

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 70—Division of Alcohol and Tobacco Control  
Chapter 2—Rules and Regulations**

**PROPOSED AMENDMENT**

**11 CSR 70-2.010 Definitions.** The division is amending and/or deleting sections (1) through (6).

*Purpose – To revise the definitions section that defines certain terms pertaining to and commonly used throughout Chapters 311, RSMo and the rules of the supervisor of alcohol and tobacco control in order to reflect elimination of Chapter 312, RSMo, regulating nonintoxicating beer and to change definitions of domestic wine and malt liquor to reflect statutory definitions. It also changes the definition of original package per statutory changes, and defines entity, partnership and sole proprietor.*

(1) Domestic wine is wine containing not in excess of [*fourteen*] **eighteen** percent ([*14%*] **18**) of alcohol by weight and manufactured [*exclusively*] from grapes, berries and other fruits and vegetables grown in Missouri **in accordance with Section 311.190, RSMo.**

(2) Intoxicating liquor includes alcohol for beverage purposes, alcohol, spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (*.5[%]*) of alcohol by volume [*except for nonintoxicating beer as defined in section 312.010, RSMo*].

(3) Malt liquor is any beverage [*manufactured from pure hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water, containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight*] **brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer. Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent by volume, no more than one and one-half percent of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol in accordance with Section 311.490 (1) and (2), RSMo.**

(4) [*Nonintoxicating beer is any beer manufactured from pure hops and pure extracts of hops and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water and free from all harmful substances, preservations and adulterants and having an alcoholic content of more than*

onehalf (1/2) of one percent (1%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

(5)] Ordinary Commercial Credit.

(A) Malt Beverages. Ordinary commercial credit *[as used in the]* **for** malt beverages *[and nonintoxicating beer industry shall be]* **is** credit *[on such terms as shall]* **that** requires payment to be made by the retail licensee by the last day of the month for malt beverages *[or nonintoxicating beer which is]* delivered *[to the retail licensee]* on or after the first day of the month and up to and including the fifteenth day of the month and by the fifteenth day of the **following** month *[next succeeding]* for malt beverages *[or nonintoxicating beer which is]* delivered to the retail licensee on or after the sixteenth day of the month and up to and including the last day of the month. No brewer or wholesaler *[shall]* **may** sell or deliver *[to any retail licensee any]* malt beverages *[or nonintoxicating beer]* while the retail licensee owes the brewer or wholesaler for *[any]* malt beverages *[or nonintoxicating beer]* beyond the period of time as indicated in this subsection.

(B) *[Intoxicating liquor other than malt beverage]* **Spirituos Liquor and Wine.** Ordinary commercial credit *[as used in the intoxicating liquor industry, other than the malt beverage industry, shall be]* **for spirituous liquor and/or wine is** credit *[on such terms as shall]* **that** requires payment to be made by the retail licensee within thirty (30) days after the delivery of *[any intoxicating liquor, other than malt beverage,]* **spirituous liquor and/or wine** to the retail licensee. No distiller, wholesaler or wine maker *[shall]* **may** sell or *deliver* *[to any retail licensee any intoxicating liquor, other than malt beverage,]* **spirituous liquor and/or wine** while the licensee owes the distiller, wholesaler, or wine maker for *[any intoxicating liquor, other than malt beverage,]* **spirituous liquor and/or wine** beyond the period of time as indicated in this subsection.

*[(6)]* **(5)** Original package refers to any package containing *[three (3)]* **one (1)** or more standard bottles, **pouches** or cans of malt liquor *[or nonintoxicating beer]*, *[to]* fifty (50) milliliters (1.7 ounces) or more of spirituous liquors and one hundred (100) milliliters (3.4 ounces) or more of *[vinous liquors]* **wine** in the manufacturer's original container. A standard bottle is any bottle or can containing twelve (12) ounces or less of malt liquor *[or nonintoxicating beer]*.

*[(7)]* **(6)**The words permit and license, whenever used as nouns in Chapter[s] 311 *[and 312]*, RSMo and in these regulations*[, shall have the same meaning]* **are synonymous.**

*[(8)]* **(7)** The words permittee and licensee, whenever used as nouns in Chapter[s] 311 *[and 312]*, RSMo and in these regulations*[, shall have the same meaning]* **are synonymous.**

[[9]] **(8)** Person is any individual, association, joint stock company, syndicate, copartnership, corporation, receiver, conservator or other officer appointed by any state or federal court. Clubs are also included within the meaning of the term.

[[10]] **(9)** Premises is the place where intoxicating liquor [*or nonintoxicating beer*] is sold and it may be one (1) room, a building comprising several rooms, or a building with adjacent or surrounding land such as a lot or garden.

[[11]] **(10)** Retailer is a person holding a license to sell or to offer to sell intoxicating liquor [*or nonintoxicating beer*] to consumer only.

[[12]] **(11)** Spirituous liquor includes brandy, rum, whiskey, gin and all other preparations or mixtures for beverage purposes of a like character and excludes all vinous, fermented or malt liquors.

[[13]] *Wholesaler is a person holding a license to sell intoxicating liquor or nonintoxicating beer to wholesalers or to retailers.*

(14)] **(12) Wholesaler and/or Wholesale-solicitor** is a person holding a license to sell intoxicating liquor [*or nonintoxicating beer*] to wholesalers or to retailers.

[[15]] **(13)** Wine is a vinous liquor produced by fermentation of juices of grapes, berries or other fruits or a preparation of certain vegetables by fermentation, and containing alcohol not in excess of twenty-two percent (22%) by volume.

**(14) Applicant refers to the sole proprietor, partnership, or entity applying for a liquor license.**

**(A) Entity refers to any association, corporation, limited liability company, limited partnership, or other business structure not in conformance with a sole proprietor or partnership structure as defined herein.**

**(B) Partnership refers to two or more individuals who share management and profits.**

**(C) Sole Proprietor refers to a business that legally has no separate existence from its owner, and is not considered a legal entity. Income and losses are taxed on the individual's personal income tax return.**

*AUTHORITY: section 311.660, RSMo [1994] 2018.\* This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Nov. 21, 1974, effective Dec. 1, 1974. Amended: Filed Sept. 30, 1976, effective Feb. 11, 1977. Amended: Filed Jan. 7, 1985, effective April 11, 1985. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Jan. 22, 1996, effective July 30, 1996. Amended: Filed October 10, 2018.*

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

**Op. Atty. Gen. No. 132, Russell (7-18-79).** Ethanol used solely as a fuel for motor vehicle purposes is not a section 311.020, RSMo "intoxicating liquor." Also, manufacturers of ethanol for fuel purposes need not be licensed under Chapter 311, RSMo if the ethanol is denatured by some means.

**Op. Atty. Gen. No. 37, Mueller (1-17-79).** Wines used as part of religious services are not "for beverage purposes" since they are not being consumed for the mere pleasure of drinking or for physical or mental exaltation. Therefore, these "sacramental wines" are not intoxicating liquors as defined in Chapter 311, RSMo.

**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](mailto: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.