

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 121

98TH GENERAL ASSEMBLY

0140H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 311, RSMo, by adding thereto two new sections 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 two new sections, to be
2 known as sections 311.067 and 311.910, to read as follows:

311.067. 1. **Notwithstanding any other provisions of law or rule to the contrary,**
2 **any advertising provided or paid for by any retailer offering any sale or price discount for**
3 **any intoxicating liquor sold or provided at retail in the original package for consumption**
4 **off the premises is hereby permitted so long as the retailer is responsible for assuming the**
5 **cost of the sale or price discount and no advertised retail price is below the retailer's cost.**

6 2. **The supervisor of the division of alcohol and tobacco control within the Missouri**
7 **department of public safety may consider the implications of the First and Twenty First**
8 **Amendments of the Constitution of the United States and any other constitutional**
9 **requirements if deciding whether to promulgate any new regulations not specifically**
10 **required by general law and if considering the repeal or modification of existing**
11 **regulations as allowed by general law.**

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, malt**
4 **beverages, cider, mead, or wine 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, malt beverages, cider, mead, or wine for personal**

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.

7 consumption unless such person has been issued a brew-on-premises license by the division
8 of alcohol and tobacco control.

9 3. The brew-on-premises license does not authorize the sale of beer, malt beverages,
10 cider, mead, or wine in any manner or the consumption of alcoholic beverages on the
11 premises.

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

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

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

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

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

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

31 (3) The licensee shall not provide physical assistance to individuals in the
32 production of or bottling of beer, malt beverages, cider, mead, or wine on premises, but
33 may provide advice and instruction;

34 (a) Physical assistance in the production of beer, malt beverages, cider, mead, or
35 wine includes:

36 a. Filling of vessels with brewing ingredients;

37 b. Mixing of ingredients;

38 c. Movement of beer, malt beverages, cider, mead, or wine from one container to
39 another container; or

40 d. Filtering and bottling of the final product;

41 (b) The following activities do not constitute providing physical assistance in the
42 production of beer, malt beverages, cider, mead, and wine:

- 43 **a. Cleaning, maintenance, and repair of brewing and bottling equipment;**
44 **b. Maintenance of climate and temperature control;**
45 **c. Disposal of spent grains and wastes;**
46 **d. Quality control, including laboratory examination, of beer, malt beverages, cider,**
47 **mead, and wine; or**
48 **e. Preheating of vessels or containers;**
- 49 **8. An individual using the licensee’s premises for personal brewing use is**
50 **responsible for brewing, handling, or transporting the beer, malt beverages, cider, mead,**
51 **and wine produced, and shall be at least twenty-one years of age or older.**
- 52 **9. An individual using the licensee’s premises for personal brewing may produce**
53 **beer, malt beverages, cider, mead, or wine within the prescribed quantity of limitations**
54 **prescribed below, shall not transport in excess of twenty gallons of beer, malt beverages,**
55 **cider, mead, or wine produced on any particular day, and shall not sell beer, malt**
56 **beverages, cider, mead, or wine produced. Beer, malt beverages, cider, mead, or wine**
57 **produced at a brew-on-premises facility shall be removed only for the personal use of the**
58 **customer.**
- 59 **(1) Any beer, malt beverages, cider, mead, or wine produced on the premises shall**
60 **not exceed the alcohol by volume limits for beer as defined by Missouri law;**
- 61 **(2) The production of beer, malt beverages, cider, mead, or wine per household for**
62 **personal or family use shall not exceed:**
- 63 **(a) Two hundred gallons per calendar year if there are two or more adults twenty-**
64 **one years of age or older residing in the household; or**
- 65 **(b) One hundred gallons per calendar year if there is only one adult twenty-one**
66 **years of age or older residing in the household;**
- 67 **(3) Partnerships, corporations, associations, or any entity other than an individual**
68 **person shall not use the brew-on-premises facility and shall not produce beer, malt**
69 **beverages, cider, mead, or wine for personal use; and**
- 70 **(4) Brewed beer, malt beverages, cider, mead, or wine produced shall be taken away**
71 **from the premises at the time of bottling. The brew-on-premises facility shall not allow**
72 **more than twenty cases to remain on the premises at any given time.**
- 73 **10. Any violation of the provisions of this section shall be enforced in accordance**
74 **with any of the appropriate enforcement provisions contained in this chapter.**
- 75 **11. The division of alcohol and tobacco control may promulgate rules and**
76 **regulations necessary to effectuate the provisions of this section. Any rule or portion of a**
77 **rule, as that term is defined in section 536.010, that is created under the authority**
78 **delegated in this section shall become effective only if it complies with and is subject to all**

79 of the provisions of chapter 536 and, if applicable, section 536.028. This section and
80 chapter 536 are nonseverable and if any of the powers vested with the general assembly
81 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
82 are subsequently held unconstitutional, then the grant of rulemaking authority and any
83 rule proposed or adopted after August 28, 2015, shall be invalid and void.

84 12. A special permit shall be issued to an out of state manufacturer who is not
85 licensed in the state of Missouri for participation in festivals, bazaars, or similar events.
86 Registration requirements under section 311.275 shall be waived for the event. The
87 amount of intoxicating liquor shipped in the state under this permit shall not exceed two
88 hundred gallons. Excise taxes shall be paid by the licensed manufacturer that holds a
89 retail license organizing the event in the same manner as if it were produced or purchased
90 by the manufacturer. A permit issued under this section by the division shall be valid for
91 no more than seventy-two hours. An applicant shall complete a form provided by the
92 supervisor of liquor control and pay a fee of twenty-five dollars before a special permit
93 shall be issued.

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