

**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 70—Division of Alcohol and Tobacco Control
Chapter 1—General Organization**

11 CSR 70-1.010 Organization and Methods of Operation

PURPOSE: This rule describes the organization, methods of operation and procedures of the Division of Liquor Control.

(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 Liquor Control Law is sections 311.010, RSMo. 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 Alcohol and Tobacco Control is vested with the exclusive power to issue and to revoke or suspend licenses for the sale of intoxicating liquor 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.

(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.

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

(4) The supervisor of Alcohol and Tobacco Control, agents of the Division of Alcohol and Tobacco Control, prosecuting attorneys, sheriffs, their deputies, and police officers are charged with the duty of enforcing the Liquor Control Law. The division works closely with other law enforcement agencies and personnel in an effort to ensure compliance with the liquor control laws and youth access to tobacco laws.

(A) It is the purpose of the division to assist licensees and to eliminate the persistent violator. The supervisor of Alcohol and Tobacco Control has the authority to impose civil penalties and suspend or revoke licenses.

*AUTHORITY: section 311.660, RSMo 2016. * 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 Oct. 10, 2018, effective May 30, 2019.*

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

***Brown-Forman Distillers Corp. v. Stewart 520 SW2d 1 (Mo. banc 1975).** Supervisor of liquor control is statutorily vested with the power and authority to promulgate valid regulations to fill in the interstices of the Liquor Control Law. Rules which are in *pari materia* must be construed together. The broad, yet valid, authority conferred upon the supervisor by subsections (6) and (10) of section 311.660, RSMo 1969 is limited only in the respect that regulations be necessary, reasonable and not inconsistent with the Liquor Control Law.*

Miligram Food Stores, Inc. v. Ketchum, 384 SW2d 510 (Mo. App. 1965); cert. denied 382 U.S. 801. Section 311.660, RSMo 1969 does not vest the supervisor of liquor control with arbitrary discretion to make rules and regulations because he is limited to making rules that are reasonable and consistent with the (liquor control) law.