

Title 11—Department of Public Safety
Division 70—Division of Alcohol and Tobacco Control
Chapter 2—Rules and Regulations

PROPOSED RULE

11 CSR 70-2.050 Wholesalers' Conduct of Business. The Division of Alcohol and Tobacco Control is adding new paragraph (9)

PURPOSE: This amendment expands wholesalers' ability to conduct business on a retailer's premise in addition to the rights explicitly contemplated by § 311.070.12, RSMo.

(9) In addition to the rights described in § 311.070.12, RSMo, whenever a wholesaler's employee or agent appears on the premise of a licensed retailer, the wholesaler's employee or agent may count inventory of supplied product, prepare templates for retailer orders, and make recommendations on future purchases by the retailer. Any such proposed orders or recommendations must be signed for, or otherwise approved of, by the retailer. Under no circumstances may the wholesaler's employee or agent sign for, or otherwise approve, wholesaler product absent the express consent of the retailer. Any service provided by the wholesaler to one (1) licensee must be available upon request to all licensees, free of cost, unless such service or cost is permitted by Chapter 311, RSMo.

AUTHORITY: section 311.660, RSMo Supp. 2021. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed April 23, 1981, effective Aug. 13, 1981. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022. Amended: Filed Aug. 1, 2024.*

**Original authority: 311.660, RSMo 1939, amended 1989, 2021 Amended*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Alcohol and Tobacco Control Central Office, 1738 E. Elm, Lower Level, Jefferson City, MO 65101, by

facsimile at (573)526-4369, or via email at Kristen.Cole@dps.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.