

**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 sections (10) and (12).

*PURPOSE: This amendment removes references to “nonintoxicating beer” to stay consistent with the liquor control regulations governed by the Missouri Division of Alcohol and Tobacco Control and removes advertising prohibitions in accordance with the 8<sup>th</sup> Circuit federal court ruling in Missouri Broadcasters Ass’n v. Schmitt.*

(10) Commercial Credit. No excursion liquor licensee shall accept any equipment, money, credit, or property of any kind, except ordinary commercial credit for liquors purchased from a distiller, wholesaler, winemaker, or brewer.

(A) Ordinary commercial credit as used in the malt beverage [*and nonintoxicating beer*] industry shall be credit on such terms as shall require payment to be made by the excursion licensee by the last day of the month for malt beverages [*or nonintoxicating beer*] which is delivered to the excursion licensee on or after the first day of the month and up to and including the fifteenth day of the month and by the fifteenth day of the month next succeeding for malt beverages [*or nonintoxicating beer*] which is delivered to the excursion licensee on or after the sixteenth day of the month and up to and including the last day of the month. No brewer or wholesaler shall sell or deliver to any excursion licensee any malt beverage [*or nonintoxicating beer*] while the excursion licensee owes the brewer or wholesaler for any malt beverage [*or nonintoxicating beer*] beyond the period of time as indicated in this subsection.

(12) Advertising.

*[(A) Prohibited Advertising. No advertisement of intoxicating liquor visible outside the premises shall contain any statement offering any coupon, premium, prize, rebate, or sale price below the licensee’s actual cost or at a discount, as an inducement to purchase intoxicating liquor.]*

*[(B) Fee Not to be Accepted For Advertising Product.]* No licensee [*shall*] **may** accept payment of any fee, rental, or other consideration from manufacturers, wholesalers, or distributors for the use of any part of the licensed retail premises for advertising any brand name of distilled spirits, wine, **or** malt liquor [*, or nonintoxicating beer*] or for the purpose of advertising the name, trademark, or trade name of any maker thereof from any distiller, wholesaler, winemaker, brewer or its employees, officers, or agents.

*AUTHORITY: sections [311.205]311.180, 313.004, 313.805, and 313.840, RSMo 2016.\* 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. Emergency amendment filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Amended: Filed May 4, 1994, effective Sept. 30, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed April 3, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 7, 2001, effective June 30, 2002. Amended: Filed Aug. 27, 2004, effective March 30, 2005. Amended: Filed Aug. 30, 2006, effective March 30, 2007. Amended: Filed Dec. 1, 2010, effective July 30, 2011. Amended: Filed Sept. 29, 2011, effective May 30, 2012. Amended: Filed Jan. 14, 2016, effective Aug. 30, 2016. Amended: Filed Sept. 1, 2016, effective March 30, 2017. Amended: Filed December 10, 2020.*

*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 via email to [MGCPolicy@mgc.dps.mo.gov](mailto:MGCPolicy@mgc.dps.mo.gov), or by mail to the Missouri Gaming Commission, Policy Section, 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 February 9, 2021, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*