

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 65

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PIKE.

0638H.01P

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 311.020, 311.198, and 311.300, 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Section A. Sections 311.020, 311.198, and 311.300, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 311.020, 311.198, and 311.300, to read as follows:

311.020. The term "intoxicating liquor" as used in this chapter shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent by volume. **The term "intoxicating liquor" shall include "powdered alcohol", which means alcohol that is prepared in a powdered, crystalline, or capsule form either for direct use or for reconstitution; "powdered alcohol" shall also include gum or candy infused with powdered or other alcohol.** All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter ~~[- but subject to inspection as provided by sections 196.365 to 196.445].~~

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 plus two percent of the total lease value as of the execution of the lease. Such portable refrigeration units

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.

5 shall remain the property of the brewer. The brewer may also enter into lease agreements with  
6 wholesalers, who may enter into sublease agreements with retail licensees in which the value  
7 contained in the sublease is equal to the unit cost to the brewer plus two percent of the total lease  
8 value as of the execution of the lease. If the lease agreement is with a wholesaler, the portable  
9 refrigeration units shall become the property of the wholesaler at the end of the lease period,  
10 which is to be defined between the brewer and the wholesaler. A wholesaler may not directly  
11 or indirectly fund the cost or maintenance of the portable refrigeration units. Brewers shall be  
12 responsible for maintaining adequate records of retailer payments to be able to verify fulfillment  
13 of lease agreements. No portable refrigeration unit may exceed forty cubic feet in storage space.  
14 A brewer may lease, or wholesaler may sublease, not more than one portable refrigeration unit  
15 per retail location. Such portable refrigeration unit may bear in a conspicuous manner substantial  
16 advertising matter about a product or products of the brewer and shall be visible to consumers  
17 inside the retail outlet. Notwithstanding any other provision of law, rule, regulation, or lease to  
18 the contrary, the retail licensee is hereby authorized to stock, display, and sell any product in and  
19 from the portable refrigeration units. No dispensing equipment shall be attached to a leased  
20 portable refrigeration unit, and no beer, wine, or intoxicating liquor shall be dispensed directly  
21 from a leased portable refrigeration unit. Any brewer or wholesaler that provides portable  
22 refrigeration units shall within thirty days thereafter notify the division of alcohol and tobacco  
23 control on forms designated by the division of the location, lease terms, and total cubic storage  
24 space of the units. The division is hereby given authority, including rulemaking authority, to  
25 enforce this section and to ensure compliance by having access to and copies of lease, payment,  
26 and portable refrigeration unit records and information.

27       2. Any lease or sublease executed under this section shall not exceed five years in  
28 duration and shall not contain any provision allowing for or requiring the automatic renewal of  
29 the lease or sublease.

30       3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
31 under the authority delegated in this section shall become effective only if it complies with and  
32 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
33 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
34 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
35 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
36 proposed or adopted after January 1, 2017, shall be invalid and void.

37       4. This section shall expire on January 1, ~~2020~~ **2026**. Any lease or sublease executed  
38 under this section prior to January 1, ~~2020~~ **2026**, shall remain in effect until the expiration of  
39 such lease or sublease.

311.300. 1. Except as provided in [~~subsections 2, 3 and 4 of~~] this section, no person  
2 under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating  
3 liquor.

4 2. In any place of business licensed in accordance with section 311.200, persons at least  
5 eighteen years of age may stock, arrange displays, operate the cash register or scanner connected  
6 to a cash register and accept payment for, and sack for carryout, intoxicating liquor. Delivery  
7 of intoxicating liquor away from the licensed business premises cannot be performed by anyone  
8 under the age of twenty-one years. Any licensee who employs any person under the age of  
9 twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the  
10 licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one years  
11 of age or older on the licensed premises during all hours of operation.

12 3. In any distillery, warehouse, wholesale distributorship, or similar place of business  
13 which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail,  
14 persons at least eighteen years of age may be employed and their duties may include the handling  
15 of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for  
16 consumption or sale at retail.

17 4. Any wholesaler licensed [~~pursuant to~~] **under** this chapter may employ persons of at  
18 least eighteen years of age to:

19 (1) Rotate, stock, and arrange displays at retail establishments licensed to sell  
20 intoxicating liquor; **and**

21 (2) **Unload delivery vehicles and transfer intoxicating liquor into retail licensed**  
22 **premises if such persons are supervised by a delivery vehicle driver who is twenty-one**  
23 **years of age or older.**

24 [4.] 5. Persons eighteen years of age or older may, when acting in the capacity of a waiter  
25 or waitress, accept payment for or serve intoxicating liquor in places of business which sell food  
26 for consumption on the premises if at least fifty percent of all sales in those places consists of  
27 food; provided that nothing in this section shall authorize persons under twenty-one years of age  
28 to mix or serve across the bar intoxicating beverages.

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