

PROPOSED AMENDMENT

11 CSR 70-2.120 Retail Licensees. The Division of Alcohol and Tobacco Control is adding section (5) and removing previous sections (2), (3), (7) and (8).

PURPOSE: This amendment removes unnecessary language and clarifies the expectations of retail licensees.

(2) [If any retail licensed premises has multiple licenses for separate businesses in the same building, then the building shall be partitioned in a manner that the partitions run from the front of the building to the rear of the building, from the ceiling to the floor and be permanently affixed to the ceiling, floor, front, and rear of the building in a manner as to make two (2) separate and distinct premises. Each premises shall have a separate entrance in front and different street addresses, so as to indicate sufficiently that the businesses are run separately and distinct from each other. In addition, the business maintained on each of the premises shall be manned and serviced by an entirely separate and distinct group of employees and there may be no buzzers, bells, or other wiring or speaking system connecting one (1) business with the other. Separate files, records, and accounts pertaining to the businesses are to be maintained.

(3) Hotels and municipal or county airports or terminals or their lessees or concessionaires, leasing or having concession rights for the whole or a particular part of the facility, holding licenses authorizing the retail sale of intoxicating liquor by the drink for consumption on the premises where sold may maintain as many bars as they like on the licensed premises, provided that the places at which it is sold by the drink, in all respects, complies with the provisions of section 311.330, RSMo.

(4) No retailer may place or permit the placing of any object on or within the windows of premises covered by licenses which impedes or obstructs vision from the exterior into the interior.

[(5)] (3) No holder of a retail license may use illuminated brand signs exclusively for illuminating purposes. Sufficient light must be maintained at all times to ensure clear visibility into the interior and within the interior of the premises.

[(6)] (4) No licensee may operate, play, or permit the operation of any public speaking system transmitter, sound amplification device, or any other type of device, mechanical, or electronic, to emit or direct music, spoken words, sounds or noise of any kind exceeding eighty-six (86) decibels on an A-weighted scale when measured across a residential property line fifty feet (50') or more from the source of the noise between the hours of 11:00 pm and 11:00 am. This regulation does not supersede any state or local laws or ordinances regulating noise in the area.

(5) Any premises for which a secondary retail license is sought must be the same as the premises covered by the primary retail license. This regulation shall not apply to catering or festival licenses.

[(7) Licenses authorizing the retail sale of intoxicating liquor by the drink on Sunday between the hours of 9:00 a.m. and midnight may be issued to all qualified applicants as defined in section 311.293, RSMo.

(A) An applicant for a restaurant-bar license is to obtain a license authorizing the retail sale of intoxicating liquor by the drink as provided in either section 311.085, 311.090, or 311.095, RSMo.

(B) Premises for which a Sunday license is sought and the description at the premises on each license shall be exactly the same as those premises covered by an existing retail sale of intoxicating liquor by the drink license.

(8) Licensees may apply to the supervisor for an exemption to the limitation of five (5) licenses to sell intoxicating liquor at retail by drink for consumption on the premises.]

[(9)] (6) Resorts. Licenses authorizing the retail sale of liquor by the drink may be issued to qualified applicants for resorts as defined in section 311.095, RSMo. Applicants for a resort license shall prepare and maintain records in order to substantiate the sales figures as presented in the certified statement, including, but not limited to, bank statements, cancelled checks, and invoices for food and intoxicating liquor purchases.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed June 7, 1977, effective Sept. 11, 1977. Amended: Filed Aug. 20, 1979, effective Dec. 13, 1979. Amended: Filed Aug. 11, 1980, effective Nov. 13, 1980. Amended: Filed Jan. 2, 1981, effective April 11, 1981. Amended: Filed Feb. 16, 1984, effective June 11, 1984. Amended: Filed Jan. 7, 1985, effective April 11, 1985. Amended: Filed July 25, 1986, effective Oct. 11, 1986. Amended: Filed Jan. 8, 1990, effective April 26, 1990. Amended: Filed Nov. 18, 1991, effective April 9, 1992. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Jan. 22, 1996, effective July 30, 1996. Amended: Filed Nov. 20, 2003, effective July 30, 2004. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Aug. 14, 2020, effective March 30, 2021. **Amended: Filed May 27, 2022*****