
Rules of Department of Public Safety

Division 70—Division of Liquor Control

Chapter 2—Rules and Regulations

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 70—Division of Liquor Control
Chapter 2—Rules and Regulations**

11 CSR 70-2.010 Definitions

PURPOSE: This rule defines certain terms pertaining to and commonly used throughout Chapters 311 and 312, RSMo and the rules of the supervisor of liquor control.

(1) Domestic wine is wine containing not in excess of fourteen percent (14%) of alcohol by weight and manufactured exclusively from grapes, berries and other fruits and vegetables grown in Missouri.

(2) Intoxicating liquor includes alcohol for beverage purposes, alcohol, spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (.5%) of alcohol by volume except for nonintoxicating beer as defined in section 312.010, RSMo.

(3) Malt liquor is any beverage manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight.

(4) Nonintoxicating beer is any beer manufactured from pure hops and pure extracts of hops and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water and free from all harmful substances, preservations and adulterants and having an alcoholic content of more than one-half (1/2) of one percent (1%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

(5) Ordinary Commercial Credit.

(A) Malt Beverages. Ordinary commercial credit as used in the malt beverage and non-intoxicating beer industry shall be credit on such terms as shall require payment to be made by the retail licensee by the last day of the month for malt beverages or nonintoxicating beer which is delivered to the retail 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 retail 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 retail licensee any malt beverage or nonintoxicating beer while

the retail licensee owes the brewer or wholesaler for any malt beverage or nonintoxicating beer beyond the period of time as indicated in this subsection.

(B) Intoxicating liquor other than malt beverage. 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 retail licensee within thirty (30) days after the delivery of any intoxicating liquor, other than malt beverage, to the retail licensee. No distiller, wholesaler or wine maker shall sell or deliver to any retail licensee any intoxicating liquor, other than malt beverage, while the licensee owes the distiller, wholesaler, or wine maker for any intoxicating liquor, other than malt beverage, beyond the period of time as indicated in this subsection.

(6) Original package refers to any package containing three (3) or more standard bottles or cans of malt liquor or nonintoxicating beer, to 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 twelve (12) ounces or less of malt liquor or nonintoxicating beer.

(7) The words permit and license, whenever used as nouns in Chapters 311 and 312, RSMo and in these regulations, shall have the same meaning.

(8) The words permittee and licensee, whenever used as nouns in Chapters 311 and 312, RSMo and in these regulations, shall have the same meaning.

(9) Person is any individual, association, joint stock company, syndicate, copartnership, corporation, receiver, conservator or other officer appointed by any state or federal court. Clubs are also included within the meaning of the term.

(10) Premises is the place where intoxicating liquor or nonintoxicating beer is sold and it may be one (1) room, a building comprising several rooms, or a building with adjacent or surrounding land such as a lot or garden.

(11) Retailer is a person holding a license to sell or to offer to sell intoxicating liquor or nonintoxicating beer to consumer only.

(12) Spirituous liquor includes brandy, rum, whiskey, gin and all other preparations or mixtures for beverage purposes of a like char-

acter and excludes all vinous, fermented or malt liquors.

(13) Wholesaler is a person holding a license to sell intoxicating liquor or nonintoxicating beer to wholesalers or to retailers.

(14) Wholesale-solicitor is a person holding a license to sell intoxicating liquor or nonintoxicating beer to wholesalers or to retailers.

(15) Wine is 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.

AUTHORITY: section 311.660, RSMo 1994. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Nov. 21, 1974, effective Dec. 1, 1974. Amended: Filed Sept. 30, 1976, effective Feb. 11, 1977. Amended: Filed Jan. 7, 1985, effective April 11, 1985. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Jan. 22, 1996, effective July 30, 1996.*

**Original authority 1939, amended 1989.*

Op. Atty. Gen. No. 132, Russell (7-18-79). Ethanol used solely as a fuel for motor vehicle purposes is not a section 311.020, RSMo "intoxicating liquor." Also, manufacturers of ethanol for fuel purposes need not be licensed under Chapter 311, RSMo if the ethanol is denatured by some means.

Op. Atty. Gen. No. 37, Mueller (1-17-79). Wines used as part of religious services are not "for beverage purposes" since they are not being consumed for the mere pleasure of drinking or for physical or mental exaltation. Therefore, these "sacramental wines" are not intoxicating liquors as defined in Chapter 311, RSMo.

11 CSR 70-2.020 Application for License

PURPOSE: This rule prescribes forms and applications and establishes procedure for the issuance of all intoxicating liquor and nonintoxicating beer licenses.

