2011, effective May 30, 2012. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016. Amended: Filed Sept. 1, 2016, effective March 30, 2017.*

**Original authority: 311.205, RSMo 2012, amended 2016; 313.004, RSMo 1993, amended 1994, 2014; 313.805, RSMo 1991, amended 1993, 1994, 2000, 2008, 2010; and 313.840, RSMo 1991, amended 1993, 1994, 2001, 2009.*

11 CSR 45-12.091 Controlled Access Liquor Cabinet Systems

PURPOSE: The purpose for this rule is to allow qualifying licensees to make sales using a controlled access liquor cabinet system.

(1) As used in this section, the following terms mean:

(A) "Controlled access liquor cabinet," a closed container, either refrigerated in whole or in part or nonrefrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, access by means of a locking device as hereinabove described;

(B) "Controlled access liquor cabinet system," a system for the sale of intoxicating liquor in qualified packages or containers in the rooms provided for the overnight accommodation of transient guests in a qualified establishment by means of a controlled access liquor cabinet, and such system shall permit the licensee to maintain in the rooms provided for the overnight accommodation of transient guests a controlled access liquor cabinet in which such licensee may maintain for sale intoxicating liquor in qualified packages or containers, together with, if desired, other beverages or food, and such system shall permit the adult registered guests of the room in which such controlled access liquor cabinet is located to use the key, magnetic card or other similar device to gain access to such controlled access liquor cabinet to obtain the intoxicating liquor or other beverages or food for consumption;

(C) "Qualified establishment," any establishment having at least forty (40) rooms for the overnight accommodation of transient guests and having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, which restaurant's annual gross food sales for the past two (2) years immediately preceding its application for a license shall not have been less than one hundred thousand dollars (\$100,000) per year or, if such restaurant has been in operation for less than two (2) years, such restaurant has been in operation for at least ninety (90) days preceding the application for license for sale of intoxicating liquor by means of controlled access liquor cabinets and has a projected experience based upon its sale of food during the preceding ninety (90) days which would exceed one hundred thousand dollars (\$100,000) per year;

(D) "Qualified packages or containers," packages or containers for intoxicating liquor, other than beer or other malt liquor, which hold not less than fifty (50) milliliters and not more than two hundred (200) milliliters, and



any packages or containers for beer or other malt liquor;

(E) “Registered guest,” each person who signs his/her name to the guest register of the qualified establishment or takes some other equivalent action for the purpose of registering as a guest of such qualified establishment;

(F) “Room,” a room in a qualified establishment which is intended to be used as, and which is provided for, the overnight accommodation of transient guests.

(2) Notwithstanding any other provision of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, and who operates a qualified establishment and who is licensed to sell liquor by the drink at retail with respect to such qualified establishment, may apply for, and the commission may issue, a license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system on and subject to the following terms and conditions:

(A) The key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in a particular room may be provided only to each adult registered guest who is registered to stay in such room;

(B) Prior to providing a key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in a particular room to the registered guest, the licensee shall verify that each such registered guest to whom such key, magnetic card or similar device is to be provided is not under twenty-one (21) years of age;

(C) All employees handling the intoxicating liquor to be placed in the controlled access liquor cabinet, including without limitation any employee who inventories and/or restocks and replenishes the intoxicating liquor in the controlled access liquor cabinet, shall be at least eighteen (18) years of age;

(D) Registered guests may use the key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in such registered guest’s room at any time; provided, however, that no controlled access liquor cabinet may be restocked or replenished with intoxicating liquor, nor shall any intoxicating liquor be delivered to a room in order to restock or replenish the supply of intoxicating liquor in the controlled access liquor cabinet, at any time when the restaurant operated at the qualified establishment is not permitted to sell liquor by the drink at retail pursuant to the provisions of this chapter;

(E) Upon request from the registered guest

at any time, the qualified establishment shall cause all intoxicating liquor to be removed from the controlled access liquor cabinet in the room of such registered guest as soon as reasonably practicable; and

(F) The qualified establishment shall have the right to collect payment for the intoxicating liquor or other beverages or food taken from the controlled access liquor cabinet in the room of a registered guest in such manner as it shall determine to be appropriate, including without limitation the inclusion of such charges together with the charges made to such registered guest for the use of the room or for purchase of meals at the restaurant operated at such qualified establishment.

(3) Any new qualified establishment having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system for a period not to exceed ninety (90) days if such establishment can show a projection of an annual business from prepared meals or food which would exceed not less than one hundred thousand dollars (\$100,000) per year.

(4) In addition to any right to sell granted pursuant to any other provision of this chapter, a duly licensed wholesaler shall be permitted to sell intoxicating liquor to a qualified establishment in any size of qualified packages or containers for use in a controlled access liquor cabinet system; provided, however, that as to any size of qualified packages or containers which could not be legally sold to the qualified establishment except for the provisions of this section, any such size of qualified packages or containers shall be sold by the qualified establishment only by means of the controlled access liquor cabinet system.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000 and 313.840, RSMo Supp. 2004. Original rule filed April 3, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 3, 2005, effective Feb. 28, 2006.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.840, RSMo 1991, amended 1993, 1994, 2001.*