

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

11 CSR 70-2.010 Definitions

PURPOSE: This rule defines certain terms pertaining to and commonly used throughout Chapters 311 and 312, RSMo and the rules of the supervisor of liquor control.

(1) Domestic wine is wine containing not in excess of eighteen percent (18%) of alcohol by weight and manufactured 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.

(3) Malt liquor is any beverage 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 (49%) of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent (6%) by volume, no more than one and one-half percent (1.5%) 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) Ordinary Commercial Credit.

(A) Malt Beverages. Ordinary commercial credit for malt beverages is credit that requires payment to be made by the retail licensee by the last day of the month for malt beverages delivered 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 for malt beverages 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 may sell or deliver malt beverages while the retail licensee owes the brewer or wholesaler for malt beverages beyond the period of time as indicated in this subsection.

(B) Spirituous Liquor and Wine. Ordinary commercial credit for spirituous liquor and/or wine is credit that requires payment to be made by the retail licensee within thirty (30) days after the delivery of spirituous liquor and/or wine to the retail licensee. No distiller, wholesaler, or wine maker may sell or deliver spirituous liquor and/or wine while the licensee owes the distiller, wholesaler, or wine maker for spirituous liquor and/or wine beyond the period of time as indicated in this subsection.

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

(6) The words permit and license, whenever used as nouns in Chapter 311, RSMo and in these regulations are synonymous.

(7) The words permittee and licensee, whenever used as nouns in Chapter 311, RSMo and in these regulations are synonymous.

(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.

(9) Premises is the place where intoxicating liquor 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.

(10) Retailer is a person holding a license to sell or to offer to sell intoxicating liquor to consumer only.

(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.

(12) Wholesaler and/or wholesale-solicitor is a person holding a license to sell intoxicating liquor to wholesalers or to retailers.

(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 (2) or more persons 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 2016. 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 Oct. 10, 2018, effective May 30, 2019.*

**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.*