(1) Applications for licenses must be addressed to the Supervisor of Liquor Control, Jefferson City, MO 65101. A bank draft, United States or express money order, certified check or cashier's check made payable to the director of revenue of Missouri for the correct amount of the license fee shall accompany the application. Remittance for renewal of licenses filed on or before the first day



of May of each year may be made by personal or business check. If such check is returned for insufficient funds, the division will notify the licensee, by regular mail to the licensee's address listed on the renewal application, of the return, and the licensee shall replace such check within fourteen (14) days from the date the division mails said notice, by remitting payment by certified check, cashier's check or other form of guaranteed funds. If the licensee has not replaced such check within said fourteen (14) days, then beginning with the fifteenth day, if such licensee's renewed license has been issued, such renewed license shall be suspended until the day following the day the licensee makes restitution for the insufficient funds check, or if such licensee's renewed license has not been issued, the renewed license shall not be issued until on or after the day following the day the licensee makes restitution for the insufficient funds check.

(2) Application must be made on the forms prescribed and provided by the supervisor.

(3) Every applicant for a license must present his/her application to the agent in charge of the territory where the applicant wishes to do business.

(4) Licenses will be granted in the order in which the applications are received at the office of the supervisor in Jefferson City.

(5) No agent has any right or authority to authorize any applicant to exercise the privileges of the license applied for pending its issuance.

(6) Every applicant for a license to sell intoxicating liquor or nonintoxicating beer shall set out in his/her application a description of each and every federal tax stamp, designating the applicant or his/her premises as the person or place for dealing in intoxicating liquor or malt liquor in his/her possession or on the premises for which s/he seeks a license.

(7) If application is made by a partnership, the application shall set out the names and residences of all the partners, whether they be active or silent partners. All partners shall qualify under the laws of Missouri for the license. All partners shall sign the application.

(8) No license shall be granted to an applicant unless s/he makes full, true and complete answers to all questions in the application. If any applicant shall make any false answer to any question in the application or make any false statement of a material matter in his/her application, it shall be cause for suspension

or revocation of any license issued pursuant to the application.

(9) Violation of any oath taken by a licensee in connection with his/her application for a license shall be deemed cause for suspension or revocation of the license where an oath is required, by any statute of Missouri or any regulation of the supervisor of liquor control, to be taken.

(10) If the supervisor of liquor control has reason to believe that an applicant has a criminal record and is not a person of good moral character, the supervisor may require that the applicant submit to being fingerprinted and fingerprints forwarded to the Department of Justice to ascertain if the applicant has been convicted of any crime.

(11) The surety on the bond of any licensee at any time may notify the supervisor of liquor control and the licensee that s/he desires after a date named, which shall be at least thirty (30) days after the receipt of notification by the licensee and the supervisor, to be relieved of liability on the bond. Upon receipt, the privileges of the principal under the license as is supported by the bond shall be terminated and cancelled on the date specified, unless supported by other sufficient bond(s), and the surety shall be relieved of liability on the bond for any default of the principal accruing on and after the date named.

(12) Every applicant for a license to sell intoxicating liquor or nonintoxicating beer at retail or for a license to permit consumption of liquor must present the following with his/her application:

(A) There must be attached securely to the application in the space designated, a recent photograph or clear snapshot of the individual(s) signing the application;

(B) If application is being made for an original package license an affidavit by the individual owner, all of the partners, if a partnership, or the managing officer of a corporation, if a corporation, must be submitted, stating the type of business applicant is engaged in and in connection with which the license is to be used and stating that the applicant has and at all times keeps in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1000), exclusive of fixtures and intoxicating liquors. A stock inventory shall accompany the application;

(C) Every applicant for a three and two-tenths percent (3.2%) beer license shall take and subscribe the oath required by section 312.070, RSMo and it shall be attached to and accompany the application;

(D) A recent photograph approximately the size of an ordinary postcard of the exterior of the premises sought to be licensed shall be attached to the application;

(E) Every applicant shall submit a copy of his/her tax receipt, for the year immediately preceding the date of the application, of the county, town, city or village where s/he resides in Missouri, or, if the applicant is a corporation, a copy of the tax receipt for the year immediately preceding the date of the application of the managing officer of the corporation of the county, town, city or village in Missouri where the managing officer resides or, in lieu of the tax receipt, an affidavit of the county or city assessor where the applicant resides, or, if applicant is a corporation where the managing officer of the corporation resides, stating that applicant or the managing officer of the corporation, if a corporation, owns property for which s/he is legally subject and liable to taxation in the county, town, city or village where applicant or, if a corporation, the managing officer of the applicant, resides in Missouri;

(F) The supervisor of liquor control shall accept either personal or corporate bonds.

1. If the bond is a personal bond, there must be attached to it an affidavit and certificate signed by either an abstract company or a title insurance company in the following form:

Affidavit and Certificate

I, _____ being duly sworn upon my oath, state and certify that I have examined the records pertaining to the property described as (give legal description as it appears on affidavit of sureties on bond) _____ that the present recorded owner (owners) is (are) _____ that the mortgage encumbrances against said property are _____ (give name of mortgagor and mortgagee, and amount of mortgage and where recorded) _____ that the assessed value for taxation of said property is that all taxes due and owing on said property are paid; that there are no unsatisfied judgments recorded against the above named owner (owners) of said property and that there are no pending bankruptcy proceedings in any of the divisions of the District Court of the United States for any district in Missouri, against or by any of the owners of said property.

