

SECOND REGULAR SESSION

HOUSE BILL NO. 2054

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORNEJO.

4263H.04I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 311.195, RSMo, and to enact in lieu thereof three new sections relating to the sale of draft beer.

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

Section A. Section 311.195, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 311.195, 311.198, and 311.201, to read as follows:

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

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

3. Notwithstanding any other provision of this chapter to the contrary, the holder of a microbrewer's license may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell **all kinds of intoxicating liquor, as described in this section**, by the drink at retail for consumption on the premises **of the microbrewery or in close proximity to the microbrewery**. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten licenses to sell intoxicating liquor by the drink at retail for consumption on the premises. [The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder

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 of a license issued under the provisions of this section in the same manner as they apply to
19 establishments licensed under the provisions of section 311.085, 311.090, 311.095, or 311.097.]

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

25 5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink at
26 retail for consumption on the premises shall be exempt from the provisions of section 311.280,
27 for such intoxicating liquor that is produced on the premises in accordance with the provisions
28 of this chapter. For all other intoxicating liquor sold by the drink at retail for consumption on
29 the premises that the microbrewer possesses, a license for must be obtained in accordance with
30 section 311.280.

**311.198. Notwithstanding any other provision of law, rule, or regulation to the
2 contrary, a brewer may lease portable refrigeration units to retail licensees at a fair market
3 value rate. Such portable refrigeration units shall remain the property of the brewer,
4 which may also enter into lease agreements with wholesalers, who may enter into sublease
5 agreements with retail licensees at a fair market value rate. The portable refrigeration
6 units will become the property of the wholesaler at the end of the lease period, which is to
7 be defined between the brewer and the wholesaler. A wholesaler may not directly or
8 indirectly fund the cost or maintenance of the portable refrigeration units. Brewers shall
9 be responsible for maintaining adequate records of retailer payments so as to be able to
10 verify fulfillment of lease agreements. No portable refrigeration unit may exceed one
11 hundred twenty-five cubic feet in storage space. Such portable refrigeration shall bear in
12 a conspicuous manner substantial advertising matter about a product or products of the
13 brewer and shall be visible to consumers inside the retail outlet.**

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

**8 2. No provision of law or rule or regulation of the supervisor of alcohol and tobacco
9 control shall be interpreted to allow any wholesaler, distributor, or manufacturer of
10 intoxicating liquor to furnish dispensing or cooling equipment, or containers that are filled**

11 or refilled under subsection 1 of this section, to any person who is licensed to sell
12 intoxicating liquor in the original package at retail as provided in subsection 1 of section
13 311.200.

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

17 (a) Brand name of the product dispensed;

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 container;

23 (f) Date of fill or refill; and

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 containers shall not be pre-filled 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 fewer 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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