

2023 Kansas Statutes

41-353. Fulfillment house license; rights of licensee; fee; records requirements, penalty for violations. (a) Before making or causing any shipment of alcoholic liquor to Kansas residents, a fulfillment house shall pay a \$50 license fee and obtain such license that will be applicable for each location that is involved in the shipping process to Kansas residents. A fulfillment house license shall commence on the date specified on the license and expire two years after such date. The holder of a fulfillment house license may only provide services for the warehousing, packaging and shipping of alcoholic liquors produced by, and belonging to, a special order shipping licensee in accordance with K.S.A. 41-350, and amendments thereto. A fulfillment house licensee shall make reasonable efforts to confirm that any winery that they ship alcoholic liquor for holds a special order shipping license and may rely on the representations of each such winery for such assurance.

(b) As part of a fulfillment house license application, the applicant shall provide any information as required by rules and regulations adopted by the director and contained in the fulfillment house license application form established by the director.

(c) If the holder of the license is an out-of-state entity, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any rules and regulations adopted thereunder and to accept service of any notice or order provided for in the liquor control act.

(d) (1) A fulfillment house licensee shall ensure all containers of alcoholic liquors shipped directly to an individual in this state are labeled with the name, address and license number of the fulfillment house licensee. All such containers shall contain a conspicuously printed statement of "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

(2) All containers of alcoholic liquors shipped directly to a resident of this state shall be shipped using a common carrier pursuant to K.S.A. 41-725, and amendments thereto.

(e) (1) A fulfillment house licensee shall:

(A) Maintain records of all shipments for a minimum of three years after the shipment date, that shall include the:

- (i) Name, address and license number of the special order shipping licensee;
- (ii) name and license number of the express company or common carrier;
- (iii) date of each shipment;
- (iv) carrier tracking number;
- (v) name and address of the consignee of such alcoholic liquors; and
- (vi) weight of the package and product type of alcoholic liquors shipped.

(B) Submit these records as an electronic report to the director monthly in the form and format prescribed by the director.

(2) Reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act. Any information relating to the name or address of a consignee of any alcoholic liquors shall be redacted from the reports that are made available for public inspection. The provisions of this paragraph providing for the confidentiality of certain public records shall expire on July 1, 2026, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

(f) A fulfillment house that willfully fails, neglects or refuses to file any report pursuant to subsection (e) shall be subject to a civil penalty of not more than \$100. After notice and an opportunity for hearing in accordance with the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a fulfillment house license upon a finding that the licensee has failed to comply with any provision of this section.

(g) The secretary of revenue shall adopt rules and regulations to implement, administer and enforce the provisions of this section.

(h) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.

History: L. 2021, ch. 107, § 1; May 27.