Abstract Company or Title
Insurance Company

By: _____
Subscribed and sworn to before me this ____
day of _____ 19 ____

Notary Public

My commission expires: _____

2. If the bond is a personal bond, there also must be attached to it an affidavit by the surety (or sureties) in the following form:

I, _____ being duly sworn upon my oath, state that the following are all of the bonds, notes and other instruments of potential liability upon which I am or may become liable, (List in detail.) _____

(Surety or sureties, name)

Subscribed and sworn to before me this ____
day of _____ 19 ____

Notary Public

My commission expires: _____;

(G) If the application is for a license to sell intoxicating liquor and the premises sought to be licensed are within one hundred feet (100') of a school, church or other building regularly used as a place of religious worship or within three hundred feet (300') of these buildings, church or other building regularly used as a place of religious worship, in cities where, by ordinance, the sale of liquor is prohibited within three hundred feet (300') of them, then there shall be submitted a written consent of the majority of the board of directors of the school or the majority of the managing board of the church or place of worship;

(H) Each applicant for a retail license to sell intoxicating liquor and nonintoxicating beer shall submit, with his/her application for a license, a copy of his/her retail sales license issued by the director of revenue and before any license is issued or renewed under the provisions of Chapter 311 or 312, RSMo, each applicant shall submit with his/her application a certificate of no sales or use tax due from the director of revenue; and

(I) If application is being made by a corporation, applicant shall present a copy of its franchise tax receipt, provided the corporation has been in existence for a period of sufficient length to have incurred liability for the tax.

(13) All applications for wholesale licenses must be made on blanks furnished by the Division of Liquor Control and all informa-

tion and data set out as required on the blanks must be furnished at the time the application is submitted.

(14) No license will be issued to the spouse, child(ren), step-child(ren), parent(s), step-parent(s), son-in-law or daughter-in-law, employee or other person having any interest in the business of a licensee whose license has been revoked, for the privilege of doing business at the same location or in close proximity to the location of the establishment whose license was revoked.

AUTHORITY: section 311.660, RSMo 1994. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed July 11, 1984, effective Oct. 11, 1984. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Sept. 22, 1998, effective March 30, 1999.*

**Original authority 1939, amended 1989.*

Brown-Forman Distillers Corp. v. Stewart, 520 SW2d 1 (Mo. banc 1975). Separate licenses are required for every phase of the liquor traffic and manufacturers, wholesalers and retailers are statutorily categorized as distinct separate phases thereof. The statutes indicate a legislative intent to preclude a licensee in one phase of the liquor traffic from controlling traffic in liquor in its entirety.

Pinzio v. Supervisor of Liquor Control, 334 SW2d 20 (1960). A review of the statutes makes it clear that the legislature has vested sole discretion in the supervisor (of liquor control) to issue or refuse to issue each license, whether one of original issue or a renewal and that a hearing is not an essential prerequisite to the lawful exercise of that sole discretion. Failure to hold a hearing prior to the refusal to issue a denial of due process is in violation of the pertinent provisions of the state and federal constitutions.

State ex rel. Floyd v. Philpet et al., 266 SW2d 704 (Mo. banc 1954). The exclusive authority to determine whether statutory qualifications for an applicant for a state license to sell intoxicating liquor at retail had been met and the authority to issue such licenses is vested in the state supervisor of liquor control.

11 CSR 70-2.030 Change of Facts, Posting, Transfer and Lost Licenses—Executors—Administrators

PURPOSE: This rule establishes procedure for reporting changes in status of license, transfer, death of licensee or managing officer, loss of, etc.

(1) If during the period for which a license is granted there be any change of facts or information differing from that set forth in the original or in any renewal application on file with the supervisor of liquor control, written notice shall be given him/her within ten (10) days after the change.

(2) Before commencing or doing any business for the time for which a Missouri state license has been granted, the license shall be posted and at all times during the term of the license, kept displayed in a conspicuous place on the premises where the business is carried on, so that all persons visiting the premises may readily see the license.

(A) No licensee shall post the license or allow the license to be posted upon premises other than the premises licensed or upon premises where traffic in intoxicating liquor or nonintoxicating beer is being carried on by any person other than the licensee or knowingly deface, destroy or alter any the license in any respect.

(B) Every licensee, licensed by Missouri to sell intoxicating liquor or nonintoxicating beer, also shall keep displayed prominently at all times while his/her Missouri license is in effect, on his/her licensed premises, all federal tax stamps issued to him/her or to any other person designating him/her or the licensed premises as a person or place authorized by the federal government to deal in intoxicating liquors, and s/he shall submit all federal tax stamps to the supervisor of liquor control or any agent of the Division of Liquor Control, for examination, at any time s/he is requested by the supervisor or the agent to do so and permit the supervisor or agent to take a copy of the tax stamps. Every licensee also shall keep displayed prominently at all times on his/her licensed premises any city license designating him/her or his/her premises as a place licensed by the city to sell intoxicating liquors or nonintoxicating beer.

