

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 540

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Read 1st time February 19, 2003, and 1,000 copies ordered printed.

Read 2nd time February 25, 2003, and referred to the Committee on Economic Development, Tourism and Local Government.

Reported from the Committee March 10, 2003, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 18, 2003. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

1765S.02P

AN ACT

To repeal section 311.195, RSMo, and to enact in lieu thereof one new section relating to microbreweries.

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

Section A. Section 311.195, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.195, to read as follows:

311.195. 1. As used in this section, the term "microbrewery" means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less.

2. A microbrewer's license shall authorize the licensee to manufacture beer and malt liquor in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided in section 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof, up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the director of revenue.

3. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, the holder of a microbrewer's license may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor by the drink at retail for consumption on the

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

[brewery] premises [and in the original package for off-premises consumption]. **No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than ten licenses, nor have a direct or indirect financial interest in any business of any other person or corporation, or of any employee, officer, agent, subsidiary, or affiliate thereof, to sell intoxicating liquor by the drink at retail for consumption on the premises.** The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, 311.095, or 311.097.

4. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of sections 311.181 and 311.182.

5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the premises shall be exempt from the provisions of section 311.280, RSMo, for such intoxicating liquor that is produced on the premises in accordance with the provisions of this chapter. For all other intoxicating liquor sold by the drink at retail for consumption on the premises that the microbrewer possesses a license for, must be obtained in accordance with section 311.280, RSMo.