

FIRST REGULAR SESSION

HOUSE BILL NO. 36

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JOLLY AND WILLOUGHBY (Co-sponsors).

Pre-filed December 2, 2002, and copies ordered printed.

TED WEDEL, Chief Clerk

0265L.011

AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

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

Section A. Chapter 311, RSMo, is amended by adding thereto one new section, to be
2 known as section 311.603, to read as follows:

311.603. 1. As used in this section, the following terms shall mean:

2 (1) "Keg", any container capable of holding four gallons or more of beer, wine or
3 intoxicating liquor which is designed to dispense beer, wine or intoxicating liquor directly
4 from the container for purposes of consumption;

5 (2) "Registration seal", any document, stamp, declaration, seal, decal, sticker or
6 device approved by the supervisor which is designed to be affixed to kegs and which
7 displays a registration number and such other information as may be prescribed by the
8 supervisor; and

9 (3) "Supervisor", the supervisor of liquor control appointed pursuant to section
10 311.610.

11 2. The supervisor may provide to any person licensed to sell beer, wine or
12 intoxicating liquor pursuant to section 311.200 such forms and procedures as may be
13 necessary pursuant to this section to sell such beer, wine or intoxicating liquor in kegs for
14 off-premises consumption.

15 3. The provisions of this section shall not be construed to require a permit or
16 additional license of a person licensed pursuant to this chapter who sells beer, wine or
17 intoxicating liquor for on-premises consumption pursuant to such license.

18 4. No person licensed pursuant to this chapter to sell beer, wine or intoxicating
19 liquor at retail for off-premises consumption, or any officer, agent or employee thereof,

20 shall sell any such beer, wine or intoxicating liquor in a keg without having registered the
21 sale on a form prescribed by the supervisor and affixed a registration seal on the keg at the
22 time of sale.

23 **5. Prior to the sale of beer, wine or intoxicating liquor in kegs, the keg registration**
24 **declaration and receipt form provided by the supervisor shall be properly completed and**
25 **shall contain the following:**

26 **(1) The name and address of the purchaser verified by valid identification as**
27 **determined by rules and regulations promulgated by the supervisor;**

28 **(2) The type of identification presented by the purchaser;**

29 **(3) A statement signed by the purchaser indicating that the purchaser is twenty-one**
30 **years of age or older, does not intend to allow persons under twenty-one years of age to**
31 **consume the alcoholic beverages purchased, and that the purchaser will not remove or**
32 **obliterate the keg registration tag affixed to the keg or allow its removal or obliteration;**
33 **and**

34 **(4) A statement signed by the purchaser that the purchaser assumes full liability**
35 **as a result of the transaction.**

36 **6. Where the purchaser obtains more than one keg for consumption at the same**
37 **location and on the same date, only one keg registration declaration and receipt form need**
38 **be completed. All other keg registration declaration and receipt forms for that particular**
39 **transaction shall contain the registration number from the fully completed form as a**
40 **reference and shall be signed by the purchaser. Such keg registration declaration and**
41 **receipt forms which contain the reference number of a fully completed form and which**
42 **have been signed by the purchaser shall constitute a valid and properly completed keg**
43 **registration and declaration receipt.**

44 **7. The keg registration seal affixed to the keg may serve as the purchaser's receipt.**
45 **Upon receipt of a properly registered keg from a consumer, the licensee shall remove and**
46 **obliterate the keg registration seal from the keg and shall note such action on the keg**
47 **registration declaration and receipt form which shall be retained by the licensee on the**
48 **licensee's premises. Kegs made of disposable packaging shall not have to be returned to**
49 **the licensee. The licensee shall indicate on the keg declaration and receipt form that the**
50 **keg was not returnable due to its disposable packaging.**

51 **8. For the purpose of tracing the kegs and purchaser responsibility, it shall be the**
52 **responsibility of the licensee to affix the properly completed and signed keg registration**
53 **seal to all containers of four gallons or more of beer, wine or intoxicating liquor prior to**
54 **the container leaving control of such licensee.**

55 **9. Except as provided in this section, no person shall remove, alter, deface or**

56 obliterate the registration seal affixed to a keg. Disposing of empty kegs made of
57 disposable packaging shall not constitute obliteration of the keg registration seal. If any
58 person is in possession of a keg containing beer, wine or intoxicating liquor in violation of
59 this section and such keg does not bear the registration seal, or upon such keg the
60 registration seal has been altered, defaced or obliterated then the keg and its contents shall
61 be subject to seizure and forfeiture.

62 10. A licensee engaged in the sale of beer, wine or intoxicating liquor in kegs for off-
63 premise consumption pursuant to this section shall maintain a complete and accurate
64 record of all registration forms and other documentation of the sale of kegs at the place of
65 business designated in the permit for a period of six months. Such records shall include
66 the registration seal for nondisposable kegs, which the licensee shall remove from the keg
67 upon its return by the purchaser. Such records regarding keg sales shall be open to
68 inspection by the supervisor or law enforcement officers for reasonable cause, at a
69 reasonable date and time.

70 11. Except as authorized by the supervisor, no person shall transfer possession of,
71 or give the registered keg or container to, another person. This subsection shall not apply
72 to the return of the registered container to the licensee.

73 12. The supervisor shall promulgate rules and regulations for the administration
74 of this section and shall design all necessary forms and registration seals. No rule or
75 regulation or portion of a rule or regulation promulgated pursuant to this section shall
76 become effective unless it has been promulgated pursuant to the provisions of chapter 536,
77 RSMo.

78 13. This section shall become effective on January 1, 2004, and shall expire on
79 December 31, 2008.