

As Amended by Senate Committee

Session of 2014

SENATE BILL No. 346

By Committee on Federal and State Affairs

2-6

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

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 ~~60,000~~ **30,000** barrels of domestic beer during the ~~license~~ *calendar* year
10 and the storage thereof;

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

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

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

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

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

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

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

36 (2) the transfer, from the licensed premises of the microbrewery

1 packaging and warehousing facility to the licensed premises of the
2 microbrewery, of beer manufactured by the licensee; or

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

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

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

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

29 (f) No microbrewery shall:

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

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

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

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

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

1 Sec. 2. K.S.A. 2013 Supp. 41-308b is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.