AN ACT

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

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Section A. Section 311.205, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 311.198, 311.201, and 311.205, to read as follows:

311.198. 1. Notwithstanding any other provision of law, rule, or regulation to the contrary, a brewer may lease to the retail licensee and the retail licensee may accept portable refrigeration units at a total lease value equal to the cost of the unit to the brewer. 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 in which the value contained in the sublease is equal to the unit cost to the brewer. 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. Each portable refrigeration unit shall not exceed eighty-five inches in height, forty-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.
lease, or wholesaler may sublease, not more than two portable refrigeration units per retail location. 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. Notwithstanding any other provision of law, rule, regulation, or lease to the contrary, the retail licensee is hereby authorized to stock, display, and sell any product in and from the portable refrigeration units. Any brewer or wholesaler that provides portable refrigeration units shall within thirty days thereafter notify the division of alcohol and tobacco control on forms designated by the division of the location, lease terms, and total cubic storage space of the units. The division is hereby given authority, including rulemaking authority, to enforce this section and to ensure compliance by having access to and copies of lease, payment, and portable refrigeration unit records and information.

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

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, rule, or 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;
(b) Name of brewer or bottler;
(c) Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage;
(d) Net contents;
(e) Name and address of the business that filled or refilled the container;
(f) Date of fill or refill;
(g) The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

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

4. (1) The filling and refilling of containers shall only occur on demand by a customer and containers shall not be prefilled by the retailer or its employee.

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

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

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

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

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

c. Each container shall contain no less than five tubes that will be used only for filling and refilling containers;
d. The container shall be inspected visually for contamination;

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

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

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

a. The container shall be inspected visually for contamination;

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

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

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

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

(6) After filling or refilling a container, the container shall be
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
consumption on the premises where sold may use a [table tap dispensing] self-
dispensing system [to allow], which is monitored and controlled by the
licensee and allows patrons of the licensee to [dispense] self-dispense beer
[at a table] or wine. Before a patron may dispense beer or wine, an employee
of the licensee must first authorize an amount of beer or wine, not to exceed
thirty-two ounces of beer or sixteen ounces of wine per patron per
authorization, to be dispensed by the [table tap dispensing] self-dispensing
system.

2. No provision of law or rule or regulation of the supervisor shall be
interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating
liquor to furnish [table tap dispensing] self-dispensing or cooling equipment or
provide services for the maintenance, sanitation, or repair of [table tap
dispensing] self-dispensing systems.