

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

PROPOSED AMENDMENT

11 CSR 70-2.060 Manufacturers. The division is deleting section (2) and amending sections (1) and (3) through (7).

Purpose – To revise this section that establishes procedures for labeling, bottling and delivery of products, to reflect the elimination of Chapter 312, RSMo, regarding nonintoxicating beer and to eliminate the alcohol content labeling requirements for nonintoxicating beer. The Division’s name will be changed to Division of Alcohol and Tobacco Control and the US Treasury Department, Bureau of Alcohol, Tobacco and Firearms to Alcohol and Tobacco Tax and Trade Bureau in all applicable sections.

Editor’s Note: *The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) Regulations announced [by] **pursuant to** the Federal Alcohol Administration **Act** relating to labeling of distilled spirits, wine and malt beverages, packaged for shipment in interstate commerce, are made a part of this regulation as though fully set forth and are promulgated with respect to Missouri; these regulations [shall] apply to distilled spirits, wine and malt beverages packaged purely for interstate shipment insofar as the regulations are not contrary to or inconsistent with the laws of Missouri. In addition to the regulations, the label of every container of spirituous liquor, wine, **or** malt liquor [or nonintoxicating beer], unless already required by the regulations, shall set forth the name and address of the manufacturer, brewer, distiller, rectifier or producer of the spirituous liquor, wine, **or** malt liquor [or nonintoxicating beer] as the case may be; provided that if the name of the brewer or manufacturer of malt liquor which appears on the label is not the owner of the facility where the malt liquor was brewed or manufactured, then the name, owner and address of the facility shall also be set forth on the label.

(2) *[Every manufacturer or brewer manufacturing or brewing any nonintoxicating beer in this state and every manufacturer, brewer or wholesaler outside of the state, shipping any intoxicating beer into this state, shall cause to be printed upon the large label around and upon the body of each bottle of nonintoxicating beer, one of the following inscriptions: “Alcoholic content not in excess of three and two-tenths percent (3.2%) by weight,” or “Alcoholic content not in excess of four percent (4%) by volume,” or in lieu of those inscriptions, shall cause the inscription to be printed on the crown of the bottle and in addition to those inscriptions on a separate label from the manufacturer’s label previously described, which label shall be placed around the neck or body of the bottle in a secure manner so that it will adhere to the bottle after being iced so that it shall be on the bottle when the beer is served to the consumer. There shall be printed, stamped or embossed upon every can containing nonintoxicating beer, the statement, “Three and two-tenths percent (3.2%) by weight” or “Alcoholic content not in excess of three and two-tenths percent (3.2%) by weight.”*

(3)] All licensees engaged in bottling intoxicating liquor and alcoholic beverages, before filling any bottle, shall cause the same to be sterilized by one (1) of the following methods:

(A) All new bottles, unless sterile, *[shall]* **are to** be sterilized or cleaned by thoroughly rinsing with clean sterile water or by blowing or vacuuming with proper machines for sterilization or cleansing.

(B) All used bottles *[shall]* **are to** be sterilized by soaking in a hot caustic solution which *[shall]* contains not less than three percent (3%) caustic or alkali expressed in terms of sodium hydrate. The period of time in the solution *[shall]* **is to** be governed by the temperature and strength of the solution. *[Then t]*The bottles *[must]* **are then to be** rinsed thoroughly in clean sterile water until free from alkali or sodium hydrate.

[(4)] (3) All manufacturers and wholesalers *[at all times shall]* **are to** keep their premises and equipment in a clean and sanitary condition.

[(5)] (4) *[No m]*Malt liquor *[or nonintoxicating beer]* in bottles, cans, *[or]* jugs, **barrels or kegs** *[shall]* **may** be brought in or transported within this state for the purpose of sale to any licensee or be sold to any licensee in *[other than]* cases, **barrels or kegs** the sizes of which have been approved by the *[Bureau of Alcohol, Tobacco and Firearms]* **US Treasury Department, Alcohol and Tobacco Tax and Trade Bureau.**

[(6)] Malt liquor and nonintoxicating beer may be brought in or transported into this state for the purpose of sale to any licensee or be sold to any licensee also in barrels or kegs the sizes of which have been approved by the Bureau of Alcohol, Tobacco and Firearms.

(7)] (5) For the purpose of the regulation the following definitions apply:

(A) A “facility which brews or manufactures malt liquor” is defined as a brewery or manufacturing plant premises licensed by either, or both, the state within which it is located and/or the *[United States Federal Alcohol Administration]* **US Treasury Department, Alcohol and Tobacco Tax and Trade Bureau;** and

(B) An “owner” of a facility which brews or manufacturers malt liquor is defined as *[a person, corporation, limited liability company, partnership or other legal business]* **an** entity, who holds the entire facility in fee simple, or has a leasehold interest for a term of years in that entire facility, and is the person or business entity licensed for that entire facility by either or both, the state within which the facility is located and/or the *[United States Federal Alcohol Administration]* **US Treasury Department, Alcohol and Tobacco Tax and Trade Bureau.**

AUTHORITY: section 311.660, RSMo [1994] **2018.** * This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Emergency amendment filed Nov. 21, 1996, effective Dec. 31, 1996, expired June 28, 1997. Amended: Filed Nov. 21, 1996, effective May 30, 1997. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. **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. 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.*