

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2155, Page 1, Section A, Line 2, by inserting after all of said line the
2 following:

3 "311.020. The term "intoxicating liquor" as used in this chapter shall mean and include
4 alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or
5 combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or
6 mixtures for beverage purposes, containing in excess of one-half of one percent by volume. The
7 term "intoxicating liquor" shall include "powdered alcohol", which means alcohol that is prepared in
8 a powdered, crystalline, or capsule form either for direct use or for reconstitution in a nonalcoholic
9 liquid; "powdered alcohol" shall also include gum or candy infused with powdered or other alcohol.
10 All beverages having an alcoholic content of less than one-half of one percent by volume shall be
11 exempt from the provisions of this chapter, but subject to inspection as provided by sections
12 196.365 to 196.445.

13 311.185. 1. Notwithstanding any rule, law, or regulation to the contrary, any person
14 currently licensed in this state or any other state as a wine manufacturer may apply for and the
15 supervisor of alcohol and tobacco control may issue a wine direct shipper license, as provided in
16 this section, which allows a wine manufacturer to ship up to two cases of wine per month directly to
17 a resident of this state who is at least twenty-one years of age for such resident's personal use and
18 not for resale. Before sending any shipment to a resident of this state, the wine manufacturer shall
19 first obtain a wine direct shipper license as follows:

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

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

24 2. All wine direct shipper licensees shall:

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

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

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

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

31 (5) Ensure that all containers of wine delivered directly to a resident of this state are
32 conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE
33 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording
34 preapproved by the division of alcohol and tobacco control;

35 (6) If the winery is located outside of this state, by January thirty-first, make a report under
36 oath to the supervisor of alcohol and tobacco control setting out the total amount of wine shipped

Action Taken _____ Date _____

1 into the state the preceding year;

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

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

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

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

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

16 4. Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for
17 and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as provided
18 in this section, which allows the carrier to transport and deliver shipments of wine or powdered
19 alcohol, as defined in section 311.020, directly to a resident of this state who is at least twenty-one
20 years of age or older. Before transporting any shipment of wine or powdered alcohol to a resident
21 of this state, the carrier shall first obtain an alcohol carrier license by filing an application with the
22 division of alcohol and tobacco control.

23 5. All alcohol carrier licensees shall:

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

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

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

28 (4) Keep records of wine or powdered alcohol shipped which include the license number
29 and name of the winery or retailer, quantity of wine or powdered alcohol shipped, recipient's name
30 and address, and an electronic or paper form of signature from the recipient of the wine or
31 powdered alcohol.

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

40 311.188. No person shall ship or deliver powdered alcohol, as defined in section 311.020, to a
41 resident of this state for personal use and not for resale except through an alcohol carrier licensed
42 under subsection 4 of section 311.185."; and

43
44 Further amend said bill by amending the title, enacting clause, and intersectional references
45 accordingly.