

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 279

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORNEJO.

0979L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to the sale of draft beer.

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 311.201, to read as follows:

311.201. 1. Any person who is licensed to sell intoxicating liquor in the original
2 package at retail as provided in subsection 1 of section 311.200 may sell between thirty-two
3 to one hundred twenty-eight fluid ounces of draft beer to customers in containers filled by
4 any employee of the retailer on the premises for consumption off such premises. Before
5 such beer may be sold, an employee of the licensee shall first close the filled container with
6 a one-time-use tamper-proof seal. Any employee of the licensee shall be at least twenty-one
7 years of age to fill containers with draft beer.

8 2. No provision of law or rule of regulation of the supervisor of alcohol and tobacco
9 control shall be interpreted to allow any wholesaler, distributor, or manufacturer of
10 intoxicating liquor to furnish dispensing or cooling equipment, or containers that are filled
11 or refilled under subsection 1 of this section, to any person who is licensed to sell
12 intoxicating liquor in the original package at retail as provided in subsection 1 of section
13 311.200.

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.

14 **3. (1) Containers that are filled or refilled under subsection 1 of this section shall**
15 **be affixed with a label or a tag that shall contain the following information in type not**
16 **smaller than three millimeters in height and not more than twelve characters per inch:**

17 **(a) Brand name of the product dispensed;**

18 **(b) Name of brewer or bottler;**

19 **(c) Class of product, such as beer, ale, lager, bock, stout, or other brewed or**
20 **fermented beverage;**

21 **(d) Net contents;**

22 **(e) Name and address of business that filled or refilled the growler;**

23 **(f) Date of fill or refill;**

24 **(g) The following statement: "This product may be unfiltered and unpasteurized.**
25 **Keep refrigerated at all times."**

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

29 **4. (1) Filling and refilling containers shall only occur on demand by a customer**
30 **and shall not be prefilled by the retailer or its employee.**

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

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

33 **(a) Filling or refilling a container with a tube referenced in subdivision (4) of this**
34 **subsection and:**

35 **a. Food grade sanitizer shall be used in accordance with the Environment**
36 **Protection Agency registered label use instructions;**

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

39 **c. Each container shall contain no less than five tubes that will be used only for**
40 **filling and refilling containers;**

41 **d. The container is inspected visually for contamination;**

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

44 **f. A different tube from the container shall be used for each fill or refill of a**
45 **container; or**

46 **(b) Filling a container with a contamination-free process:**

47 **a. The container is inspected visually for contamination;**

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

49 **c. Is otherwise in compliance with the Food and Drug Administration Code 2009,**
50 **Section 3-304.17(c).**

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

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

56 **(6) After filling or refilling a container, the container shall be sealed as set forth in**
57 **subsection 1 of this section.**

✓