

SECOND REGULAR SESSION

HOUSE BILL NO. 1856

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GOSEN.

5301H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 311, RSMo, by adding thereto three new sections relating to retail practices surrounding alcoholic beverages.

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

Section A. Chapter 311, RSMo, is amended by adding thereto three new sections, to be
2 known as section 311.067, 311.198, and 311.201, to read as follows:

311.067. 1. **Notwithstanding any other provisions of law or rule to the contrary,**
2 **any advertising provided or paid for by any retailer offering any sale or price discount for**
3 **any intoxicating liquor sold or provided at retail in the original package for consumption**
4 **off the premises is hereby permitted so long as the retailer is responsible for assuming the**
5 **cost of the sale or price discount and no advertisement states that the retail price is below**
6 **the retailer's cost.**

7 2. **The supervisor of the division of alcohol and tobacco control within the Missouri**
8 **department of public safety may consider the implications of the First and Twenty-First**
9 **Amendments of the Constitution of the United States and any other constitutional**
10 **requirements if deciding whether to promulgate any new regulations not specifically**
11 **required by general law and if considering the repeal or modification of existing**
12 **regulations as allowed by general law.**

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. The**
4 **brewer may also enter into lease agreements with wholesalers, who may enter into**
5 **sub-lease agreements with retail licensees at a fair market value rate. The portable**

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.

6 refrigeration units will become the property of the wholesaler at the end of the lease period,
7 which is to be defined between the brewer and the wholesaler. A wholesaler may not
8 directly or indirectly fund the cost or maintenance of the portable refrigeration units.
9 Brewers shall be responsible for maintaining adequate records of retailer payments so as
10 to be able to verify fulfillment of lease agreements. No portable refrigeration unit may
11 exceed 125 cubic feet in storage space. Such portable refrigeration shall bear in a
12 conspicuous manner substantial advertising about a product or products of the brewer that
13 shall be visible to consumers inside the retail outlet.

311.201. 1. Any person who is licensed to sell intoxicating liquor in its original
2 package at retail as provided in subsection 1 of section 311.200 may sell from 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 tamper-proof 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 any rule or regulation of the supervisor of alcohol and
9 tobacco control shall be interpreted to allow any wholesaler, distributor, or manufacturer
10 of intoxicating liquor to furnish dispensing or cooling equipment, or containers that are
11 filled 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) The filling and refilling of containers shall only occur upon customer**
30 **demand, and containers 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) Containers shall be filled or refilled with a tube as described in subdivision (4)**
34 **of this subsection and:**

35 **a. Food grade sanitizer shall be used in accordance with the Environmental**
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 shall be 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 filling or refilling of**
45 **a container; or**

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

47 **a. The container shall be inspected visually for contamination;**

48 **b. The container shall only be filled or refilled by an employee of the retailer; and**

49 **c. The filling or refilling shall be in compliance with the Food and Drug**
50 **Administration Code 2009, 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.**

✓