

**Title 11--DEPARTMENT OF PUBLIC SAFETY
Division 45--Missouri Gaming Commission
Chapter 12--Liquor Control**

PROPOSED AMENDMENT

11 CSR 45-12.090 Rules of Liquor Control. The commission is amending section (20), adding a new section (21), and renumbering thereafter.

PURPOSE: This amendment lists requirements for allowing self-dispensing systems to be used for beer and wine off the gaming floor.

(20) Dispensing by Mechanical Devices Prohibited. No retail licensee shall use or permit to be used upon its licensed premises any self-service, coin-operated, mechanical devices, or automatic dispensers for the purpose of selling or dispensing intoxicating liquor, **other than beer and wine off the gaming floor**. This shall not prohibit sales using a controlled access liquor cabinet system as provided in 11 CSR 45-12.091.

(21) Self-Dispensing Systems. A licensee may use a self-dispensing system off the gaming floor, which is monitored and controlled by the licensee and allows patrons to dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two ounces of beer or sixteen ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

[(21)] **(22) Prohibited Dispensing.** No licensee or employee shall mix or pour, or permit to be mixed or poured, any intoxicating liquor directly into any person's mouth upon or about the licensed premises.

[(22)] **(23) Sale Off-Premises Prohibited.** No excursion liquor licensee or the licensee's agent or employee shall sell intoxicating liquor in any place other than that designated on the license or at any other time or otherwise authorized by the license. Nothing in this section shall prohibit a licensee from selling intoxicating liquor off-premises pursuant to a valid liquor license issued by the Missouri Supervisor of Liquor Control.

[(23)] **(24) Sale for Resale—Prohibited.** No person holding a license authorizing the retail sale of intoxicating liquor shall sell or deliver any liquor to any person with knowledge or with reasonable cause to believe, that the person to whom the liquor is sold or delivered has acquired the liquor for the purpose of reselling it.

[(24)] **(25) Complimentary Service of Intoxicating Liquor.** An excursion liquor licensee shall not, through actions of its own or of an employee, supply any intoxicating liquor in any quantity whatsoever free of charge or as a complimentary to any person on the gaming floor of the premises.

[(25)] **(26) Unfinished bottles of wine may be carried out of a restaurant bar, when—**It shall not be unlawful for the excursion liquor licensee or employee of a food and beverage outlet located in nongaming areas to allow patrons to carry out one (1) or more bottles of unfinished wine under the following conditions:

- (A) The patron must have ordered a meal;
- (B) The bottle(s) of wine must have been at least partially consumed during the meal;
- (C) The restaurant bar must provide a dated receipt for the unfinished bottle(s) of wine;

and

- (D) The restaurant bar must securely reseal the bottle(s) of wine and place them in one (1) or more one (1)-time-use, tamperproof, transparent bags and securely seal the bags.

[(26)] (27) Activities for certain organizations allowed, when—Excursion liquor licensees may, in nongaming areas of their licensed premises, permit charitable or religious organizations as defined in section 313.005, RSMo, or educational institutions, to hold—

(A) Events or activities for which admission is charged and liquor which has been donated, delivered, or caused to be delivered pursuant to the provisions of section 311.332, RSMo, is available without a separate charge. Such occurrences shall not constitute resale for the purposes of this rule; or

(B) Auctions of liquor in the original package for fund-raising purposes pursuant to the provisions of section 311.332, RSMo; provided that all remaining liquor so donated, delivered, or caused to be delivered to the charitable or religious organization or educational institution at the close of the event, activity, or auction shall remain the property and responsibility of the charitable or religious organization or educational institution and shall not be converted to the benefit of the excursion liquor licensee.

***AUTHORITY:** section 311.205, RSMO (SB 919, Second Regular Session, Ninety-eighth General Assembly, 2016), section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2011. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed August 31, 2016.*

***PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

***PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

***NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*