

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

**PROPOSED AMENDMENT**

**11 CSR 70-2.250 Salvaged Alcoholic Beverages.** The division is amending sections (1), (2), and (3).

*Purpose – To revise this section, which establishes licensing and procedure for disposal of salvaged intoxicating liquors, to reflect the elimination of Chapter 312, RSMo, regulating nonintoxicating beer. The Division's name will be changed to Division of Alcohol and Tobacco Control in all applicable sections.*

(1) *[Alcoholic beverages]* **Intoxicating liquors** which are damaged in this state as a result of flood, wreck, fire or similar occurrence may be sold for salvage.

(2) *[Alcoholic beverages]* **Intoxicating liquors** so salvaged may be sold to a Missouri licensee, upon the approval of the supervisor under the following terms and conditions:

(A) Application shall be made to the supervisor for authority to sell distressed merchandise in Missouri. *The application shall contain* **including** the name of the person desiring to sell the merchandise, the nature of the damage, a description of the merchandise and whether the contemplated sale is to be to a Missouri licensee;

(B) The distressed merchandise *[shall]* **is to** be examined at the scene of the occurrence, as soon as practicable, by a representative of the Department of Health **and Senior Services** and the sale *[shall]* **is not to** be approved by the supervisor until notified by the representative that the merchandise is fit for human consumption;

(C) Written approval and release for the sale of distressed merchandise *[shall]* **cannot** be issued until an inspection of the distressed merchandise is made by an agent of the Division of *[Liquor]* **Alcohol and Tobacco Control** who will determine whether the merchandise is within the meaning of this regulation and that all Missouri taxes have been paid;

(D) No merchandise *[shall]* **may** be sold under this regulation where the original packages have been so damaged so as to render the label on the package not within the requirements under 11 CSR 70-2.060(1); and

(E) *[Anyone seeking to sell distressed merchandise shall obtain a permit from the supervisor.]*

(3) [*Alcoholic beverages*] **Intoxicating liquors** so salvaged [*shall be*] **are** referred to as distressed merchandise.

(A) Each container of [*alcoholic beverages*] **Intoxicating liquors** sold pursuant to this regulation shall bear a label, to be provided by the Division of [*Liquor*] **Alcohol and Tobacco** Control, certifying the merchandise as distressed merchandise.

(B) No distressed merchandise salvaged outside of the state may be imported into Missouri for sale pursuant to this regulation.

AUTHORITY: section 311.660, RSMo Supp. [1989] **2018**. \* This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. **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.*