

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

PROPOSED AMENDMENT

11 CSR 70-2.190 Unlawful Discrimination and Price Scheduling. The Division of Alcohol and Tobacco Control is amending section (8).

PURPOSE: This amendment increases the maximum number of days to accept returns for unwanted merchandise from seven days to fourteen days without seeking an exception and make returns of spirituous liquor and wine consistent with malt beverages as described in §311.070.4.

(8) Returns. Merchandise returns exceeding [*seven (7)*] **fourteen (14)** days from delivery date may not be accepted for return from a retailer, except pursuant to a court order or with prior approval from the supervisor for any of the following reasons:

- (A) The merchandise delivered does not conform to the merchandise ordered, whether an error was made at the time the order was taken or when the merchandise was delivered. Requests to return merchandise delivered in error should be submitted to the supervisor within thirty (30) days of the original invoice; or
- (B) The retailer is abandoning the retail liquor business.
- (C) **To assure and control product quality, wholesalers at the time of regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of spirituous liquor and wine products containing an alcohol content of five percent or more by weight in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product.**
- (D) **In addition to withdrawals authorized in paragraph (C) of this section, to assure and control product quality, wholesalers at the time of regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, spirituous liquor and wine products containing an alcohol content of five percent or more by weight in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:**
 - 1. **The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by**

- the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and
2. The quantity of product withdrawn does not exceed the equivalent of twenty-five (25) cases of twelve (12) seven-hundred-fifty milliliter (750 ml) containers; and
 3. To assure and control product quality, a wholesaler may, but not be required to, give a retailer credit for wine with an alcohol content of five percent or more by weight, in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler removes the product within seven days of the initial delivery.

*AUTHORITY: section 311.660, RSMo 2016. Original version of rule filed Dec. 22, 1975, effective Jan. 1, 1976. Amended: Filed Sept. 30, 1976, effective April 15, 1977. Amended: Filed Jan. 26, 1977, effective July 11, 1977. Amended: Filed Sept. 1, 1977, effective Dec. 11, 1977. Amended: Filed Dec. 6, 1985, effective Feb. 24, 1986. Amended: Filed April 20, 1987, effective July 11, 1987. Amended: Filed Aug. 17, 1999, effective March 30, 2000. Amended: Filed Oct. 10, 2018, effective May 30, 2019. **Amended: Filed*****

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 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.