

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 895
99TH GENERAL ASSEMBLY

1833H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 311.275, 311.510, and 311.540, RSMo, and to enact in lieu thereof three new sections relating to alcoholic beverages.

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Section A. Sections 311.275, 311.510, and 311.540, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 311.275, 311.510, and 311.540, to read as follows:

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

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

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

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.

18 being that the nonresident seller be the first source closest to the manufacturer in the channel of
19 commerce from whom the product can be secured by American wholesalers.

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

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

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

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

311.540. 1. Every person, persons or corporation who shall manufacture or distill
2 spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within
3 this state, and wholesale or retail dealers or any other person who shall import such intoxicating
4 liquors into this state, for the purpose of sale or offering the same for sale in this state, shall,
5 before offering the same for sale, cause the same to be inspected and gauged by the supervisor
6 of liquor control, **or his or her designee**. It shall be the duty of the supervisor of liquor control,
7 **or his or her designee**, to inspect and gauge such character of intoxicating liquor referred to in
8 this section and to ascertain whether the same is correctly labeled.

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

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