

HB 36 -- LIQUOR CONTROL

CO-SPONSORS: Jolly, Willoughby

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 11 to 6 with 1 present.

This bill allows the Supervisor of the Division of Liquor Control to provide forms and procedures to retailers of intoxicating liquor that are necessary for the sale of intoxicating liquor by the keg for off-premises consumption. The supervisor is required to make rules and regulations for administering this keg registration law. The bill does not require additional permits or licenses.

Retailers are required to register the sale of each keg and affix a registration seal on each keg at the time of sale. The registration records must be maintained by the retailer for a period of six months. Registration records must be open to inspection by the supervisor and law enforcement officers. The bill outlines registration requirements, including the requirement that the purchaser sign a statement assuming full liability as a result of the transaction. When a purchaser obtains more than one keg for consumption at the same location and on the same date, only one keg registration must be completed. Persons who purchase and take possession of kegs may not transfer possession of the keg. The keg registration seal affixed to the keg may serve as the purchaser's receipt for the purpose of keg return. Kegs made of disposable packaging need not be returned to the retailer but must be registered.

A keg is defined as any container capable of holding four gallons or more of intoxicating liquor which is designed to dispense the liquor directly from the container for consumption. Persons in possession of kegs that are not properly tagged may have the kegs seized.

The bill becomes effective on January 1, 2004, and will expire December 31, 2008.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that the bill will hold adults responsible when they buy kegs for minors. Twenty states have already passed this legislation. Several cities and counties in Missouri have passed keg registration on the local level. The process of keg registration would be easy and will reduce under-age drinking.

Testifying for the bill were Representative Jolly; Missouri's

Youth/Adult Alliance; Youth with Vision; Missouri Task Force on Alcohol, Tobacco, and Other Drugs of the United Methodist Church, Missouri Conference; Missouri Catholic Conference; National Council on Alcoholism; ACT Missouri; Larry McKowell; Julia Farber; and Amanda Davis.

OPPONENTS: Those who oppose the bill say that youth will only buy liquor in cans, bottles, or other disposable containers. The tags could easily be removed from kegs. The bill also prohibits the transfer of a keg between adults. Adults will often transfer a keg to another adult if all the beer has not been consumed.

Testifying against the bill were Missouri Retailers Association; and Missouri Grocers Association.

Steve Bauer, Legislative Analyst