

DIVISION OF ALCOHOL AND TOBACCO CONTROL

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INDUSTRY CIRCULAR

Reminders for the Holiday Season

Issued: December 13, 2021

The holiday season is a busy time for many of our licensees. As such, the Missouri Division of Alcohol and Tobacco Control would like to take a moment to cover a few Missouri statutes and regulations that are especially pertinent this time of year.

Charitable Donations

The holiday season is a time of giving to our loved ones and our communities. Many of our licensees give to their communities by donating to charitable or religious organizations or educational institutions.

When it comes to donating intoxicating liquor, Sections 311.332.2 and 311.332.3, RSMo, describe the proper procedures. Under Section 311.332.2, RSMo, manufacturers and wholesalers may donate only beer, wine, or brandy for non-resale purposes—all other forms of intoxicating liquor and spirits are excluded—to any unlicensed person or any licensed retailer who qualifies as a charitable or religious organization or educational institution under Missouri law. If the recipient of the donation is a qualifying licensed retailer, the donation must be unrelated to the organization's or institution's licensed retail operation.

Similarly, Section 311.332.3, RSMo, authorizes any person—licensed or unlicensed—to donate wine in the original package to any charitable or religious organizations or educational institutions for the sole purpose of being auctioned for fund-raising purposes. Said auctions must occur on the premises of a licensed retailer, and all proceeds must go to a charitable or religious organization or educational institution that is unrelated to any licensed retailer.

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Sponsoring or Allowing Promotional Games

In addition to donating to charitable, religious, and education organizations, many of our licensees give to their communities by sponsoring or allowing promotional games, raffles, and similar contests on their licensed premises. Any licensees desiring to sponsor or allow these events on their licensed premises should review state regulation 11 CSR 70-2.140(9) beforehand, to ensure that the event complies with Missouri Liquor Law.

In addition to reviewing state regulation 11 CSR 70-2.140(9), manufacturers and wholesalers should review Section 311.070, RSMo, to ensure that their sponsorship of any promotional game does not violate Missouri's three-tier system.

For more information about sponsoring promotional games, please see our recent industry circular: [Promotional Games and Contests Where Liquor is a Prize - Prohibited](#).

Selling Retailer-Packaged Alcohol for Off-Premise Consumption

With the passage of Senate Bill 126 (2021), retailers are now able to sell retail-packaged intoxicating liquor prepared on-premise to consumers for off-premise consumption, subject to certain requirements. These requirements are laid out in detail in Section 311.202, RSMo.

For more information about the requirements in Section 311.202, RSMo, please see our recent industry circular: [Senate Bill 26 and Senate Bill 126](#).

We appreciate the commitment from our licensees to ensure that their conduct follows all applicable state laws and regulations. If you have questions specific to the content of this circular, please contact your ATC district office. For a full directory, please visit the directory on our website: [Contact Us](#).