

**Title II – DEPARTMENT OF PUBLIC SAFETY
Division 70-Division of Alcohol and Tobacco Control
Chapter 1- General Organization**

PROPOSED AMENDMENT

11 CSR 70-1.010 Organization and Methods of Operation. The division is amending and/or sections (1) through (6).

Purpose – To revise the organization section to reflect the responsibility for enforcement of youth access to tobacco laws, the elimination of Chapter 312, RSMo, regulating nonintoxicating beer, and to reflect that District Office locations are not permanent, and should not be referenced in regulations.

(1) The Department of Liquor Control was established under the Liquor Control Act passed by the Fifty-Seventh General Assembly in extra session, was signed by the governor on January 13, 1934 and became effective on that date. The Omnibus State Reorganization Act of 1974 created the Department of Public Safety and made the Department of Liquor Control a division of that department. The *[Intoxicating] Liquor Control Law [and the Nonintoxicating Beer Law are] is Chapter[s] 311.010 [and 312], RSMo [1986]. On August 28, 2001, the Division gained responsibility for enforcement of youth access to tobacco laws and in 2003, was renamed the Division of Alcohol and Tobacco Control. The Division enforces the tobacco laws under Sections 407.925 through 407.934, RSMo.*

(2) The supervisor of *[liquor] Alcohol and Tobacco [c]Control [is nominated by the director of the Department of Public Safety, appointed by the governor, with the advice and consent of the senate. The supervisor] is vested with the exclusive power to issue and to revoke or suspend licenses for the sale of intoxicating liquor [and nonintoxicating beer] and with the power to make rules governing the conduct and method of operation of all licensees set out in section 311.660(10), RSMo [1986].*

(A) The supervisor, with the approval of the director of the Department of Public Safety, is authorized to appoint and employ all agents, assistants, deputies and inspectors as are necessary for the proper enforcement and administration of the Liquor Control Law *[and Nonintoxicating Beer Law].*

(B) These appointees are prohibited from participating in any type of partisan political activity and are likewise prohibited from electioneering for or against any proposition to be voted on at any election. Appointees are required to meet minimum physical and mental requirements and receive training in the laws and their enforcement.

(3) All licenses issued by the Division of *[Liquor] Alcohol and Tobacco Control* expire on the thirtieth day of June, next following the date that the license was issued. Correct license fees shall be paid before any license is issued. [

(A)] Cities and counties are permitted by law to license and regulate the sale of liquor.

[(B) Cities are permitted to charge one and one-half (1 1/2) times the license fee charged by the state. Counties are permitted to charge a license fee equal to that charged by the state.]

*(4) The supervisor of **[liquor] Alcohol and Tobacco [c]Control**, agents of the Division of **[Liquor] Alcohol and Tobacco Control**, prosecuting attorneys, sheriffs, their deputies and police officers are charged with the duty of enforcing the **[Intoxicating] Liquor Control Law** *[and Nonintoxicating Beer Law. The Division of Liquor Control has no authority to punish or discipline persons not licensed. However, t]The [d]Division works closely with other law enforcement agencies and personnel in an effort to [i]ensure compliance with the liquor control laws and youth access to tobacco laws.**

(A) [The Division of Liquor Control has found that most licensees attempt to operate their businesses in a proper and lawful manner.] It is the purpose of the [d]Division to assist licensees and to eliminate the persistent violator. [This is done by using the supervisor's power to suspend and revoke licenses, and by seeking to grant licenses only to properly qualified persons.

*(B)]The supervisor of **[liquor] Alcohol and Tobacco [c]Control** has the authority to **impose civil penalties, and** suspend or revoke licenses. *[The alleged violator is given notice to appear before the supervisor to answer the charges made in writing against him/her. Any person aggrieved by official action of the supervisor of liquor control affecting the licensed status of a person subject to the jurisdiction of the supervisor of liquor control, including refusal to, grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination by the Administrative Hearing Commission, pursuant to the provisions of section 621.045, RSMo. Notice of appeal must be filed with the Administrative Hearing Commission within thirty (30) days after the decision of the supervisor of liquor control is placed in the United States mail or within thirty (30) days after the decision is delivered, whichever date is earlier.**

(5) The state has been divided into six (6) liquor control districts with a district supervisor in charge of each division.

(A) Agents and inspectors are divided among the different districts and assigned to certain territories within each district.

(B) All license applications shall be processed through the appropriate district office.

(6) The public may obtain information on all aspects of the liquor law at the district office. The location of six (6) district offices and the counties comprising the district are as follows:

(A) District I - Kansas City, State Office Building, 615 East 13th Street, Room 455 - Andrew, Atchison, Bates, Buchanan, Cass, Clay, Clinton, DeKalb, Gentry, Henry, Holt, Jackson, Johnson, Lafayette, Nodaway, Platte, Ray and Worth;

(B) District II - Kirksville, First National Bank Building - Adair, Audrain, Caldwell, Carroll, Chariton, Clark, Daviess, Grundy, Harrison, Knox, Lewis, Linn, Livingston, Macon, Marion, Mercer, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan;

(C) District III - St. Louis, Wainwright State Office Building, 111 North 7th Street - City of St. Louis and St. Louis County, Lincoln, Jefferson and St. Charles;

(D) District IV - Springfield State Office Complex, 149 Park Central Square - Barry, Barton, Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Jasper, Lawrence, McDonald, Newton, Oregon, Ozark, Polk, Shannon, St. Clair, Stone, Taney, Texas, Vernon, Webster and Wright;

(E) District V- Cape Girardeau, 2711 Thomas Drive - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Stoddard, Washington and Wayne; and

(F) District VI and Supervisor of Liquor Control Office - Jefferson City, Harry S Truman State Office Building, 8th Floor, 301 West High Street - Benton, Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Hickory, Howard, Laclede, Maries, Miller, Montgomery, Moniteau, Morgan, Osage, Pettis, Phelps, Pulaski, Saline and Warren.]

AUTHORITY: section 311.660, RSMo [1994] **2018**. * Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Dec. 4, 1984, effective March 11, 1985. Amended: Filed Jan. 8, 1990, effective April 26, 1990. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. **Amended: Filed October 10, 2018.**

*Original authority 1939, amended 1989.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions.

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 at 1738 East Elm Street, Lower Level in Jefferson City, Mo 65101 or by facsimile at 573-526-4540, or via email at Karen.dorton@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.*