

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

**PROPOSED AMENDMENT**

**11 CSR 70-2.270 Transfer and Registration of Lines or Brands of Spirituous Liquor and Wine.** The Division of Alcohol and Tobacco Control is amending section 4.

*PURPOSE: This amendment clarifies who must register lines and brands with ATC.*

(4) All [*wholesalers*] **suppliers** are to register with the supervisor of Alcohol and Tobacco Control the lines, brands, or both of alcoholic beverages which they handle and distribute in this state, **as well as each wholesaler assigned to the supplier’s distribution**. No [*wholesaler*] **supplier** may add an additional line, [or] brand, **or wholesaler** without first filing a statement under oath with the supervisor and with every other wholesaler affected. The statement shall contain the following:

(A) The name of each line or brand of spirituous liquor or wine which they will handle and distribute in this state and the anticipated date upon which the distribution of the line or brand is to begin;

(B) A certification that this additional line or brand is not being added in collusion with any supplier in retaliation against another wholesaler who refuses to evade or disobey any laws or regulations of Missouri relating to intoxicating liquor; and

(C) Prior to making any sale of any additional line or brand, each wholesaler shall comply with all other requirements relating to the posting of wholesale prices.

**AUTHORITY:** section 311.660, RSMo 2016.\* This version of rule filed April 16, 1975, effective April 26, 1975. Amended: Filed Oct. 10, 2018, effective May 30, 2019. ***Amended: Filed Aug. 1, 2024.***

\*Original authority: 311.660, RSMo 1939, amended 1989.

*Brown-Forman Distillers Corp. v. Stewart, 520 SW2d 1 (Mo. banc 1975). Regulation 28, permitting supervisor of liquor control to prohibit the transfer of a brand or the creation of a dual distributorship absent the showing of a good business reason, (“without reasonable cause, which cause must be submitted to the supervisor of liquor control in writing”) the employment of “reasonable cause” in regulation 28 renders it*

*invalid and void because the language used is so sweeping and broad that it clothes the supervisor with arbitrary power that is incompatible with the test of “reasonableness” and it is “inconsistent” with the objectives of the Liquor Control Law and the legitimate evils sought to be eliminated.*

*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](mailto: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.*