

HOUSE BILL No. 2598

By Committee on Federal and State Affairs

2-10

1 AN ACT concerning alcoholic beverages; dealing with microbreweries;
2 amending K.S.A. 41-708 and K.S.A. 2013 Supp. 41-308b and repealing
3 the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 41-308b is hereby amended to read as
7 follows: 41-308b. (a) A microbrewery license shall allow:

8 (1) The manufacture of ~~not less than 100 nor more than 15,000~~
9 ~~barrels~~ of domestic beer during the license year and the storage thereof;

10 (2) the sale to beer distributors of beer, manufactured by the licensee;

11 (3) the sale, on the licensed premises in the original unopened
12 container to consumers for consumption off the licensed premises, of beer
13 manufactured by the licensee;

14 (4) the serving free of charge on the licensed premises and at special
15 events, monitored and regulated by the division of alcoholic beverage
16 control, of samples of beer manufactured by the licensee, if the premises
17 are located in a county where the sale of alcoholic liquor is permitted by
18 law in licensed drinking establishments;

19 (5) if the licensee is also licensed as a club or drinking establishment,
20 the sale of domestic beer and other alcoholic liquor for consumption on the
21 licensed premises as authorized by the club and drinking establishment
22 act; and

23 (6) if the licensee is also licensed as a caterer, the sale of domestic
24 beer and other alcoholic liquor for consumption on unlicensed premises as
25 authorized by the club and drinking establishment act.

26 (b) Upon application and payment of the fee prescribed by K.S.A. 41-
27 310, and amendments thereto, by a microbrewery licensee, the director
28 may issue not to exceed one microbrewery packaging and warehousing
29 facility license to the microbrewery licensee. A microbrewery packaging
30 and warehousing facility license shall allow:

31 (1) The transfer, from the licensed premises of the microbrewery to
32 the licensed premises of the microbrewery packaging and warehousing
33 facility, of beer manufactured by the licensee, for the purpose of packaging
34 or storage, or both; and

35 (2) the transfer, from the licensed premises of the microbrewery
36 packaging and warehousing facility to the licensed premises of the

1 microbrewery, of beer manufactured by the licensee; or

2 (3) the removal from the licensed premises of the microbrewery
3 packaging and warehousing facility of beer manufactured by the licensee
4 for the purpose of delivery to a licensed beer wholesaler.

5 (c) A microbrewery may sell domestic beer in the original unopened
6 container to consumers for consumption off the licensed premises at any
7 time between 6 a.m. and 12 midnight on any day except Sunday and
8 between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a
9 microbrewery may serve samples of domestic beer and serve and sell
10 domestic beer and other alcoholic liquor for consumption on the licensed
11 premises at any time when a club or drinking establishment is authorized
12 to serve and sell alcoholic liquor.

13 (d) The director may issue to the Kansas state fair or any bona fide
14 group of brewers a permit to import into this state small quantities of beer.
15 Such beer shall be used only for bona fide educational and scientific
16 tasting programs and shall not be resold. Such beer shall not be subject to
17 the tax imposed by K.S.A. 41-501, and amendments thereto. The permit
18 shall identify specifically the brand and type of beer to be imported, the
19 quantity to be imported, the tasting programs for which the beer is to be
20 used and the times and locations of such programs. The secretary shall
21 adopt rules and regulations governing the importation of beer pursuant to
22 this subsection and the conduct of tasting programs for which such beer is
23 imported.

24 (e) A microbrewery license or microbrewery packaging and
25 warehousing facility license shall apply only to the premises described in
26 the application and in the license issued and only one location shall be
27 described in the license.

28 (f) No microbrewery shall:

29 (1) Employ any person under the age of 18 years in connection with
30 the manufacture, sale or serving of any alcoholic liquor;

31 (2) permit any employee of the licensee who is under the age of 21
32 years to work on the licensed premises at any time when not under the on-
33 premises supervision of either the licensee or an employee of the licensee
34 who is 21 years of age or over;

35 (3) employ any person under 21 years of age in connection with
36 mixing or dispensing alcoholic liquor; or

37 (4) employ any person in connection with the manufacture or sale of
38 alcoholic liquor if the person has been convicted of a felony.

39 (g) Whenever a microbrewery licensee is convicted of a violation of
40 the Kansas liquor control act, the director may revoke the licensee's license
41 and all fees paid for the license in accordance with the Kansas
42 administrative procedure act.

43 Sec. 2. K.S.A. 41-708 is hereby amended to read as follows: 41-708.

1 (a) No retailer licensed under this act shall purchase or receive alcoholic
2 liquor from any source except from: (1) A distributor licensed under this
3 act and having a place of business in this state, except that a licensed
4 retailer may purchase confiscated alcoholic liquor at a sheriff's sale; (2) a
5 farm winery as authorized by K.S.A. 41-308a, and amendments thereto;
6 and (3) a microbrewery as authorized by K.S.A. 41-308b, and amendments
7 thereto.

8 (b) Any retail licensee who violates this section is guilty of a
9 misdemeanor, and upon conviction thereof shall be punished by a fine of
10 not less than \$200, nor more than \$1,000, to which may be added
11 imprisonment for not more than six months, and the license of such
12 licensee may be revoked as provided by law.

13 Sec. 3. K.S.A. 41-708 and K.S.A. 2013 Supp. 41-308b are hereby
14 repealed.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.