

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 994, Page 2, Section 262.823, Line 19,
2 by inserting after all of said section and line the following:

3
4 "311.195. 1. As used in this section, the term "microbrewery" means a business whose
5 primary activity is the brewing and selling of beer, with an annual production of ten thousand
6 barrels or less.

7 2. A microbrewer's license shall authorize the licensee to manufacture beer and malt liquor
8 in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided in section
9 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof, up to a
10 maximum license fee of two hundred fifty dollars, shall be paid to and collected by the director of
11 revenue.

12 3. Notwithstanding any other provision of this chapter to the contrary, the holder of a
13 microbrewer's license may apply for, and the supervisor of alcohol and tobacco control may issue, a
14 license to sell all kinds of intoxicating liquor, as defined in this chapter, by the drink at retail for
15 consumption on the premises of the microbrewery or in close proximity to the microbrewery. No
16 holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof,
17 shall have more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on
18 the premises. [The authority for the collection of fees by cities and counties as provided in section
19 311.220, and all other laws and regulations relating to the sale of liquor by the drink for
20 consumption on the premises where sold, shall apply to the holder of a license issued under the
21 provisions of this section in the same manner as they apply to establishments licensed under the
22 provisions of section 311.085, 311.090, 311.095, or 311.097.]

23 4. The holder of a microbrewer's license may also sell beer and malt liquor produced on the
24 brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall
25 not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's
26 business, and all such sales to wholesalers shall be subject to the restrictions of sections 311.181 and
27 311.182.

28 5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink at
29 retail for consumption on the premises shall be exempt from the provisions of section 311.280, for
30 such intoxicating liquor that is produced on the premises in accordance with the provisions of this

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

chapter. For all other intoxicating liquor sold by the drink at retail for consumption on the premises that the microbrewer possesses a license for must be obtained in accordance with section 311.280.

311.198. 1. Notwithstanding any other provision of law, rule, or regulation to the contrary, a brewer may lease to the retail licensee and the retail licensee may accept portable refrigeration units at a total lease value equal to the cost of the unit to the brewer plus two percent of the total lease value as of the execution of the lease. Such portable refrigeration units shall remain the property of the brewer. The brewer may also enter into lease agreements with wholesalers, who may enter into sublease agreements with retail licensees in which the value contained in the sublease is equal to the unit cost to the brewer plus two percent of the total lease value as of the execution of the lease. If the lease agreement is with a wholesaler, the portable refrigeration units shall become the property of the wholesaler at the end of the lease period, which is to be defined between the brewer and the wholesaler. A wholesaler shall not directly or indirectly fund the cost or maintenance of the portable refrigeration units. Brewers shall be responsible for maintaining adequate records of retailer payments to be able to verify fulfillment of lease agreements. No portable refrigeration unit may exceed forty cubic feet in storage space. A brewer may lease, or wholesaler may sublease, not more than one portable refrigeration unit per retail location. For the purposes of this section, a brewer shall include any business whose primary activity is the brewing, manufacturing, and selling of intoxicating liquor along with such business's wholly and partially owned subsidiaries, parent or holding companies, interest holders, or affiliates thereof. Such portable refrigeration unit may bear in a conspicuous manner substantial advertising matter about a product or products of the brewer and shall be visible to consumers inside the retail outlet. Notwithstanding any other provision of law, rule, regulation, or lease to the contrary, the retail licensee is hereby authorized to stock, display, and sell any product in and from the portable refrigeration units. No dispensing equipment shall be attached to a leased portable refrigeration unit, and no beer, wine, or intoxicating liquor shall be dispensed directly from a leased portable refrigeration unit. Any brewer or wholesaler that provides portable refrigeration units shall within thirty days thereafter notify the division of alcohol and tobacco control on forms designated by the division of the location, lease terms, and total cubic storage space of the units. The division is hereby given authority, including rulemaking authority, to enforce this section and to ensure compliance by having access to and copies of lease, payment, and portable refrigeration unit records and information.

2. Any lease or sublease executed under this section shall not exceed five years in duration and shall not contain any provision allowing for or requiring the automatic renewal of the lease or sublease.

3. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.

1 4. This section shall expire on January 1, 2020. Any lease or sublease executed under this
2 section prior to January 1, 2020, shall remain in effect until the expiration of such lease or sublease.

