

11 CSR 70-2.060 Manufacturers

PURPOSE: *This rule establishes procedures for labeling, bottling, and delivery of products.*

PUBLISHER'S NOTE: *The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) For the purpose of this regulation the following definitions apply:

(A) A "facility which brews or manufactures malt liquor" is defined as a brewery or manufacturing plant premises licensed by either or both the state within which it is located and/or the U.S. Treasury Department, Alcohol and Tobacco Tax and Trade Bureau; and

(B) An "owner" of a facility which brews or manufactures malt liquor is defined as a person or entity, that holds the entire facility in fee simple, or has a leasehold interest for a term of years in that entire facility, and is the person or business entity licensed for that entire facility by either or both the state within which the facility is located and/or the U.S. Treasury Department, Alcohol and Tobacco Tax and Trade Bureau.

(2) The Federal Alcohol Administration Act is hereby incorporated by reference (published by the United States House, dated January 1, 2022 and available at: <https://uscode.house.gov/view.xhtml?path=/prelim@title27/chapter8&edition=prelim>). This does not include any later amendments or additions. These regulations apply to distilled spirits, wine, and malt beverages packaged purely for interstate shipment insofar as the regulations are not contrary to or inconsistent with the laws of Missouri. In addition to the regulations, the label of every container of spirituous liquor, wine, or malt liquor, unless already required by the regulations, shall set forth the name and address of the manufacturer, brewer, distiller, rectifier, or producer of the spirituous liquor, wine, or malt liquor as the case may be; provided that if the name of the brewer or manufacturer of malt liquor which appears on the label is not the owner of the facility where the malt liquor was brewed or manufactured, then the name, owner, and address of the facility shall also be set forth on the label.

(3) All licensees engaged in bottling intoxicating liquor and alcoholic beverages, before filling any bottle, shall cause the same to be sterilized by one (1) of the following methods:

(A) All new bottles, unless sterile, are to be sterilized or cleaned by thoroughly rinsing with clean sterile water or by blowing or vacuuming with proper machines for sterilization or cleansing; or

(B) All used bottles are to be sterilized by soaking in a hot caustic solution which contains not less than three percent (3%) caustic or alkali expressed in terms of sodium hydrate. The period of time in the solution is to be governed by the temperature and strength of the solution. The bottles are then to be rinsed thoroughly in clean sterile water until free from alkali or sodium hydrate.

(4) All manufacturers and wholesalers are to keep their premises and equipment in a clean and sanitary condition.

(5) Applicants for a manufacturing license shall provide a copy of a certificate demonstrating successful completion of a health inspection with their license application. No such applicant may be granted a manufacturer license without such a certificate, subject to the following exceptions:

(A) If an applicant does not have a health inspection certificate on the day they file their license application, they may submit a written statement with their application stating that they will provide a copy of their health inspection certificate within ten (10) days of the issuance of that certificate. Failure to provide a copy of the health certificate within ten (10) days of issuance may result in disciplinary action; and

(B) If a state or local health authority determines that an applicant does not need a health inspection, the applicant may submit documentation from said state or local health authority showing that the applicant does not need a health inspection in lieu of a health inspection certificate.

(6) No intoxicating liquor may be brought in or transported within this state for the purpose of sale to any licensee or sold to any licensee except in containers the sizes of which have been approved by the U.S. Treasury Department, Alcohol and Tobacco Tax and Trade Bureau.

(7) No manufacturer who has acquired knowledge or been given notice that a wholesaler has been suspended may make sales or deliver merchandise to the wholesaler during the period of time that the licensee is under suspension.

AUTHORITY: section 311.660, RSMo Supp. 2021. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Emergency amendment filed Nov. 21, 1996, effective Dec. 31, 1996, expired June 28, 1997. Amended: Filed Nov. 21, 1996, effective May 30, 1997. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Aug. 14, 2020, effective March 30, 2021. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

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