

12 CSR 10-103.050 Drinks and Beverages

PURPOSE: This rule interprets the sales tax law as it applies to the sale of drinks and beverages, and interprets and applies sections 144.010 and 144.080, RSMo.

(1) Sales tax applies to the total selling price of drinks and beverages, whether intoxicating or otherwise, unless the business or person selling the drink has a prominently displayed sign separately stating the price of the drink as well as the amount of the applicable sales tax or has an express written notice stating the price of the drink as well as the amount of the applicable sales tax on the menu, ticket, bill or cash register receipt which is supplied to each and every patron.

(2) Example 1: A bar sells mixed drinks for two dollars (\$2). There are neither signs in the establishment nor any other written notification supplied to each patron that separately states the price of the drink and the applicable sales tax. The business is subject to sales tax on the two dollars (\$2).

(3) Example 2: A bar sells mixed drinks for one dollar and seventy-five cents (\$1.75) plus twenty-five cents (25¢) sales tax for a total price of two dollars (\$2). The bar has a prominently displayed sign that reads: Mixed drinks one dollar and seventy-five cents (\$1.75). The business is subject to sales tax on the one dollar and seventy-five cents (\$1.75).

(4) Example 3: A bar sells mixed drinks for two dollars (\$2). The bar supplies the patron, simultaneously with the drink, a cash register receipt that reads: Mixed drinks one dollar and seventy-five cents (\$1.75) plus twenty-five cents (25¢) sales tax, total two dollars (\$2). The business is subject to sales tax on the one dollar and seventy-five cents (\$1.75).

(5) Example 4: A restaurant sells mixed drinks for one dollar and seventy-five cents (\$1.75) plus twenty-five cents (25¢) sales tax for a total price of two dollars (\$2). The restaurant provides to each patron a menu which states: Mixed drinks one dollar and seventy-five cents (\$1.75). The restaurant is subject to sales tax on the one dollar and seventy-five cents (\$1.75).

(6) Example 5: A restaurant has an attached lounge that sells mixed drinks for two dollars (\$2). While the patrons sitting in the restaurant are supplied with a menu which complies with section (5), the lounge patrons are not supplied with any written notification, such as a sign or otherwise, therefore, the restaurant lounge is subject to sales tax on the two dollars (\$2).

AUTHORITY: sections 144.270, RSMo 1994.* This rule was previously filed as rule no. 66 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 010-21 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed April 11, 1984, effective Oct. 11, 1984. This rule was previously filed as 12 CSR 10-3.050. Moved to 12 CSR 10-103.050, effective Aug. 31, 2023.

*Original authority: 144.270, RSMo 1939, amended 1941, 1943, 1945, 1947, 1955, 1961.