

The purpose of this keg tagging law is to prevent the sale of beer to minors.

Date: _____

Purchaser's Name: _____

Address: _____

City/Town: _____

Date of Birth: _____

Lic./ID No: _____

Keg ID No: _____

No. of Kegs sold: _____

The possession of an unlabeled keg is a civil violation which is subject to a forfeiture of \$500.00.

Removing or defacing of a tag is a criminal penalty which is a Class E Crime and may result in a jail sentence of up to 6 months and a fine of up to \$500.00.

If a Person purchasing a properly tagged keg returns the keg without a tag or with a defaced tag, that person is responsible for the removed or defaced tag.

Furnishing liquor to a minor is a Class D Crime.

1st offense – fine up to \$2,000.00 and 1 year in jail.

1st offense involving a minor under 14 years of age or 2nd offense within 6 years is a minimum fine of \$500.00 and up to one year in jail.

3rd subsequent offenses within 6 years is a minimum fine of \$1,000.00 and up to 1 year in jail.

§714. MALT LIQUOR SALES IN KEGS

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Keg" means a container capable of holding at least 5 gallons of liquid. [2017, c. 167, §14 (AMD) .]

B. "Off-premises licensee" means a licensee licensed to sell liquor for consumption off the premises.

[2017, c. 167, §14 (AMD) .]

2. Right of sale and purchase. The bureau may not deny the wholesale and retail sale of malt liquor in a keg or any fraction of a keg to a purchaser entitled to purchase malt liquor.

[1993, c. 730, §34 (AMD) .]

3. Tagging requirement. The sale of malt liquor in kegs is subject to the following.

A. Every keg of malt liquor offered for sale by an off-premises retail licensee must be tagged in a manner and with a label approved by the commissioner identifying the keg. The tag must be supplied for each keg, without fee, by the wholesaler or small brewer of the keg. [2003, c. 451, Pt. T, §11 (AMD) .]

B. The retail seller of the keg shall complete a form designed and approved by the commissioner and affix the label to each keg supplied to the retail seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler or small brewer of the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31. [2003, c. 451, Pt. T, §11 (AMD) .]

C. The seller of the keg shall require positive identification of the purchaser. [1991, c. 543, (NEW) .]

D. The seller of the keg may require a deposit of up to \$50 from the purchaser of the keg, regardless of the size of the keg. The seller shall refund the deposit to a person who returns a properly tagged keg purchased from that seller. [1991, c. 543, (NEW) .]

E. The seller shall inform the purchaser that if the keg is returned without the original numbered band intact, the deposit is forfeited. [1991, c. 543, (NEW) .]

F. The seller may retain any deposit forfeited and use the funds forfeited for local school-based alcohol education programs or for any other purpose. [1991, c. 543, (NEW) .]

[2003, c. 451, Pt. T, §11 (AMD) .]

4. Civil violation; possession of unlabeled keg. In addition to any other penalties imposed by law, a person possessing an unlabeled keg purchased in this State after the effective date of this section commits a civil violation for which a forfeiture of \$500 must be adjudged.

[1991, c. 543, (NEW) .]

5. Criminal penalty; removal or defacing of tag. A person commits defacing or removal of a malt liquor keg tag if that person defaces or removes from a keg a tag required by this section. Defacing or removal of a malt liquor keg tag is a Class E crime. If a person who purchased a properly tagged keg returns the keg without a tag or with a defaced tag, that person is presumed to have removed or defaced the tag.

[1991, c. 543, (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1991, c. 543, (RPR). 1993, c. 266, §17 (AMD). 1993, c. 730, §§34,35 (AMD). 2003, c. 451, §T11 (AMD). 2017, c. 167, §14 (AMD) .