

FIRST REGULAR SESSION

# HOUSE BILL NO. 940

101ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE PORTER.

1371H.011

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To repeal section 311.185, RSMo, and to enact in lieu thereof one new section relating to shipments of alcohol.

---

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

Section A. Section 311.185, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.185, to read as follows:

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

(1) File an application with the division of alcohol and tobacco control; and  
(2) Provide to the division of alcohol and tobacco control a true copy of its current alcoholic beverage license issued in this state or any other state, as well as a copy of the winery **or distillery** license, **if applicable**, from the Alcohol and Tobacco Tax and Trade Bureau.

2. All wine direct shipper licensees **and distilled spirit direct shipper licensees** shall:

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

(2) Not use any carrier for shipping of wine **or distilled spirits** that is not licensed under this section;

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 (3) Only ship wine **or distilled spirits** that is properly registered with the Alcohol and  
19 Tobacco Tax and Trade Bureau;

20 (4) Only ship wine **or distilled spirits** manufactured on the [~~winery~~] premises of the  
21 **winery or distillery**;

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

26 (6) If the winery **or distillery** is located outside of this state, by January thirty-first, make  
27 a report under oath to the supervisor of alcohol and tobacco control setting out the total amount  
28 of wine **or distilled spirits** shipped into the state the preceding year;

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

32 (8) If the winery **or distillery** is located within this state, provide the division of alcohol  
33 and tobacco control any additional information deemed necessary beyond that already required  
34 for retail sales from [~~the~~] **any winery or distillery** tasting room to ensure compliance with this  
35 section;

36 (9) Permit the division of alcohol and tobacco control to perform an audit of the wine  
37 direct shipper licensees' **or distilled spirit direct shipper licensees'** records upon request; and

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

41 3. The wine direct shipper licensee **or distilled spirit direct shipper licensee** may  
42 annually renew its license with the division of alcohol and tobacco control by providing the  
43 division of alcohol and tobacco control all required items provided in subsection 1 of this  
44 section.

45 4. Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for  
46 and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as  
47 provided in this section, which allows the carrier to transport and deliver shipments of wine **or**  
48 **distilled spirits** directly to a resident of this state who is at least twenty-one years of age or older.  
49 Before transporting any shipment of wine **or distilled spirits** to a resident of this state, the carrier  
50 shall first obtain an alcohol carrier license by filing an application with the division of alcohol  
51 and tobacco control.

52 5. All alcohol carrier licensees shall:

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

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

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

57 (4) Keep records of wine **or distilled spirits** shipped which include the license number  
58 and name of the winery, **distillery**, or retailer[;] ; quantity of wine **or distilled spirits** shipped[;]  
59 ; recipient's name and address[;] ; and an electronic or paper form of signature from the recipient  
60 of the wine **or distilled spirits**.

61 6. The division of alcohol and tobacco control may promulgate rules to effectuate the  
62 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
63 536.010, that is created under the authority delegated in this section shall become effective only  
64 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
65 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
66 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove  
67 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
68 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

✓