

11 CSR 70-2.280 Guidelines for Using Minors in Intoxicating Liquor Investigations

PURPOSE: This rule establishes guidelines for the use of minors in intoxicating liquor or nonintoxicating beer investigations by a state, county, municipal, or other local law enforcement authority.

(1) The following are guidelines for the use of minors in intoxicating liquor investigations by a state, county, municipal, or other local law enforcement authority:

(A) The minor be eighteen (18) or nineteen (19) years of age;

(B) The minor have a youthful appearance and the minor, if a male, not have facial hair or a receding hairline; if a female, not wear excessive makeup or excessive jewelry. The minor, male or female, not wear headgear that will obstruct a clear view of the face or hairline;

(C) The minor carry his or her own identification showing the minor's correct date of birth and, upon request, produce such identification to the seller of the intoxicating liquor at the licensed establishment; and the state, county, municipal, or other local law enforcement agency shall search the minor prior to the operation to ensure that the minor is not in possession of any other valid or fictitious identification;

(D) The minor shall answer truthfully any questions about his or her age and not remain silent when asked questions regarding his or her age, nor misrepresent anything in order to induce a sale of intoxicating liquor;

(E) The state, county, municipal, or other local law enforcement agency are to make a copy of the minor's valid identification showing the minor's correct date of birth;

(F) Any attempt by such minor to purchase intoxicating liquor products be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the intoxicating liquor product;

(G) The minor is not employed by the state, county, municipal, or other local law enforcement agency on an incentive or quota basis;

(H) If a violation occurs, the state, county, municipal, or other local law enforcement agency makes reasonable efforts to confront the seller in a timely manner, and within forty-eight (48) hours, contact or take all reasonable steps to contact the owner or manager of the establishment;

(I) The state, county, municipal, or other local law enforcement agency maintains records of each visit to an establishment where a minor is used by the state, county, municipal, or other local law enforcement agency for a period of at least one (1) year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

1. A photograph of the minor taken immediately prior to the operation;

2. A copy of the minor's valid identification, showing the minor's correct date of birth;

3. An Information and Consent document, completed by the minor in advance of the operation;

4. The name of each establishment visited by the minor, and the date and time of each visit; and

5. The audiotape or videotape specified in subsection (1)(F) above; and

6. A written Minor Report.

(J) The state, county, municipal, or other local law enforcement agency provides currency to the minor, to be used in the operation. If a violation occurs, said agency should further secure and inventory any intoxicating liquor products purchased; and

(K) The state, county, municipal, or other local law enforcement agency, in advance of the operation, train the minor who will be used in the operation. Training, at a minimum, includes:

1. Instruction to enter the designated establishment and to proceed immediately to attempt to purchase intoxicating liquor products;
2. Instruction to provide the minor's valid identification upon a request for identification by the seller;
3. Instruction to answer truthfully all questions about age;
4. Instruction not to lie to the seller to induce a sale of intoxicating liquor products;
5. Instruction on the use of currency; and
6. Instruction on the other matters set out in this regulation.

(2) The supervisor of Alcohol and Tobacco Control shall not participate with any state, county, municipal, or other local law enforcement agency, nor discipline any licensed establishment when any state, county, municipal, or other law enforcement agency chooses not to follow the supervisor's permissive standards.

AUTHORITY: section 311.722, RSMo 2016. Original rule filed Jan. 13, 2006, effective Aug. 30, 2006. Amended: Filed Oct. 10, 2018, effective May 30, 2019.

**Original authority: 311.722, RSMo 2005, amended 2009.*