

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 29
99TH GENERAL ASSEMBLY

0265H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.020 and 311.185, RSMo, and to enact in lieu thereof three new sections relating to powdered alcohol.

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

Section A. Sections 311.020 and 311.185, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 311.020, 311.185, and 311.188, to read as
3 follows:

311.020. The term "intoxicating liquor" as used in this chapter shall mean and include
2 alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors,
3 or combination of liquors, a part of which is spirituous, vinous, or fermented, and all
4 preparations or mixtures for beverage purposes, containing in excess of one-half of one percent
5 by volume. **The term "intoxicating liquor" shall include "powdered alcohol", which means**
6 **alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use**
7 **or for reconstitution in a nonalcoholic liquid.** All beverages having an alcoholic content of
8 less than one-half of one percent by volume shall be exempt from the provisions of this chapter,
9 but subject to inspection as provided by sections 196.365 to 196.445.

311.185. 1. Notwithstanding any rule, law, or regulation to the contrary, any person
2 currently licensed in this state or any other state as a wine manufacturer may apply for and the
3 supervisor of alcohol and tobacco control may issue a wine direct shipper license, as provided
4 in this section, which allows a wine manufacturer to ship up to two cases of wine per month
5 directly to a resident of this state who is at least twenty-one years of age for such resident's
6 personal use and not for resale. Before sending any shipment to a resident of this state, the wine
7 manufacturer shall first obtain a wine direct shipper license as follows:

8 (1) File an application with the division of alcohol and tobacco control; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 (2) Provide to the division of alcohol and tobacco control a true copy of its current
10 alcoholic beverage license issued in this state or any other state, as well as a copy of the winery
11 license from the Alcohol and Tobacco Tax and Trade Bureau.

12 2. All wine direct shipper licensees shall:

13 (1) Not ship more than two cases of wine per month to any person for his or her personal
14 use and not for resale;

15 (2) Not use any carrier for shipping of wine that is not licensed under this section;

16 (3) Only ship wine that is properly registered with the Alcohol and Tobacco Tax and
17 Trade Bureau;

18 (4) Only ship wine manufactured on the winery premises;

19 (5) Ensure that all containers of wine delivered directly to a resident of this state are
20 conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON
21 AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording
22 preapproved by the division of alcohol and tobacco control;

23 (6) If the winery is located outside of this state, by January thirty-first, make a report
24 under oath to the supervisor of alcohol and tobacco control setting out the total amount of wine
25 shipped into the state the preceding year;

26 (7) If the winery is located outside of this state, pay the division of alcohol and tobacco
27 control all excise taxes due on the amount to be calculated as if the sale were in this state at the
28 location where the delivery is made;

29 (8) If the winery is located within this state, provide the division of alcohol and tobacco
30 control any additional information deemed necessary beyond that already required for retail sales
31 from the winery tasting room to ensure compliance with this section;

32 (9) Permit the division of alcohol and tobacco control to perform an audit of the wine
33 direct shipper licensees' records upon request; and

34 (10) Be deemed to have consented to the jurisdiction of the division of alcohol and
35 tobacco control or any other state agency and the Missouri courts concerning enforcement of this
36 section and any related laws, rules, or regulations.

37 3. The wine direct shipper licensee may annually renew its license with the division of
38 alcohol and tobacco control by providing the division of alcohol and tobacco control all required
39 items provided in subsection 1 of this section.

40 4. Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for
41 and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as
42 provided in this section, which allows the carrier to transport and deliver shipments of wine **or**
43 **powdered alcohol, as defined in section 311.020**, directly to a resident of this state who is at
44 least twenty-one years of age or older. Before transporting any shipment of wine **or powdered**

45 **alcohol** to a resident of this state, the carrier shall first obtain an alcohol carrier license by filing
46 an application with the division of alcohol and tobacco control.

47 5. All alcohol carrier licensees shall:

48 (1) Not deliver to any person under twenty-one years of age, or to any intoxicated person,
49 or any person appearing to be in a state of intoxication;

50 (2) Require valid proof of identity and age;

51 (3) Obtain the signature of an adult as a condition of delivery; and

52 (4) Keep records of wine **or powdered alcohol** shipped which include the license
53 number and name of the winery or retailer, quantity of wine **or powdered alcohol** shipped,
54 recipient's name and address, and an electronic or paper form of signature from the recipient of
55 the wine **or powdered alcohol**.

56 6. The division of alcohol and tobacco control may promulgate rules to effectuate the
57 provisions of this section. Any rule or portion of a rule, as that term is defined in section
58 536.010, that is created under the authority delegated in this section shall become effective only
59 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
60 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
61 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
62 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
63 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

**311.188. No person shall ship or deliver powdered alcohol, as defined in section
2 311.020, to a resident of this state for personal use and not for resale except through an
3 alcohol carrier licensed under subsection 4 of section 311.185.**

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