

SECOND REGULAR SESSION

SENATE BILL NO. 919

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time January 14, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5244S.02I

AN ACT

To amend chapter 311, RSMo, by adding thereto two new sections relating to intoxicating liquor.

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

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

311.198. Notwithstanding any other provision of law, rule, or regulation to the contrary, a brewer may lease portable refrigeration units to retail licensees at a fair market value rate. 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 at a fair market value rate. 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 may 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 one hundred twenty-five cubic feet in storage space. Such portable refrigeration unit shall 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.

311.201. 1. Any person who is licensed to sell intoxicating liquor in the original package at retail as provided in subsection 1 of section 311.200 may sell from thirty-two to one hundred twenty-eight fluid

4 ounces of draft beer to customers in containers filled by any employee
5 of the retailer on the premises for consumption off such
6 premises. Before such beer may be sold, an employee of the licensee
7 shall first close the filled container with a one-time-use tamper-proof
8 seal. Any employee of the licensee shall be at least twenty-one years of
9 age to fill containers with draft beer.

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

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

21 (a) Brand name of the product dispensed;

22 (b) Name of brewer or bottler;

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

25 (d) Net contents;

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

28 (f) Date of fill or refill;

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

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

35 4. (1) The filling and refilling of containers shall only occur on
36 demand by a customer and containers shall not be pre-filled by the
37 retailer or its employee.

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

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

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

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

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

48 c. Each container shall contain no less than five tubes that will
49 be used only for filling and refilling containers;

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

51 e. After each filling or refilling of a container, the tube shall be
52 immersed in the container with the liquid food-grade sanitizer; and

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

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

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

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

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

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

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

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

✓