(3) A license, in the discretion of the supervisor of liquor control, may be transferred to any other premises or to any other part of the building containing the licensed premises, provided the premises sought to be licensed meets the requirements of the law. The supervisor first must approve the transfer and the application for permission to transfer shall be in writing and set forth—

(A) Name and address of licensee;



(B) Address and legal description of premises to which removal is sought, together with name and address of landlord;

(C) An affidavit by the licensee that s/he has not violated any provisions of the Liquor Control Act or Nonintoxicating Beer Law or any rule of the supervisor; and

(D) In addition, the licensee must file with the supervisor a consent of surety(ies), which consent if the bond was signed by private individuals, must be signed by those individuals in the same manner in which the signatures appear on the bond itself and their signatures there to must be witnessed. If the bond was signed by a surety company, the consent must be signed by a duly authorized officer or attorney-in-fact of the company whose authority or power of attorney is on file in the Division of Liquor Control. The consent shall be so drawn that the surety(ies) remain liable on the bond of the licensee at the new location. Forms of the consent required by the regulation will be supplied by the supervisor upon request.

(4) Whenever a license shall be lost or destroyed without fault on the part of the licensee or his/her agents or employees, a duplicate license in lieu of the lost or destroyed license will be issued by the supervisor of liquor control without cost to the licensee. Application for a duplicate license shall be by affidavit of the licensee which shall be set forth—

(A) Date upon which license was lost or destroyed;

(B) Circumstances under which license was lost or destroyed; and

(C) Request that duplicate license be issued.

(5) Unless licensed by the supervisor of liquor control as such, no receiver, assignee, trustee, guardian, administrator or executor may sell any intoxicating liquor or nonintoxicating beer belonging to the estate over which s/he has control, except to a licensed wholesaler or retailer and s/he must first procure the consent of the supervisor of liquor control to sell the liquor or beer. Consent will not be given unless the supervisor has been provided with the following documents and information:

(A) A copy of the order of the court having jurisdiction over the estate authorizing the sale; and

(B) A joint affidavit signed by the receiver, assignee, trustee, guardian, administrator or executor and the purchaser, setting out an inventory of the stock, the price for which it is to be sold, the date of the contract of sale and the license number of the purchaser.

(6) In the event that a licensee's license has been lost, stolen, destroyed or a transfer to another place of business is desired, an agent or inspector, with the approval of the supervisor, may issue a special certificate which will allow the licensee to continue his/her business. In no event shall the special certificate continue in effect for more than ten (10) days from the date of issuance.

(7) Corporations licensed under the provisions of sections 311.060 and 312.040, RSMo must have a managing officer. In order to qualify, the managing officer must be a person in the corporation's employ, either as officer or an employee who is vested with the general control and superintendence of a whole, or a particular part of, the corporation's business at a particular place.

(A) In the event the office of the managing officer of a corporation becomes vacant, it will be necessary for the corporation to secure a managing officer within fifteen (15) days after the vacancy occurs, with a managing officer being qualified under the provisions of sections 311.060 and 312.040, RSMo.

AUTHORITY: section 311.660, RSMo Supp. 1989. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973.

**Original authority 1939, amended 1989.*



APPLICATION TO CHANGE DESCRIPTION OF LICENSED PREMISES

STATE OF MISSOURI
COUNTY OF _____ } ss.

I, _____, being the holder of _____ (State kind of license) License Number _____, issued by the Supervisor of Liquor Control of the State of Missouri on the _____ day of _____, 19____, do hereby make application to change the description of my licensed premises from the present description which is as follows: _____

to a new description as follows: _____

Said newly described premises are _____ feet from the nearest school, church, or other building regularly used as a place of religious worship.

Name and address of Landlord and amount of rent _____ (attach copy of lease or rental agreement)

I further certify that since the date the above permit was granted, I have not knowingly violated any of the provisions of the Liquor Control Act or the nonintoxicating beer laws of the State of Missouri or any rule or regulation of the Supervisor of Liquor Control of the State of Missouri, and have not been convicted of any crime since said date.

I agree that my bond now in effect shall cover and apply to the newly described premises if this application is granted.

Licensee

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public

_____ County, Missouri

My Commission expires on the _____ day of _____, 19____

The undersigned surety on the bond of the above-named licensee hereby consents to the change in the description of the premises as above set forth and agrees that said surety's liability on said licensee's bond shall remain in full force and effect at said newly described premises.

Surety

By _____
Attorney in Fact

Witness

Agent, Division of Liquor Control

District Supervisor, Division of Liquor Control.



