

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2599, Page 1, Section 311.067, Lines 1-12, by deleting all of said lines and
2 section; and

3
4 Further amend said bill and page, Section 311.198, Lines 2-5, by deleting all of said lines, and
5 inserting in lieu thereof the following:

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

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

35 3. Any rule or portion of a rule, as that term is defined in section 536.010 that is created
36 under the authority delegated in this section shall become effective only if it complies with and is

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and
2 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
3 chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are
4 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
5 adopted after January 1, 2017, shall be invalid and void.

6 4. This section shall expire on January 1, 2020. Any lease or sublease executed under this
7 section prior to January 1, 2020, shall remain in effect until the expiration of such lease or
8 sublease."; and

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10 Further amend said bill and section, Page 2, Lines 6-13, by deleting all of said lines; and

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12 Further amend said bill and page, Section 311.201, Lines 2-8, by deleting all of said lines, and
13 inserting in lieu thereof the following:

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15 "package at retail as provided in subsection 1 of section 311.200 may sell from thirty-two to one
16 hundred twenty-eight fluid ounces of draft beer to customers in containers filled by any employee of
17 the retailer on the premises for consumption off such premises. Any employee of the licensee shall
18 be at least twenty-one years of age to fill containers with draft beer.

19 2. No provision of law, rule, or regulation of the supervisor of alcohol and"; and

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21 Further amend said bill, page, and section, Line 12, by deleting the word, "under" and inserting in
22 lieu thereof the phrase, "as provided in"; and

23
24 Further amend said bill and section, Page 3, Lines 28-29, by deleting all of said lines, and inserting
25 in lieu thereof the following:

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27 "4. (1) The filling and refilling of containers shall only occur on demand by a customer and
28 containers shall not be prefilled by the retailer or its employee."; and

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30 Further amend said bill, page, and section, Line 47, by deleting the phrase, "by an employee of the
31 retailer" and inserting in lieu thereof the phrase, "by the retailer's employee"; and

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33 Further amend said bill, page, and section, Line 53, by deleting the phrase, "If not" and inserting in
34 lieu thereof the phrase, "When not"; and

35
36 Further amend said bill by amending the title, enacting clause, and intersectional references
37 accordingly.