

**Title II – DEPARTMENT OF PUBLIC SAFETY  
Division 70-Division of Alcohol and Tobacco Control  
Chapter 2-Rules and Regulations**

**PROPOSED AMENDMENT**

**11 CSR 70-2.050 Wholesalers' Conduct of Business.** The division is amending all sections.

*Purpose – To revise this section that establishes guidelines for wholesalers regarding purchases, deliveries, sales and storage of products, to reflect the elimination of Chapter 312, RSMo, regarding nonintoxicating beer. The Division's name will be changed to Division of Alcohol and Tobacco Control in all applicable sections.*

(1) No wholesaler *[shall]* **may** buy, obtain or accept any intoxicating liquors<sup>[, or wine or nonintoxicating beer]</sup> from any person *[not holding]* **who does not hold** a Missouri permit as a manufacturer or solicitor, provided that the wholesaler owning warehouse receipts may obtain the written permission from the supervisor of *[liquor]* **alcohol and tobacco** control to receive intoxicating liquor from federal customs bonded warehouses or federal internal revenue bonded warehouses<sup>[, as the case may be]</sup>.

(2) No wholesale licensee *[shall]* **may** deliver or cause any intoxicating liquors <sup>[or nonintoxicating beer]</sup> to be delivered to any licensee while the licensee is under suspension by the supervisor *[liquor]* **of alcohol and tobacco** control.

(3) All wholesale licensees *[must]* **are to** keep and maintain a place for storage of merchandise, which *[must be]* **is** designated in the license and *[must be]* separate and apart from any storage place used by others and with a separate entrance and street address.

(4) No wholesaler licensee *[shall]* **may** deliver or cause intoxicating liquors<sup>[, wine or nonintoxicating beer]</sup> to be delivered to any premises unless there *[shall be displayed]* **is a license displayed** prominently *[in the premises a license]* issued by the supervisor of *[liquor]* **alcohol and tobacco** control to the person purchasing the liquor, wine or beer, designating the purchaser as a person, licensed to sell on the premises the kind of liquor, **wine** or beer s/he is about to deliver.

(5) Wholesalers licensed to sell intoxicating liquor <sup>[or nonintoxicating beer shall]</sup> **are to** make and keep *[duplicate]* invoices for all sales or deliveries of intoxicating liquor <sup>[and nonintoxicating beer]</sup> and the Missouri license number of every person to whom intoxicating liquor <sup>[and nonintoxicating beer]</sup> is sold or delivered by the licensees *[shall]* **is to** be written or stamped upon the *[duplicate]* invoices.

(6) Shipments by wholesalers or solicitors *[shall]* **may** be made only to licensed dealers of this or other states. A bill of lading *[shall]* **is to** be secured from the carrier and kept on file for a period of two (2) years, so that shipments *[can]* **may** be traced by the division's auditors or *[inspectors]* **agents**.

(7) No manufacturer who has acquired knowledge or been given notice that a wholesaler has been suspended *[shall]* **may** make sales or deliver merchandise to the wholesaler during the period of time that the licensee is under suspension.

*AUTHORITY: section 311.660, RSMo Supp. [1989] **2018**. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed April 23, 1981, effective Aug. 13, 1981. **Amended: Filed October 10, 2018.***

*\*Original authority: 311.660, RSMo 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](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.*