Date: _____

STATE OF MISSOURI)
)
COUNTY OF) ss

AFFIDAVIT OF LOST PERMIT

d/b/a _____

at _____

being first duly sworn upon _____ oath state(s) that on the

_____ day of _____, 19____, there was issued

to _____ by the Supervisor of Liquor

Control of the State of Missouri, State License Number(s) _____

_____ to sell _____

and that said original license has been lost or destroyed. It is therefore requested that a duplicate license be issued in lieu thereof.

Signature

Signature

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public

My commission expires:

11 CSR 70-2.040 Manufacturers, Wholesalers and Distributors

PURPOSE: This rule defines credit and advertising items allowed to be provided to retailers by manufacturers, wholesalers and distributors.

(1) Except as provided in section 311.070, RSMo, no retail licensee, directly or indirectly, shall accept any loans, equipment, money, credit or property of any kind, except ordinary commercial credit. Except as provided in section 311.070, RSMo, no person licensed to sell intoxicating liquor, or nonintoxicating beer at retail, shall permit any distiller, wholesaler, wine maker, brewer or his/her or their employees, officers or agents, under any circumstances, directly or indirectly, to have any financial interest in his/her retail business for the sale of intoxicating liquor or nonintoxicating beer and s/he shall not accept, directly or indirectly, from a distiller, wholesaler, wine maker, brewer or its employees, officers or agents any loan, gift, equipment, money, credit or property of any kind except ordinary commercial credit for intoxicating liquor and nonintoxicating beer sold to the retailer, except that to properly preserve and serve draught beer only and to facilitate the delivery to the retailer s/he may accept, and brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the following items or render to retail licensees 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 damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one (1) year, and except, that 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 sold to a retailer and installed in the retailer's establishment if the tapping accessories are sold at a price not less than the cost to the distiller, wine maker,

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 furnished, given or sold to a retailer of wine or malt beverages.

(A) A sale by a licensed wholesaler to a licensed retailer of intoxicating liquor or nonintoxicating beer 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 regulation and sections 311.060 and 311.070, RSMo.

(B) The word cost as used in this regulation shall mean the actual invoice 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.

(C) The presumption may be rebutted by reasonable proof that the fair wholesale market value of the intoxicating liquor or nonintoxicating beer in question is less than the cost of intoxicating liquor or nonintoxicating beer to the wholesaler selling the same.

(2) No distiller, wholesaler, wine maker, brewer or his/her or their employees, officers or agents, directly or indirectly, shall pay any fee rental or other consideration to any retail licensee 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 marker of the trademark, provided, however, that nothing in this rule shall be construed as abrogating or altering in any manner or preventing the renewal of any existing contract or rental, whether oral or written, entered into before, for any part of any licensed retail premises.

(3) Except as provided in section 311.070, RSMo, no distiller, solicitor, wholesaler, wine maker, brewer or their employees, officers or agents, directly or indirectly, shall give or offer to give any financial assistance, gratuity or make or offer to make any gift of their products to any retail licensee.

*AUTHORITY: section 311.660, RSMo 1994. * This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Feb. 24, 1987, effective May 11, 1987. Amended: Filed May 14, 1987, effective Aug. 13, 1987. Amended: Filed Nov. 21, 1996, effective May*

30, 1997. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998.

**Original authority 1939, amended 1989.*

11 CSR 70-2.050 Wholesalers' Conduct of Business

PURPOSE: This rule establishes guidelines for wholesalers regarding purchases, deliveries, sales and storage of products.

(1) No wholesaler shall buy, obtain or accept any intoxicating liquors, wine or nonintoxicating beer from any person not holding a Missouri permit as a manufacturer or solicitor, provided that the wholesaler owning warehouse receipts may obtain the written permission from the supervisor of liquor control to receive intoxicating liquor from federal customs bonded warehouses or federal internal revenue bonded warehouses, as the case may be.

(2) No wholesale licensee shall deliver or cause any intoxicating liquors or nonintoxicating beer to be delivered to any licensee while the licensee is under suspension by the supervisor of liquor control.

(3) All wholesale licensees must keep and maintain a place for storage of merchandise, which must be designated in the license and must be separate and apart from any storage place used by others and with a separate entrance and street address.

(4) No wholesaler licensee shall deliver or cause intoxicating liquors, wine or nonintoxicating beer to be delivered to any premises unless there shall be displayed prominently in the premises a license issued by the supervisor of liquor control to the person purchasing the liquor, wine or beer, designating the purchaser as a person, licensed to sell on the premises the kind of liquor or beer s/he is about to deliver.

(5) Wholesalers licensed to sell intoxicating liquor or nonintoxicating beer shall make and keep duplicate invoices for all sales or deliveries of intoxicating liquor and nonintoxicating beer and the Missouri license number of every person to whom intoxicating liquor and nonintoxicating beer is sold or delivered by the licensees shall be written or stamped upon the duplicate invoices.