3 311.201. 1. Any person who is licensed to sell intoxicating liquor in the original package at
4 retail as provided in subsection 1 of section 311.200 may sell from thirty-two to one hundred
5 twenty-eight fluid ounces of draft beer to customers in containers filled by any employee of the
6 retailer on the premises for consumption off such premises. Any employee of the licensee shall be
7 at least twenty-one years of age to fill containers with draft beer.

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

13 3. (1) Containers that are filled or refilled under subsection 1 of this section shall be affixed
14 with a label or a tag that shall contain the following information in type not smaller than three
15 millimeters in height and not more than twelve characters per inch:

16 (a) Brand name of the product dispensed;

17 (b) Name of brewer or bottler;

18 (c) Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented
19 beverage;

20 (d) Net contents;

21 (e) Name and address of the business that filled or refilled the container;

22 (f) Date of fill or refill;

23 (g) The following statement: "This product may be unfiltered and unpasteurized. Keep
24 refrigerated at all times."

25 (2) Containers that are filled or refilled under subsection 1 of this section shall be affixed
26 with the alcoholic beverage health warning statement as required by the Federal Alcohol
27 Administration Act, 27 CFR Sections 16.20 to 16.22.

28 4. (1) The filling and refilling of containers shall only occur on demand by a customer and
29 containers shall not be prefilled by the retailer or its employee.

30 (2) Containers shall only be filled or refilled by an employee of the retailer.

31 (3) Containers shall be filled or refilled as follows:

32 (a) Containers shall be filled or refilled with a tube as described in subdivision (4) of this
33 subsection and:

34 a. Food grade sanitizer shall be used in accordance with the Environmental Protection
35 Agency registered label use instructions;

36 b. A container of liquid food-grade sanitizer shall be maintained for no more than ten malt
37 beverage taps that will be used for filling and refilling containers;

38 c. Each container shall contain no fewer than five tubes that will be used only for filling and
39 refilling containers;

40 d. The container shall be inspected visually for contamination;

41 e. After each filling or refilling of a container, the tube shall be immersed in the container

1 with the liquid food-grade sanitizer; and

2 f. A different tube from the container shall be used for each filling or refilling of a
 3 container; or

4 (b) Containers shall be filled or refilled with a contamination-free process and:

5 a. The container shall be inspected visually for contamination;

6 b. The container shall only be filled or refilled by the retailer's employee; and

7 c. The filling or refilling shall be in compliance with the Food and Drug Administration
 8 Code 2009, Section 3-304.17(c).

9 (4) Containers shall be filled or refilled from the bottom of the container to the top with a
 10 tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a
 11 commercial filling machine.

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

14 (6) After filling or refilling a container, the container shall be sealed as set forth in
 15 subsection 1 of this section."; and

16
 17 Further amend said bill, Page 2, Section 311.205, Line 11, by inserting after all of said section and
 18 line the following:

19
 20 "311.328. 1. A valid and unexpired operator's or chauffeur's license issued under the
 21 provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued under
 22 the laws of any state or territory of the United States to residents of those states or territories, or a
 23 valid and unexpired identification card or nondriver's license as provided for under section 302.181,
 24 or a valid and unexpired nondriver's license issued under the laws of any state or territory of the
 25 United States to residents of those states or territories, or a valid and unexpired identification card
 26 issued by any uniformed service of the United States, or a valid and unexpired passport shall be
 27 presented by the holder thereof upon request of any agent of the division of alcohol and tobacco
 28 control or any licensee or the servant, agent or employee thereof for the purpose of aiding the
 29 licensee or the servant, agent or employee to determine whether or not the person is at least twenty-
 30 one years of age when such person desires to purchase or consume alcoholic beverages procured
 31 from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall
 32 compare the photograph and physical characteristics noted on the license, identification card or
 33 passport with the physical characteristics of the person presenting the license, identification card or
 34 passport.

35 2. Upon proof by the licensee of full compliance with the provisions of this section, no
 36 penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the
 37 courts are satisfied that the licensee acted in good faith.

38 3. Any person who shall, without authorization from the department of revenue, reproduce,
 39 alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or
 40 identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to
 41 a fine of not more than one thousand dollars, and confinement for not more than one year, or by

1 both such fine and imprisonment."; and

2

3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.