

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 65, Page 1, Section 311.020, Line 10, by inserting after said section and  
2 line the following:

3 "311.198. 1. Notwithstanding any other provision of law, rule, or regulation to the contrary,  
4 a brewer may lease to the retail licensee and the retail licensee may accept portable refrigeration  
5 units at a total lease value equal to the cost of the unit to the brewer plus two percent of the total  
6 lease value as of the execution of the lease. Such portable refrigeration units shall remain the  
7 property of the brewer. The brewer may also enter into lease agreements with wholesalers, who  
8 may enter into sublease agreements with retail licensees in which the value contained in the sublease  
9 is equal to the unit cost to the brewer plus two percent of the total lease value as of the execution of  
10 the lease. If the lease agreement is with a wholesaler, the portable refrigeration units shall become  
11 the property of the wholesaler at the end of the lease period, which is to be defined between the  
12 brewer and the wholesaler. A wholesaler may not directly or indirectly fund the cost or maintenance  
13 of the portable refrigeration units. Brewers shall be responsible for maintaining adequate records of  
14 retailer payments to be able to verify fulfillment of lease agreements. No portable refrigeration unit  
15 may exceed forty cubic feet in storage space. A brewer may lease, or wholesaler may sublease, not  
16 more than one portable refrigeration unit per retail location. Such portable refrigeration unit may  
17 bear in a conspicuous manner substantial advertising matter about a product or products of the  
18 brewer and shall be visible to consumers inside the retail outlet. Notwithstanding any other  
19 provision of law, rule, regulation, or lease to the contrary, the retail licensee is hereby authorized to  
20 stock, display, and sell any product in and from the portable refrigeration units. No dispensing  
21 equipment shall be attached to a leased portable refrigeration unit, and no beer, wine, or intoxicating  
22 liquor shall be dispensed directly from a leased portable refrigeration unit. Any brewer or  
23 wholesaler that provides portable refrigeration units shall within thirty days thereafter notify the  
24 division of alcohol and tobacco control on forms designated by the division of the location, lease  
25 terms, and total cubic storage space of the units. The division is hereby given authority, including  
26 rulemaking authority, to enforce this section and to ensure compliance by having access to and  
27 copies of lease, payment, and portable refrigeration unit records and information.

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

January 1, 2017, shall be invalid and void.

4. This section shall expire on January 1, ~~[2020]~~ 2026. Any lease or sublease executed under this section prior to January 1, ~~[2020]~~ 2026, shall remain in effect until the expiration of such lease or sublease.

311.300. 1. Except as provided in ~~[subsections 2, 3 and 4 of]~~ this section, no person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor.

2. In any place of business licensed in accordance with section 311.200, persons at least eighteen years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one years. Any licensee who employs any person under the age of twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one years of age or older on the licensed premises during all hours of operation.

3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.

4. Any wholesaler licensed ~~[pursuant to]~~ under this chapter may employ persons of at least eighteen years of age to:

(1) Rotate, stock, and arrange displays at retail establishments licensed to sell intoxicating liquor; and

(2) Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one years of age or older.

~~[4.]~~ 5. Persons eighteen years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent of all sales in those places consists of food; provided that nothing in this section shall authorize persons under twenty-one years of age to mix or serve across the bar intoxicating beverages."; and

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