(6) Shipments by wholesalers or solicitors shall be made only to licensed dealers of this or other states. A bill of lading shall be secured from the carrier and kept on file for

a period of two (2) years, so that shipments can be traced by the division's auditors or inspectors.

(7) No manufacturer who has acquired knowledge or been given notice that a wholesaler has been suspended shall make sales or deliver merchandise to the wholesaler during the period of time that the licensee is under suspension.

AUTHORITY: section 311.660, RSMo Supp. 1989. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed April 23, 1981, effective Aug. 13, 1981.

**Original authority 1939, amended 1989.*

11 CSR 70-2.060 Manufacturers

PURPOSE: This rule establishes procedures for labeling, bottling and delivery of products.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Regulations announced by the Federal Alcohol Administration relating to labeling of distilled spirits, wine and malt beverages, packaged for shipment in interstate commerce, are made a part of this regulation as though fully set forth and are promulgated with respect to Missouri; these regulations shall apply to distilled spirits, wine and malt beverages packaged purely for interstate shipment insofar as the regulations are not contrary to or inconsistent with the laws of Missouri. In addition to the regulations, the label of every container of spirituous liquor, wine, malt liquor or nonintoxicating beer, unless already required by the regulations, shall set forth the name and address of the manufacturer, brewer, distiller, rectifier or producer of the spirituous liquor, wine, malt liquor or nonintoxicating beer as the case may be; provided that if the name of the brewer or manufacturer of malt liquor which appears on the label is not the owner of the facility where the malt liquor was brewed or manufactured, then the name, owner and address of the facility shall also be set forth on the label.

(2) Every manufacturer or brewer manufacturing or brewing any nonintoxicating beer in this state and every manufacturer, brewer or wholesaler outside of the state, shipping any intoxicating beer into this state, shall cause to be printed upon the large label around and upon the body of each bottle of nonintoxicating beer, one of the following inscriptions: "Alcoholic content not in excess of three and two-tenths percent (3.2%) by weight," or "Alcoholic content not in excess of four percent (4%) by volume," or in lieu of those inscriptions, shall cause the inscription to be printed on the crown of the bottle and in addition to those inscriptions on a separate label from the manufacturer's label previously described, which label shall be placed around the neck or body of the bottle in a secure manner so that it will adhere to the bottle after being iced so that it shall be on the bottle when the beer is served to the consumer. There shall be printed, stamped or embossed upon every can containing nonintoxicating beer, the statement, "Three and two-tenths percent (3.2%) by weight" or "Alcoholic content not in excess of three and two-tenths percent (3.2%) by weight."

(3) All licensees engaged in bottling intoxicating liquor and alcoholic beverages, before filling any bottle, shall cause the same to be sterilized by one (1) of the following methods:

(A) All new bottles, unless sterile, shall be sterilized or cleaned by thoroughly rinsing with clean sterile water or by blowing or vacuuming with proper machines for sterilization or cleansing.

(B) All used bottles shall be sterilized by soaking in a hot caustic solution which shall contain not less than three percent (3%) caustic or alkali expressed in terms of sodium hydrate. The period of time in the solution shall be governed by the temperature and strength of the solution. Then the bottles must be rinsed thoroughly in clean sterile water until free from alkali or sodium hydrate.

(4) All manufacturers and wholesalers at all times shall keep their premises and equipment in a clean and sanitary condition.

(5) No malt liquor or nonintoxicating beer in bottles, cans or jugs shall be brought in or transported within this state for the purpose of sale to any licensee or be sold to any licensee in other than cases the sizes of which have been approved by the Bureau of Alcohol, Tobacco and Firearms.

(6) Malt liquor and nonintoxicating beer may be brought in or transported into this state for

the purpose of sale to any licensee or be sold to any licensee also in barrels or kegs the sizes of which have been approved by the Bureau of Alcohol, Tobacco and Firearms.

(7) For the purpose of the regulation the following definitions apply:

(A) A "facility which brews or manufactures malt liquor" is defined as a brewery or manufacturing plant premises licensed by either, or both, the state within which it is located and/or the United States Federal Alcohol Administration; and

(B) An "owner" of a facility which brews or manufactures malt liquor is defined as a person, corporation, limited liability company, partnership or other legal business entity, who holds the entire facility in fee simple, or has a leasehold interest for a term of years in that entire facility, and is the person or business entity licensed for that entire facility by either or both, the state within which the facility is located and/or the United States Federal Alcohol Administration.

AUTHORITY: section 311.660, RSMo 1994. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Emergency amendment filed Nov. 21, 1996, effective Dec. 31, 1996, expired June 28, 1997. Amended: Filed Nov. 21, 1996, effective May 30, 1997. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998.*

**Original authority 1939, amended 1989.*

11 CSR 70-2.070 Tax on Spirituous Liquor and Wine

PURPOSE: This rule establishes tax amounts on various container sizes of wine and spirituous liquor, defines contraband and prohibits possession of untaxed liquor or wine.

