

DIVISION OF ALCOHOL AND TOBACCO CONTROL

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INDUSTRY CIRCULAR

HOUSE BILL 115

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The Division of Alcohol and Tobacco Control (ATC) has assembled information on the changes in liquor control law as a result of House Bill 115 (HB115) (2017). Every section in the bill became effective August 28, 2017. The following is a section by section description of the changes as a result of HB 115:

[Section 302.441](#) – Not Related to Alcohol and Tobacco Control

[Section 311.070](#) – Changes the Hours of Operation for Distilleries with a Retail License

[Section 311.075](#) – Recreational Retail License for a Distiller

[Section 311.179](#) – International Airports Extended Hours License

[Section 311.275](#) – Brand Label Registration and Approval Process

[Section 311.510](#) – Product Samples Not Needed if COLA Provided.

[Section 311.540](#) – Product Samples Not Needed for Spirits

[Section 311.462](#) – Repealing of Reciprocity for Outstate Retail Shipments to Consumers

Section 302.441 – Not Related to Alcohol and Tobacco Control

Section 311.070 – Changes the Hours of Operation for Distilleries with a Retail License

Summary of provision/s: Distilleries licensed to sell intoxicating liquor by the drink at retail for consumption on the premises where sold may now remain open between the hours of 6:00 a.m. and 1:30 a.m., Monday through Saturday and between the hours of 9:00 a.m. and midnight, Sunday.

Section 311.075 – Recreational Resort License, Distiller in Close Proximity

Summary of provision/s: Previously, all intoxicating liquor sold at retail by the drink was required to be purchased from a licensed wholesaler. This provision created an exception for a retailer, its employees, officers, shareholders, and agents to have a financial interest in a distillery located in close proximity to a recreational resort. Additionally, this provision allows a retailer holding a retail by drink license on the recreational resort grounds to purchase liquor

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manufactured in close proximity to the resort directly from the distillery. Sales from the distillery to a licensed wholesaler are also allowed. The law specifically excludes the recreational resort distillery under section 311.075 from having any financial interest in a wholesaler.

[Section 311.179](#) – International Airports Extended Hours License

Summary of provision/s: This change allows retailers at Kansas City International Airport to obtain a license to open at 4:00 a.m. Patrons at KCI and St. Louis Lambert International Airport may also leave the licensed establishment and carry their intoxicating liquor to other designated areas within the airport. The retailer must serve the intoxicating liquor in containers displaying the retailer's name or logo.

[Section 311.275](#) - Brand Label Registration and Approval Process

[Section 311.510](#) – Product Samples Not Needed if COLA Provided.

[Section 311.540](#) – Product Samples Not Needed for Spirits

Summary of provision/s: Changes in these provisions require the Supervisor of Alcohol and Tobacco Control to approve or deny an application for primary American source of supply within five working days of receipt; otherwise the application will be conditionally approved after five working days. Applicants located in Missouri who do business exclusively in Missouri shall be approved or denied before any such application originating from other states are approved or denied. Beer or malt liquor manufactured and sold only in Missouri shall not require a certificate of label approval (COLA) from the Federal Tax and Trade Bureau, and will be under the sole supervision of ATC.

These laws were also changed to provide that the Supervisor of ATC is not required to collect product samples prior to granting approval for the sale of intoxicating malt liquors brewed, manufactured, and sold exclusively in this state if the Supervisor of Alcohol and Tobacco Control is provided a COLA from TTB that shows the alcohol content of the product.

Common Q&A's on these provisions follow:

Q. Is the application for primary American source of supply required to be submitted to ATC to register labels?

A. Yes. To register a label for product offered for sale in Missouri, you must electronically submit an application for primary American source of supply, along with the primary American source letter, COLA's, original labels, and wholesaler appointment letter. You can find instructions on the process to [register a brand](#) online.

Q. Will the solicitor receive notification when the label receives final approval by ATC?

A. Yes. A permission to ship letter will be emailed to the solicitor when the label has been approved in the State of Missouri. The permission to ship letter will indicate the brand name and brand number assigned to the label.

Q. What is the turn-around time for processing an application for primary American source of supply?

A. The label is conditionally approved five (5) working days after receipt by ATC, provided the applicant electronically submits all the required documents to ATC and the applicant has not received a letter denying approval. ATC will email a permission to ship letter after reviewing the documents and verifying the label meets standards appropriate for sale in Missouri.

Q. What does “conditionally approved” mean?

A. A label that has been conditionally approved may be solicited, sold, shipped, ordered, purchased and received in Missouri. ATC does not send notifications that a label is conditionally approved.

Q. If a label has been conditionally approved will the solicitor receive a permission to ship letter from ATC after it is officially approved??

A. Yes. A permission to ship letter will be emailed to the solicitor after the label is processed, indicating the brand name and brand number assigned to the label.

Q. Will the solicitor be notified if a conditionally approved label is denied by ATC?

A. Yes. The solicitor will receive a letter from the Supervisor if any label is denied by ATC, thereby removing the conditional approval.

Q. Is an actual sample of a product required for analysis when registering a new label?

A. An actual sample of the product is not required. If the alcohol content is not verified on the TTB COLA then a notarized lab analysis is required. The alcohol content on the COLA must match what is entered into ATC’s system.

In addition, submission of a notarized lab analysis that provides alcohol by weight and by volume will help expedite the approval process.

Q. I am a microbrewery/manufacturer of malt products and a TTB COLA is not required for intrastate commerce. What is the process to register the product(s) with ATC?

A. If a microbrewery/manufacturer has not obtained a TTB COLA, then a notarized lab analysis and all required paperwork must be submitted to ATC. These products will be identified as “on premise sales only.” If a microbrewery/manufacturer plans to sell to wholesalers, a TTB COLA must be submitted to ATC before sales can be made to the wholesaler.

TTB Ruling Number: 2013-1 “Furthermore, nothing in the FAA Act or the TTB labeling regulation relieves brewers from their obligation to comply with any applicable State requirements or regulations with regard to label approval.”

Section 311.462 – Repealing of Reciprocity for Outstate Retail Shipments to Consumers

Summary of provision/s: Repealed a provision that allowed out-of-state retailers to ship wine directly to Missouri residents if that state gave equal reciprocal shipping privileges to Missouri retailers.