

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 239
99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, March 15, 2017, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1049S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 311.275, 311.510, and 311.540, RSMo, and to enact in lieu thereof three new sections relating to licensure for the distribution and sale of alcohol.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 311.275, 311.510, and 311.540, RSMo, is repealed and
2 three new sections enacted in lieu thereof, to be known as sections 311.275,
3 311.510, and 311.540, to read as follows:

311.275. 1. For purposes of tax revenue control, beginning January 1,
2 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as
3 defined in this chapter, within this state, other than a wholesale-solicitor, shall
4 solicit, accept, or fill any order for any intoxicating liquor from a holder of a
5 wholesaler's license issued under this chapter, unless the holder of such solicitor's
6 license has registered with the division of alcohol and tobacco control as the
7 primary American source of supply for the brand of intoxicating liquor sold or
8 sought to be sold. The supervisor of alcohol and tobacco control shall provide
9 forms for annual registration as the primary American source of supply, and shall
10 prescribe the procedures for such registration.

11 2. Beginning January 1, 1980, no holder of a wholesaler's license issued
12 under this chapter shall order, purchase or receive any intoxicating liquor from
13 any solicitor, other than a wholesale-solicitor, unless the solicitor has registered
14 with the division of alcohol and tobacco control as the primary American source
15 of supply for the brand of intoxicating liquor ordered, purchased or received.

16 3. The term "primary American source of supply" as used herein shall
17 mean the distiller, producer, the owner of the commodity at the time it became
18 a marketable product, the bottler, or the exclusive agent of any such distiller,
19 producer, bottler or owner, the basic requirement being that the nonresident

20 seller be the first source closest to the manufacturer in the channel of commerce
21 from whom the product can be secured by American wholesalers.

22 4. Any vintage wine solicitor licensed under section 311.180 may register
23 as the primary American source of supply for vintage wine with the division of
24 alcohol and tobacco control, provided that another solicitor is not registered as the
25 primary American source of supply for the vintage wine and the vintage wine has
26 been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau.

27 **5. The supervisor of alcohol and tobacco control shall approve**
28 **or deny the application for primary American source of supply for any**
29 **intoxicating liquor product within five working days following the**
30 **receipt of a properly completed application. Any such application for**
31 **an intoxicating liquor product received by the supervisor of alcohol**
32 **and tobacco control that is not approved or denied within five working**
33 **days shall be considered conditionally approved and such intoxicating**
34 **liquor product may be solicited, sold, shipped, ordered, purchased, and**
35 **received in this state.**

311.510. 1. It shall be the duty of the supervisor of liquor control, **or his**
2 **or her designee**, to cause to be inspected all beer, as defined in this chapter, or
3 other intoxicating malt liquors, brewed, manufactured or sold in this state, and
4 he **or she** shall determine whether such beer or other intoxicating malt liquor
5 has been made from pure hops or the pure extract of hops, or of pure barley malt
6 or other wholesome grains or cereals, or wholesome yeast, and pure water, and
7 whether the package containing such beer or intoxicating malt liquor has been
8 correctly labeled to show that the same has been made from wholesome
9 ingredients.

10 2. Notwithstanding the provisions of subsection 1 of this section, the
11 supervisor of liquor control, **or his or her designee**, shall not require product
12 samples and shall not require the testing of product samples to determine alcohol
13 content prior to granting approval for the sale of any such beer or other
14 intoxicating malt liquor product in the state of Missouri if the supervisor of liquor
15 control is provided with a copy of a certificate of label approval issued by the
16 Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol
17 content of the product.

311.540. 1. Every person, persons or corporation who shall manufacture
2 or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other
3 spirituous liquors, within this state, and wholesale or retail dealers or any other

4 person who shall import such intoxicating liquors into this state, for the purpose
5 of sale or offering the same for sale in this state, shall, before offering the same
6 for sale, cause the same to be inspected and gauged by the supervisor of liquor
7 control, **or his or her designee**. It shall be the duty of the supervisor of liquor
8 control to inspect and gauge such character of intoxicating liquor referred to in
9 this section and to ascertain whether the same is correctly labeled.

10 2. Notwithstanding the provisions of subsection 1 of this section, the
11 supervisor of liquor control, **or his or her designee**, shall not require product
12 samples and shall not require the testing of product samples to determine alcohol
13 content prior to granting approval for the sale of any such spirituous liquors
14 product in the state if the supervisor of liquor control is provided with a copy of
15 a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco
16 and Firearms which verifies the alcohol content of the product.

✓

Bill

Copy