(1) No wine or spirituous liquor shall be brought in or transported within this state for the purpose of sale to any licensee or be sold to any licensee in other than containers the sizes of which have been approved by the Bureau of Alcohol, Tobacco and Firearms.

(2) The tax on spirituous liquor shall be two dollars (\$2) per gallon and the tax on wine shall be thirty-six cents (\$.36) per gallon.

(3) Any spirituous liquor or wine shipped into, sold or offered for sale in this state without payment of the proper amount of taxes due shall be deemed to be contraband and by the supervisor or his/her agents shall be seized and disposed of as contraband.

(4) No person other than a licensed distiller, rectifier or wine manufacturer shall possess in this state any spirituous liquor or wines without the proper amount of taxes having been paid, except as provided in section 311.580, RSMo.

AUTHORITY: section 311.660, RSMo 1994. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Sept. 30, 1976, effective Feb. 11, 1977. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998.*

**Original authority 1939, amended 1989.*

11 CSR 70-2.080 Malt Liquor and Nonintoxicating Beer Tax

PURPOSE: This rule establishes tax amounts on various container sizes of malt beverages and nonintoxicating beer, defines contraband and prohibits possession of untaxed cereal malt beverages.

(1) The tax on malt liquor and nonintoxicating beer shall be one dollar eighty-six cents (\$1.86) per barrel or six cents (\$.06) per gallon.

(2) No sale or delivery of malt liquor or nonintoxicating beer shall be made in this state without the proper amount of Missouri tax being paid.

(3) Any malt liquor or nonintoxicating beer shipped into, sold or offered for sale in this state without paying the proper amount of tax, shall be deemed to be contraband and shall be, seized and disposed of as contraband by the supervisor or his/her agents.

AUTHORITY: section 311.660, RSMo 1994. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998.*

**Original authority 1939, amended 1989.*

11 CSR 70-2.090 Reporting Distillers, Rectifiers, Wine Manufacturers and Wholesalers

PURPOSE: This rule establishes format for reports of shipment and payment of tax on liquor and wine.

(1) Every distiller, rectifier and wine manufacturer licensed to sell spirituous liquor and wine in this state shall file with the supervisor of liquor control a report listing all Missouri wholesale licensees with whom it trans-

acts business and attach to the report a copy of any contract or agreement between the distiller, rectifier or wine manufacturer and wholesale licensee. Any change in the listing shall be reported in writing within ten (10) days of the effective date of the change. A copy of any change in an existing contract or agreement and a copy of any new contract or agreement shall be submitted at the time of execution thereof. If there is no contract or agreement with respect to any wholesaler, the distiller, rectifier or wine manufacturer shall so indicate in its report. These contracts or agreements are for the information of the supervisor only and are not matters of public record.

(2) Every distiller, rectifier, wine manufacturer and wholesaler authorized to ship spirituous liquor and wine in this state whether for sale in this state or to be shipped outside the state, on or before the fifteenth day of each month, shall make a report under oath to the supervisor of liquor control setting out all sales of spirituous liquor and wine in this state.

(A) The reports, when made by a licensee who has shipped spirituous liquor and wine into this state, shall show the amount of spirituous liquor and wine shipped or sold to each wholesaler in this state, designating separately the amount of spirituous liquor and the amount of wine. In addition, every distiller, manufacturer, distributor and wholesaler, authorized to sell and ship spirituous and vinous liquor into this state, whether for sale in this state or to be shipped outside this state, at the time of making monthly reports, shall send to the supervisor of liquor control of Missouri true copies of invoices of the sales of liquor in Missouri. Each invoice shall show, as a separate charge, the amount of the tax due on the spirituous liquor and wine contained in each invoice.

(B) Reports made by distillers, rectifiers and wine manufacturers in this state shall show the amount of spirituous liquor and wine distilled or manufactured, amount bottled, in the amount of spirituous liquor or wine sold in this state, designating separately the amount of spirituous liquor and wine; the amount of spirituous liquor or wine sold outside this state, designating separately the amount of spirituous liquor and wine and the amount of spirituous liquor and wine on hand at the end of each month. They also shall show the amount of spirituous liquor or wine sold or shipped to each wholesale licensee in this state; setting out the date of sale, name and address of licensee and amount of spirituous liquor or wine sold.

(C) Reports made by spirituous liquor and wine wholesalers in this state, among other things, shall show the amount of spirituous liquor and wine received from other distillers, rectifiers, wine manufacturers and wholesalers; the amount of liquor and wine sold other wholesale licensees; and the amount sold to retail licensees. They shall set out the name of each licensee, his/her address, the amount of spirituous liquor or wine sold and the date of sale.

(D) Forms for the reports required by this regulation shall be supplied by the supervisor.

