

FIRST REGULAR SESSION

# HOUSE BILL NO. 279

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CORNEJO.

0979L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to the sale of draft beer.

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*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 known as section 311.201, to read as follows:

2       **311.201. 1. Any person who is licensed to sell intoxicating liquor in the original**  
3       **package at retail as provided in subsection 1 of section 311.200 may sell between thirty-two**  
4       **to one hundred twenty-eight fluid ounces of draft beer to customers in containers filled by**  
5       **any employee of the retailer on the premises for consumption off such premises. Before**  
6       **such beer may be sold, an employee of the licensee shall first close the filled container with**  
7       **a one-time-use tamper-proof seal. Any employee of the licensee shall be at least twenty-one**  
8       **years of age to fill containers with draft beer.**

9       **2. No provision of law or rule of regulation of the supervisor of alcohol and tobacco**  
10       **control shall be interpreted to allow any wholesaler, distributor, or manufacturer of**  
11       **intoxicating liquor to furnish dispensing or cooling equipment, or containers that are filled**  
12       **or refilled under subsection 1 of this section, to any person who is licensed to sell**  
13       **intoxicating liquor in the original package at retail as provided in subsection 1 of section**  
14       **311.200.**

15       **3. (1) Containers that are filled or refilled under subsection 1 of this section shall**  
16       **be affixed with a label or a tag that shall contain the following information in type not**  
17       **smaller than three millimeters in height and not more than twelve characters per inch:**

**(a) Brand name of the product dispensed;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18           (b) Name of brewer or bottler;
- 19           (c) Class of product, such as beer, ale, lager, bock, stout, or other brewed or  
20 fermented beverage;
- 21           (d) Net contents;
- 22           (e) Name and address of business that filled or refilled the growler;
- 23           (f) Date of fill or refill;
- 24           (g) The following statement: "This product may be unfiltered and unpasteurized.  
25 Keep refrigerated at all times."
- 26           (2) Containers that are filled or refilled under subsection 1 of this section shall be  
27 affixed with the alcoholic beverage health warning statement as required by the Federal  
28 Alcohol Administration Act, 27 CFR Sections 16.20 to 16.22.
- 29           4. (1) Filling and refilling containers shall only occur on demand by a customer  
30 and shall not be prefilled by the retailer or its employee.
- 31           (2) Containers shall only be filled or refilled by an employee of the retailer.
- 32           (3) Containers shall be filled or refilled as follows:
- 33           (a) Filling or refilling a container with a tube referenced in subdivision (4) of this  
34 subsection and:
- 35           a. Food grade sanitizer shall be used in accordance with the Environment  
36 Protection Agency registered label use instructions;
- 37           b. A container of liquid food-grade sanitizer shall be maintained for no more than  
38 ten malt beverage taps that will be used for filling and refilling containers;
- 39           c. Each container shall contain no less than five tubes that will be used only for  
40 filling and refilling containers;
- 41           d. The container is inspected visually for contamination;
- 42           e. After each filling or refilling of a container, the tube shall be immersed in the  
43 container with the liquid food-grade sanitizer; and
- 44           f. A different tube from the container shall be used for each fill or refill of a  
45 container; or
- 46           (b) Filling a container with a contamination-free process:
- 47           a. The container is inspected visually for contamination;
- 48           b. The container shall only be filled or refilled by the retailer's employee; and
- 49           c. Is otherwise in compliance with the Food and Drug Administration Code 2009,  
50 Section 3-304.17(c).
- 51           (4) Containers shall be filled or refilled from the bottom of the container to the top  
52 with a tube that is attached to the malt beverage faucet and extends to the bottom of the  
53 container or with a commercial filling machine.

54           **(5) When not in use, tubes to fill or refill shall be immersed and stored in a**  
55 **container with liquid food-grade sanitizer.**

56           **(6) After filling or refilling a container, the container shall be sealed as set forth in**  
57 **subsection 1 of this section.**

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