

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 919

98TH GENERAL ASSEMBLY

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Reported from the Committee on Jobs, Economic Development and Local Government, February 4, 2016, with recommendation that the Senate Committee Substitute do pass.

5244S.04C

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal section 311.205, RSMo, and to enact in lieu thereof three new sections relating to intoxicating liquor.

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

Section A. Section 311.205, RSMo, is repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 311.198, 311.201, and 311.205,  
3 to read as follows:

**311.198. 1. Notwithstanding any other provision of law, rule, or  
2 regulation to the contrary, a brewer may lease to the retail licensee and  
3 the retail licensee may accept portable refrigeration units at a total  
4 lease value equal to the cost of the unit to the brewer. Such portable  
5 refrigeration units shall remain the property of the brewer. The  
6 brewer may also enter into lease agreements with wholesalers, who  
7 may enter into sublease agreements with retail licensees in which the  
8 value contained in the sublease is equal to the unit cost to the brewer.  
9 If the lease agreement is with a wholesaler, the portable refrigeration  
10 units shall become the property of the wholesaler at the end of the  
11 lease period, which is to be defined between the brewer and the  
12 wholesaler. A wholesaler may not directly or indirectly fund the cost  
13 or maintenance of the portable refrigeration units. Brewers shall be  
14 responsible for maintaining adequate records of retailer payments to  
15 be able to verify fulfillment of lease agreements. Each portable  
16 refrigeration unit shall not exceed eighty-five inches in height, forty-  
17 five inches in width, and thirty inches in depth, and a brewer may**

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 lease, or wholesaler may sublease, not more than two portable  
19 refrigeration units per retail location. Such portable refrigeration unit  
20 shall bear in a conspicuous manner substantial advertising matter  
21 about a product or products of the brewer and shall be visible to  
22 consumers inside the retail outlet. Notwithstanding any other  
23 provision of law, rule, regulation, or lease to the contrary, the retail  
24 licensee is hereby authorized to stock, display, and sell any product in  
25 and from the portable refrigeration units. Any brewer or wholesaler  
26 that provides portable refrigeration units shall within thirty days  
27 thereafter notify the division of alcohol and tobacco control on forms  
28 designated by the division of the location, lease terms, and total cubic  
29 storage space of the units. The division is hereby given authority,  
30 including rulemaking authority, to enforce this section and to ensure  
31 compliance by having access to and copies of lease, payment, and  
32 portable refrigeration unit records and information.

33         2. Any rule or portion of a rule, as that term is defined in section  
34 536.010 that is created under the authority delegated in this section  
35 shall become effective only if it complies with and is subject to all of  
36 the provisions of chapter 536, and, if applicable, section 536.028. This  
37 section and chapter 536 are nonseverable and if any of the powers  
38 vested with the general assembly pursuant to chapter 536, to review, to  
39 delay the effective date, or to disapprove and annul a rule are  
40 subsequently held unconstitutional, then the grant of rulemaking  
41 authority and any rule proposed or adopted after August 28, 2016, shall  
42 be invalid and void.

311.201. 1. Any person who is licensed to sell intoxicating liquor  
2 in the original package at retail as provided in subsection 1 of section  
3 311.200 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 prefilled 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.

311.205. 1. Any person licensed to sell liquor at retail by the drink for

2 consumption on the premises where sold may use a [table tap dispensing] self-

3 dispensing system [to allow], which is monitored and controlled by the

4 licensee and allows patrons of the licensee to [dispense] self-dispense beer

5 [at a table] or wine. Before a patron may dispense beer or wine, an employee

6 of the licensee must first authorize an amount of beer or wine, not to exceed

7 thirty-two ounces of beer or sixteen ounces of wine per patron per

8 authorization, to be dispensed by the [table tap dispensing] self-dispensing

9 system.

10           2. No provision of law or rule or regulation of the supervisor shall be

11 interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating

12 liquor to furnish [table tap dispensing] self-dispensing or cooling equipment or

13 provide services for the maintenance, sanitation, or repair of [table tap

14 dispensing] self-dispensing systems.

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