

SECOND REGULAR SESSION

**HOUSE BILL NO. 1031**

**92ND GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVES JOLLY (Sponsor), BISHOP,  
WILLOUGHBY AND SKAGGS (Co-sponsors).

Read 1<sup>st</sup> time January 12, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3636L.011

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**AN ACT**

To repeal section 311.082, RSMo, and to enact in lieu thereof one new section relating to labeling of kegs, with a penalty provision.

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

Section A. Section 311.082, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.082, to read as follows:

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

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

(2) "Supervisor of alcohol and tobacco control", the person appointed pursuant to section 311.610.

2. Each keg sold at retail for off-premise consumption shall be labeled with the name and address of the retail licensee and an identification number. The division of alcohol and tobacco control may prescribe the form of the labels to be used for this purpose. The label shall be affixed to a recyclable tag that is attached to the handle on the top chime of the keg. The label and recyclable tag shall be supplied by the division of alcohol and tobacco control without fee and securely affixed to the keg by the licensee making the sale.

3. Each retail licensee shall require each keg purchaser to present positive identification at the time of purchase. The licensee shall record for each keg sale the date of sale, the size of keg, any applicable keg identification number if available, the amount of container deposit, the name, address, and date of birth of the purchaser, and the form of identification presented by such purchaser. The purchaser shall sign a statement at the time of purchase attesting to the

18 accuracy of the purchaser's name and address and acknowledging that misuse of the keg or its  
19 contents may result in civil liability, criminal prosecution, or both. The licensee shall retain the  
20 identification form for a minimum of three months following the sale of the keg.

21 4. The licensee shall not refund a deposit for a keg that is returned without the required  
22 label and identification number intact and legible. The licensee shall record the date of return  
23 of the keg and the condition of the label and identification number on the identification form  
24 required pursuant to subsection 2 of this section. The licensee may retain any deposit not  
25 refunded for this reason. Upon the return of a properly labeled keg from a consumer, the licensee  
26 shall remove the tag from the keg and retain such tag with the identification form as required  
27 pursuant to subsection 2 of this section. This requirement shall not apply to permanent  
28 identification numbers or other forms of identification placed on the keg by a manufacturer.

29 5. The supervisor shall promulgate rules and regulations for the administration of this  
30 section and shall design all necessary forms. No rule, regulation, or portion of a rule or  
31 regulation promulgated pursuant to the authority of this section shall become effective unless it  
32 has been promulgated pursuant to chapter 536, RSMo.

33 6. The provisions of this section shall become effective on July 1, 2004.

34 7. This section shall fully preempt and supersede any ordinances, rules, or regulations  
35 made by any city, county, or other political subdivision of the state of Missouri which regulate  
36 the selling, labeling, or registering of kegs. This section shall not impose any new or additional  
37 civil or criminal liability upon the retail licensee.

38 **8. Any person violating any provision of this section shall be guilty of a**  
39 **misdemeanor. Upon conviction, any violation of this section shall be punishable by a fine**  
40 **of not more than five hundred dollars or by imprisonment for not more than twelve**  
41 **months, or by both such fine and imprisonment.**