

SENATE BILL NO. 1501

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

6503S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 311.185, RSMo, and to enact in lieu thereof one new section relating to direct shipment of alcoholic beverages.

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Section A. Section 311.185, RSMo, is repealed and one new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

311.185. 1. Notwithstanding any rule, law, or
2 regulation to the contrary, any person currently licensed in
3 this state [or any other state] as a wine manufacturer,
4 **distilled spirits manufacturer, or retailer under this**
5 **chapter** may apply for, and the supervisor of alcohol and
6 tobacco control may issue, a [wine] direct shipper license,
7 as provided in this section[, which allows a wine]. **The**
8 **license shall allow such** manufacturer **or retailer** to ship
9 [up to two cases of] wine [per month] **or distilled spirits**
10 **produced or lawfully purchased by the licensee, up to**
11 **volumes authorized in this section,** directly to:

12 (1) A resident of this state who is at least twenty-
13 one years of age, for such resident's personal use and not
14 for resale[. Before sending any shipment to a resident of
15 this state, the wine manufacturer shall first obtain a wine
16 direct shipper license as follows:]; **or**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 (2) A resident of another state, provided that the
18 destination state permits direct shipment of alcoholic
19 beverages to residents and the shipment complies with that
20 state's law.

21 2. To receive a direct shipper license an applicant
22 shall:

23 (1) File an application with the division of alcohol
24 and tobacco control **on forms prescribed by the division;** and

25 (2) Provide to the division of alcohol and tobacco
26 control a true copy of its current alcoholic beverage
27 license issued in this state [or any other state, as well as
28 a copy of the winery license from] **and, if applicable, its**
29 **federal basic permit issued by** the Alcohol and Tobacco Tax
30 and Trade Bureau.

31 [2.] 3. All [wine] direct shipper licensees shall:

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

35 (2) [Not use any carrier for shipping of wine that is
36 not] **Use only carriers** licensed under this section;

37 (3) [Only] Ship [wine that is properly registered with
38 the Alcohol and Tobacco Tax and Trade Bureau] **only alcoholic**
39 **beverages lawfully produced, purchased, or possessed under**
40 **the laws of this state;**

41 (4) [Only ship wine manufactured on the winery
42 premises;

43 (5)] Ensure that all containers of [wine] **alcoholic**
44 **beverages** delivered directly to a resident of this state **or**
45 **another state** are conspicuously labeled with the words
46 "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
47 REQUIRED FOR DELIVERY" or [are conspicuously labeled with]

48 **other** wording preapproved by the division of alcohol and
49 tobacco control;

50 [(6) If the winery is located outside of this state,]

51 (5) By January thirty-first **each year**, make a report under
52 oath to the supervisor of **the division of** alcohol and
53 tobacco control setting out the total amount of [wine]
54 **alcoholic beverages** shipped into [the] **or out of this** state
55 the preceding year;

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

60 (6) **Pay all applicable state excise and sales taxes on**
61 **alcoholic beverages shipped to residents of this state and**
62 **comply with any applicable excise or reporting requirements**
63 **for shipments to other states;**

64 [(8) If the winery is located within this state,] (7)
65 Provide the division of alcohol and tobacco control any
66 additional information deemed necessary [beyond that already
67 required for retail sales from the winery tasting room] to
68 ensure compliance with this section;

69 [(9)] (8) Permit the division of alcohol and tobacco
70 control to perform an audit of the [wine direct shipper]
71 licensees' records upon request; and

72 [(10)] (9) Be deemed to have consented to the
73 jurisdiction of the division of alcohol and tobacco control
74 or any other state agency and the Missouri courts concerning
75 enforcement of this section and any related laws, rules, or
76 regulations.

77 [3. The wine direct shipper licensee may annually
78 renew its license with the division of alcohol and tobacco
79 control by providing the division of alcohol and tobacco

control all required items provided in subsection 1 of this section.]

4. (1) Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for, and the supervisor of **the division of** alcohol and tobacco control may issue, an alcohol carrier license[, as provided in this section, which] **that** allows the carrier to transport and deliver shipments of [wine] **alcoholic beverages** directly to a resident of this state [who is at least twenty-one years of age or older. Before transporting any shipment of wine to a resident of this state, the carrier shall first obtain an alcohol carrier license by filing an application with the division of alcohol and tobacco control] **or another state in which such shipments are permitted.**

[5.] (2) All alcohol carrier licensees shall:

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

[(2)] (b) Require valid proof of identity and age;

[(3)] (c) Obtain the signature of an adult as a condition of delivery; and

[(4)] (d) Keep records of [wine] **alcoholic beverages** shipped, which include the license number and name of the [winery or retailer] **shipper**, quantity [of wine] shipped, recipient's name and address, **carrier license number and tracking number**, and an electronic or paper form of signature from the recipient [of the wine].

5. **The direct shipper licensee may annually renew its license with the division of alcohol and tobacco control by providing all required documentation and paying applicable fees.**

111 6. The division of alcohol and tobacco control may
112 promulgate rules to effectuate the provisions of this
113 section. Any rule or portion of a rule, as that term is
114 defined in section 536.010, that is created under the
115 authority delegated in this section shall become effective
116 only if it complies with and is subject to all of the
117 provisions of chapter 536 and, if applicable, section
118 536.028. This section and chapter 536 are nonseverable and
119 if any of the powers vested with the general assembly
120 pursuant to chapter 536 to review, to delay the effective
121 date or to disapprove and annul a rule are subsequently held
122 unconstitutional, then the grant of rulemaking authority and
123 any rule proposed or adopted after August 28, 2007, shall be
124 invalid and void.

125 **7. As used in this section, the following terms mean:**

126 **(1) "Direct shipper license", a license issued under**
127 **this section to a Missouri wine manufacturer, distilled**
128 **spirits manufacturer, or retailer;**

129 **(2) "Distilled spirits", an intoxicating liquor that**
130 **is distilled, blended, or compounded;**

131 **(3) "Retailer", any person licensed under this chapter**
132 **to sell intoxicating liquor by the package or drink for**
133 **consumption on or off the premises.**

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