AN ACT concerning farm wineries; relating to farm winery license; authority of licensee; amending K.S.A. 2011 Supp. 41-308a and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2011 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee manufactured the wine, the sale of wine manufactured by the licensee for consumption on the licensed premises, if provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments.

Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

(6) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other
alcoholic liquor for consumption on the licensed premises as authorized by
the club and drinking establishment act;
(6) (7) if the licensee is also licensed as a caterer, the sale of domestic
wine, domestic fortified wine and other alcoholic liquor for consumption
on the unlicensed premises as authorized by the club and drinking
establishment act;
(7) (8) the sale and shipping, in the original unopened container, to
consumers outside this state of wine manufactured by the licensee,
provided that the licensee complies with applicable laws and rules and
regulations of the jurisdiction to which the wine is shipped; and
(8) (9) the sale and shipping of wine within this state pursuant to a
permit issued pursuant to K.S.A. 2011 Supp. 41-350, and amendments
thereto.
(b) Upon application and payment of the fee prescribed by K.S.A. 41-
310, and amendments thereto, by a farm winery licensee, the director may
issue not to exceed three winery outlet licenses to the farm winery
licensee. A winery outlet license shall allow:
(1) The sale, on the licensed premises and at special events
monitored and regulated by the division of alcoholic beverage control in
the original unopened container to consumers for consumption off the
licensed premises, of wine manufactured by the licensee;
(2) the serving on the licensed premises of samples of wine
manufactured by the licensee or imported under subsection (f), if the
premises are located in a county where the sale of alcoholic liquor is
permitted by law in licensed drinking establishments; and
(3) the manufacture of domestic table wine and domestic fortified
wine and the storage thereof; provided, that the aggregate quantity of wine
produced by the farm winery licensee, including all winery outlets, shall
not exceed 100,000 gallons per year.
(c) Not less than 60% of the products utilized in the
manufacture of domestic table wine and domestic fortified wine by a farm
winery shall be grown in Kansas except when a lesser proportion is
authorized by the director based upon the director's findings and judgment.
The label of domestic wine and domestic fortified wine shall indicate that
a majority of the products utilized in the manufacture of the wine at such
winery were grown in Kansas.
(d) A farm winery or winery outlet may sell domestic wine and
domestic fortified wine in the original unopened container to consumers
for consumption off the licensed premises at any time between 6 a.m. and
12 midnight on any day except Sunday and between 12 noon and 6 p.m.
on Sunday. If authorized by subsection (a), a farm winery may serve
samples of domestic wine, domestic fortified wine and wine manufactured
by the licensee and wine imported under subsection (e) and serve and sell
domestic wine, domestic fortified wine and other alcoholic liquor for
consumption on the licensed premises at any time when a club or drinking
establishment is authorized to serve and sell alcoholic liquor. If authorized
by subsection (b), a winery outlet may serve samples of domestic wine,
domestic fortified wine and wine imported under subsection (e) at any
time when the winery outlet is authorized to sell domestic wine and
domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide
group of grape growers or wine makers a permit to import into this state
small quantities of wines. Such wine shall be used only for bona fide
educational and scientific tasting programs and shall not be resold. Such
wine shall not be subject to the tax imposed by K.S.A. 41-501, and
amendments thereto. The permit shall identify specifically the brand and
type of wine to be imported, the quantity to be imported, the tasting
programs for which the wine is to be used and the times and locations of
such programs. The secretary shall adopt rules and regulations governing
the importation of wine pursuant to this subsection and the conduct of
tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to
the premises described in the application and in the license issued and only
one location shall be described in the license.

(g) No farm winery or winery outlet shall:

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

2. Permit any employee of the licensee who is under the age of 21
   years to work on the licensed premises at any time when not under the on-
   premise supervision of either the licensee or an employee of the licensee
   who is 21 years of age or over;

3. Employ any person under 21 years of age in connection with
   mixing or dispensing alcoholic liquor; or

4. Employ any person in connection with the manufacture or sale of
   alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of
a violation of the Kansas liquor control act, the director may revoke the
licensee's license and order forfeiture of all fees paid for the license, after a
hearing before the director for that purpose in accordance with the
provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor
control act.

Sec. 2. K.S.A. 2011 Supp. 41-308a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book {Kansas register}. 