

FIRST REGULAR SESSION

# SENATE BILL NO. 312

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time January 26, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1717S.011

## AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to persons licensed to sell intoxicating liquor in the original package at retail.

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

Section A. Chapter 311, RSMo, is amended by adding thereto one new section, to be known as section 311.201, to read as follows:

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

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

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

**(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 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.**

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Bill

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