

# DIVISION OF ALCOHOL AND TOBACCO CONTROL

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## **INDUSTRY CIRCULAR 25-03**

### **Portable Refrigeration Units - Sunset**

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The Division of Alcohol and Tobacco Control issues this circular to provide awareness of the sunseting of statutory provisions concerning portable refrigeration units and its impact.

Section [311.198](#), RSMo. became effective on January 1, 2017, and was initially set to expire on January 1, 2020. On August 28, 2019, the effective period of the statute was extended through January 1, 2026. This section authorizes a brewer to lease to a retail licensee 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 at the time the lease is executed, while making it clear that the leased portable refrigeration unit remains the property of the brewer. This section also allows a brewer to enter into lease agreements with wholesalers, who may then sublease with retailers when the value is equal to that between the brewer and retailer. When the lease is with a wholesaler, the portable refrigeration unit shall become the property of the wholesaler at the end of the lease period.

This section prohibits wholesalers from directly or indirectly funding the cost or maintenance of the portable refrigeration units, sets record retention requirements, specifies the maximum storage capacity and number of such units that may be provided to a retailer, outlines allowable advertising on the unit, prohibits dispensing equipment from being attached to the unit or any intoxicating liquor from being dispensed directly from the unit, and requires the brewer or wholesaler to notify the division within thirty (30) days of providing such unit. Such leases or subleases are prohibited from exceeding five (5) years in duration or from including any provision that allows for or requires automatic renewal of the lease or sublease.

With the expiration of RSMo. 311.198 on January 1, 2026, no new lease by a brewer to a retailer or by a brewer to a wholesaler for sublease to a retailer for a portable refrigeration unit may be executed. Any existing lease or sublease executed under this section prior to January 1, 2026, shall remain in effect until the expiration of such lease or sublease, in accordance with the requirements set forth by law.

For further clarification or assistance, please contact your ATC district office at 573-751-2333.

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