AUTHORITY: section 311.660, RSMo Supp. 1989. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973.*

**Original authority 1939, amended 1989.*



MISSOURI DEPARTMENT OF PUBLIC SAFETY
DIVISION OF LIQUOR CONTROL
P.O. BOX 837, JEFFERSON CITY, MISSOURI 65102

MONTH OF	19
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OUTSTATE SOLICITORS' MONTHLY REPORT AND TAX COMPUTATION

INSTRUCTIONS

Make tax computation form in triplicate, retaining one copy for your file, send two copies together with certified check, bank draft or money order, payable to Director of Revenue, for the amount of tax due, and Report of Sales to Wholesale Dealers (Form 39) mail to: Division of Liquor Control, P.O. Box 837, Jefferson City, Missouri 65102.

NAME	MO. LICENSE NUMBER
ADDRESS	CITY, STATE, ZIP CODE

TOTAL TAXABLE SALES TO MISSOURI WHOLESALERS DURING MONTH

SHOW BELOW TOTALS OF TAXABLE SALES WHICH HAVE BEEN DETAILED ON FORM 39.

Item 1 _____ gallons spirituous liquor	@ \$2.00 per wine gallon	\$
Item 2 _____ gallons wine	a. @ \$.30 per wine gallon	\$
	b. @ \$.06 per wine gallon	\$
Item 3 Total tax due on merchandise sold in Missouri during month, enter totals of Item 1 + Item 2 (Columns A and B)		\$

TO AVOID PENALTIES, THIS RETURN MUST BE FILED WITH THE DIVISION OF LIQUOR CONTROL WITHIN 15 DAYS AFTER CLOSE OF MONTH FOR WHICH RETURN IS MADE.

AFFIDAVIT

I am personally familiar with the statements made in this return and swear (or affirm) that the above report, together with attached schedules, constitutes a true and complete record of our sales in Missouri for the month aforesaid, and that all such sales have been made in accordance with the Missouri Liquor Law and Regulations.

MUST BE SIGNED IN PRESENCE OF NOTARY	SIGNATURE
	TITLE

NOTARY PUBLIC EMBOSSEER SEAL	STATE	COUNTY (OR CITY OF ST. LOUIS)
SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19		USE RUBBER STAMP IN CLEAR AREA BELOW
NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES	
NOTARY PUBLIC NAME (TYPED OR PRINTED)		



Distilleries and Wineries Monthly Report to State of Missouri

DEPARTMENT OF PUBLIC SAFETY
DIVISION OF LIQUOR CONTROL
Jefferson City, Missouri

Report for Month of 19.....

Name

Street No.

This report must be filed with the Division of Liquor Control, Jefferson City, Missouri immediately after the close of each month, and not later than the 15th.

RECORD OF PRODUCTION—BULK REPORT

	Whiskey, Gallons	Gin, Gallons	Alcohol, Gallons	Light Wine, Gallons	Fort. Wine, Gallons	
Spirituos or Vinous Liquor on Hand First of Month						
Produced During Month						
Totals to be Accounted for						
Leakage and Waste						
Shipments to Bottlers— or Bottle Plant						
Shipments Out of State—Bulk						
Total Deductions						
Balance to be Accounted for						
Bulk Sales within State						
Balance on Hand End of Month						

DISTILLERS, RECTIFIERS AND BOTTLERS MONTHLY SPIRITUOUS LIQUOR REPORT

	RECORD OF PURCHASES AND SALES										
	Gallons	½ Gals.	Qts.	1-5ths	Pts.	10th Gals	½ Pts.				
Bottled Spirituous Liquor on Hand First of Month											
Spirituos Liquor Bottled During the Month											
Totals to be Accounted for											
Leakage and Waste											
Shipments out of State											
Total Deductions											
Balance to be Accounted for											
Taxable Sales within State											
Balance on Hand End of Month											

(Over)

FORM 108A



WINERIES, RECTIFIERS AND BOTTLERS MONTHLY LIGHT WINE REPORT

	RECORD OF PURCHASES AND SALES										
	Gallons	½ Gals.	Qts.	1-5ths	Pts.	10th Gals.	½ Pts.				
Bottled Vinous Liquor on Hand First of Month											
Vinous Liquor Bottled During the Month											
Totals to be Accounted for											
Leakage and Waste											
Shipments out of State											
Total Deductions											
Balance to be Accounted for											
Taxable Sales within State											
Balance on Hand End of Month											

WINERIES, RECTIFIERS AND BOTTLERS MONTHLY FORTIFIED WINE REPORT

	RECORD OF PURCHASES AND SALES										
	Gallons	½ Gals.	Qts.	1-5ths	Pts.	10th Gals.	½ Pts.				
Bottled Vinous Liquor on Hand First of Month											
Vinous Liquor Bottled During the Month											
Totals to be Accounted for											
Leakage and Waste											
Shipments out of State											
Total Deductions											
Balance to be Accounted for											
Taxable Sales within State											
Balance on Hand End of Month											