

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

PROPOSED AMENDMENT

11 CSR 70-2.130 Retailer’s Conduct of Business. The Division of Alcohol and Tobacco Control is amending section (14) and adding sections (16) and (17).

Purpose: This rule establishes guidelines for hosting marijuana consumption events at a licensed premise in light of the new constitutional amendment. This amendment also establishes guidelines for the placement of alcoholic beverages at retail locations that were historically branded as non-alcoholic products.

(14) No person holding a license for the retail sale of intoxicating liquor may permit any person to smoke or imbibe marijuana on or about the licensed premises **while the retail establishment is open to the public[or]. No licensee shall** create any non-public or quasi-public areas on or about the licensed premises for marijuana usage anytime when intoxicating liquor is being sold, displayed for sale, or consumed. **A licensee may seek permission for, and the supervisor of alcohol and tobacco control may permit, a special event where consumption of marijuana occurs on or about the licensed premise (a “marijuana event”).** [*This provision may not preclude a licensee from hosting a private event during which persons holding a valid medical marijuana patient ID card issued by the Department of Health and Senior Services to smoke or imbibe medical marijuana in a designated nonpublic or quasi-public area on or about the licensed premises*]. **The licensee must notify the supervisor of alcohol and tobacco control not less than thirty (30) days in advance of the marijuana event and describe the event, including the exact location of the marijuana event on the licensed premise.** To be eligible, the **marijuana** event must occur during allowable hours of operation pursuant to section 311.290, RSMo, or any other provision of Chapter 311 relating to opening and closing; no intoxicating liquor may be sold, displayed for sale, or consumed on or about the **portion of the** licensed premises **used for the marijuana event**, and all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed shall be kept securely locked during the event[; *and written approval must be obtained from the supervisor of alcohol and tobacco control prior to the*

event]. If the licensee wishes to continue the sale of intoxicating liquor on a separate portion of the licensed premise, not described for the marijuana event, that portion of the licensed premise must be separated by a permanent floor-to-ceiling wall and be inaccessible from the patrons of the marijuana event. All patrons permitted to smoke or imbibe marijuana during the marijuana event must be quarantined from those patrons consuming intoxicating liquor and must be marked with a wristband. No patron of the marijuana event may consume intoxicating beverages on the licensed premise within four hours of the commencement or conclusion of the marijuana event.

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(16) **Pre-Mixed Batch Drink Labels.** Where a retail by drink establishment prepares batch/bulk mixed drinks prior to an order being placed, the container must be clearly labeled “THIS CONTAINS ALCOHOL.” The container must also bear the name of the mixed drink, as used by the establishment, and the type or types of alcohol contained therein. This section is separate from any label/packaging requirements set forth in section 311.202, RSMo. for retailer-packaged alcohol for off-premises consumption (i.e. to-go alcoholic beverages).

(17) **Persons granted a license to sell intoxicating liquor for off-premises consumption that display such intoxicating liquor outside a clearly discernible location reserved for alcoholic beverages shall:**

(A) **not place intoxicating liquor in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage, and**

(B) **equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. Nothing in this subsection shall prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer.**

AUTHORITY: section 311.660, RSMo Supp. 2022. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Aug. 23, 1974, effective*

*Sept. 2, 1974. Amended: Filed May 16, 1977, effective Aug. 11, 1977. Amended: Filed Aug. 20, 1979, effective Dec. 13, 1979. Amended: Filed April 23, 1981, effective Aug. 13, 1981. Amended: Filed April 7, 1983, effective July 11, 1983. Amended: Filed May 25, 1983, effective Sept. 11, 1983. Amended: Filed Aug. 5, 1991, effective Jan. 13, 1992. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed May 27, 2022, effective Jan. 30, 2023. *Original authority: 311.660, RSMo 1939, amended 1989, 2021. Amended: filed [DATE].*

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

PRIVATE COST: This proposed rule 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 Benjamin.Kweskin@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.*