

FIRST REGULAR SESSION

HOUSE BILL NO. 121

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GOSEN.

0140H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to brew-on-premises licenses.

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
2 known as section 311.910, to read as follows:

311.910. 1. **Upon receipt of an application, the division of alcohol and tobacco
2 control may issue a brew-on-premises license to a person who provides brewing supplies
3 and facilities to the members of the public for the private manufacture of beer and malt
4 beverages on the licensed premises.**

5 2. **No person shall permit the use of their property for any consideration or
6 remuneration for the production of beer or malt beverages for personal consumption
7 unless such person has been issued a brew-on-premises license by the division of alcohol
8 and tobacco control.**

9 3. **The brew-on-premises license does not authorize the sale of beer and malt
10 beverages in any manner or the consumption of alcoholic beverages on the premises.**

11 4. **The premises shall be considered suitable for operating a brew-on-premises
12 license if is in compliance with all local building, health, and fire codes, ordinances, and
13 orders.**

14 5. **An application for a license under this section shall be accompanied by an initial
15 license fee of fifty dollars. The annual license renewal fee thereafter shall be twenty-five
16 dollars.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **6. Any person issued a license under this section and any person using the premises**
18 **for personal brewing of beer or malt beverages are subject to federal regulations including,**
19 **but not limited to, 27 CFR 25.205, 27 CFR 25.206, and 27 CFR 24.75.**

20 **7. Any person issued a license under this section shall, in addition to complying**
21 **with any federal regulations, comply with the following conditions:**

22 **(1) The licensee shall keep records relating to all persons using the premises for the**
23 **manufacture of any beer or malt beverage. Information in these records shall include the**
24 **name, address, and age of the manufacturing individual, the number of adults residing in**
25 **the individual's household, and the quantity of beer or malt beverages produced by that**
26 **individual on the licensed premises during each calendar year;**

27 **(2) The records shall be available for inspection by an authorized investigator of**
28 **the division of alcohol and tobacco control during the business hours of the facility;**

29 **(3) The licensee shall not provide physical assistance to individuals in the**
30 **production of or bottling of beer and malt beverages on premises, but may provide advice**
31 **and instruction;**

32 **(a) Physical assistance in the production of beer and malt beverages includes:**

33 **a. Filling of vessels with brewing ingredients;**

34 **b. Mixing of ingredients;**

35 **c. Movement of beer and malt beverages from one container to another container;**

36 **or**

37 **d. Filtering and bottling of the final product;**

38 **(b) The following activities do not constitute providing physical assistance in the**
39 **production of beer and malt beverages:**

40 **a. Cleaning, maintenance, and repair of brewing and bottling equipment;**

41 **b. Maintenance of climate and temperature control;**

42 **c. Disposal of spent grains and wastes;**

43 **d. Quality control, including laboratory examination, of beer and malt beverages;**

44 **or**

45 **e. Preheating of vessels or containers;**

46 **8. An individual using the licensee's premises for personal brewing use is**
47 **responsible for brewing, handling, or transporting the beer and malt beverages produced,**
48 **and shall be at least twenty-one years of age or older.**

49 **9. An individual using the licensee's premises for personal brewing may produce**
50 **beer and malt beverages within the prescribed quantity of limitations prescribed below,**
51 **shall not transport in excess of twenty gallons of beer and malt beverages produced on any**
52 **particular day, and shall not sell beer and malt beverages produced. Beer and malt**

53 beverages produced at a brew-on-premises facility shall be removed only for the personal
54 use of the customer.

55 (1) Any beer or malt beverage produced on the premises shall not exceed the
56 alcohol by volume limits for beer as defined by Missouri law;

57 (2) The production of beer and malt beverages per household for personal or family
58 use shall not exceed:

59 (a) Two hundred gallons per calendar year if there are two or more adults twenty-
60 one years of age or older residing in the household; or

61 (b) One hundred gallons per calendar year if there is only one adult twenty-one
62 years of age or older residing in the household;

63 (3) Partnerships, corporations, associations, or any entity other than an individual
64 person shall not use the brew-on-premises facility and shall not produce beer or malt
65 beverages for personal use; and

66 (4) Transportation of brewed beer or malt beverages produced shall be taken away
67 from the premises at the time of bottling. The brew-on-premises facility shall not allow
68 more than twenty cases to remain on the premises at any given time.

69 10. Any violation of the provisions of this section shall be enforced in accordance
70 with any of the appropriate enforcement provisions contained in this chapter.

71 11. The division of alcohol and tobacco control may promulgate rules and
72 regulations necessary to effectuate the provisions of this section. Any rule or portion of a
73 rule, as that term is defined in section 536.010, that is created under the authority
74 delegated in this section shall become effective only if it complies with and is subject to all
75 of the provisions of chapter 536 and, if applicable, section 536.028. This section and
76 chapter 536 are nonseverable and if any of the powers vested with the general assembly
77 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
78 are subsequently held unconstitutional, then the grant of rulemaking authority and any
79 rule proposed or adopted after August 28, 2015, shall be invalid and void.

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