

Substitute for HOUSE BILL No. 2223

By Committee on Federal and State Affairs

3-20

1 AN ACT concerning alcoholic beverages; relating to homemade fermented  
2 beverages; amending K.S.A. ~~2012~~ 2013 Supp. ~~41-102 and~~ 41-104, ~~41-~~  
3 ~~308b, 41-308d and 41-311~~ and repealing the existing sections.

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

6 ~~Section 1. K.S.A. 2012 Supp. 41-102 is hereby amended to read as~~  
7 ~~follows: 41-102. As used in this act, unless the context clearly requires~~  
8 ~~otherwise:~~

9 ~~(a) "Alcohol" means the product of distillation of any fermented~~  
10 ~~liquid, whether rectified or diluted, whatever its origin, and includes~~  
11 ~~synthetic ethyl alcohol but does not include denatured alcohol or wood~~  
12 ~~alcohol.~~

13 ~~(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every~~  
14 ~~liquid or solid, patented or not, containing alcohol, spirits, wine or beer~~  
15 ~~and capable of being consumed as a beverage by a human being, but shall~~  
16 ~~not include any cereal malt beverage.~~

17 ~~(c) "Beer" means a beverage, containing more than 3.2% alcohol by~~  
18 ~~weight, obtained by alcoholic fermentation of an infusion or concoction of~~  
19 ~~barley, or other grain, malt and hops in water and includes beer, ale, stout,~~  
20 ~~lager beer, porter and similar beverages having such alcoholic content.~~

21 ~~(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and~~  
22 ~~amendments thereto.~~

23 ~~(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-~~  
24 ~~2701, and amendments thereto.~~

25 ~~(f) "Club" has the meaning provided by K.S.A. 41-2601, and~~  
26 ~~amendments thereto.~~

27 ~~(g) "Director" means the director of alcoholic beverage control of the~~  
28 ~~department of revenue.~~

29 ~~(h) "Distributor" means the person importing or causing to be~~  
30 ~~imported into the state, or purchasing or causing to be purchased within~~  
31 ~~the state, alcoholic liquor for sale or resale to retailers licensed under this~~  
32 ~~act or cereal malt beverage for sale or resale to retailers licensed under~~  
33 ~~K.S.A. 41-2702, and amendments thereto.~~

34 ~~(i) "Domestic beer" means beer which contains not more than 10%~~  
35 ~~alcohol by weight and which is manufactured in this state.~~

36 ~~(j) "Domestic fortified wine" means wine which contains more than~~

1 ~~14%, but not more than 20% alcohol by volume and which is~~  
2 ~~manufactured in this state.~~

3 ~~(k) "Domestic table wine" means wine which contains not more than~~  
4 ~~14% alcohol by volume and which is manufactured without rectification or~~  
5 ~~fortification in this state.~~

6 ~~(l) "Drinking establishment" has the meaning provided by K.S.A. 41-~~  
7 ~~2601, and amendments thereto.~~

8 ~~(m) "Farm winery" means a winery licensed by the director to~~  
9 ~~manufacture, store and sell domestic table wine and domestic fortified~~  
10 ~~wine.~~

11 ~~(n) "Guest" means a natural person who is known to the host and~~  
12 ~~receives a personal invitation to an event conducted by the host. The term~~  
13 ~~"guest" shall not mean a natural person who receives an invitation to an~~  
14 ~~event conducted by the host when such invitation has been made available~~  
15 ~~to the general public.~~

16 ~~(n) (o) "Manufacture" means to distill, rectify, ferment, brew, make,~~  
17 ~~mix, concoct, process, blend, bottle or fill an original package with any~~  
18 ~~alcoholic liquor, beer or cereal malt beverage.~~

19 ~~(o) (p) (1) "Manufacturer" means every brewer, fermenter, distiller,~~  
20 ~~rectifier, wine maker, blender, processor, bottler or person who fills or~~  
21 ~~refills an original package and others engaged in brewing, fermenting,~~  
22 ~~distilling, rectifying or bottling alcoholic liquor, beer or cereal malt~~  
23 ~~beverage.~~

24 ~~(2) "Manufacturer" does not include a microbrewery, microdistillery~~  
25 ~~or a farm winery.~~

26 ~~(p) (q) "Microbrewery" means a brewery licensed by the director to~~  
27 ~~manufacture, store and sell domestic beer.~~

28 ~~(q) (r) "Microdistillery" means a facility which produces spirits from~~  
29 ~~any source or substance that is licensed by the director to manufacture,~~  
30 ~~store and sell spirits.~~

31 ~~(r) (s) "Minor" means any person under 21 years of age.~~

32 ~~(s) (t) "Nonbeverage user" means any manufacturer of any of the~~  
33 ~~products set forth and described in K.S.A. 41-501, and amendments~~  
34 ~~thereto, when the products contain alcohol or wine, and all laboratories~~  
35 ~~using alcohol for nonbeverage purposes.~~

36 ~~(t) (u) "Original package" means any bottle, flask, jug, can, cask,~~  
37 ~~barrel, keg, hogshead or other receptacle or container whatsoever, used,~~  
38 ~~corked or capped, sealed and labeled by the manufacturer of alcoholic~~  
39 ~~liquor, to contain and to convey any alcoholic liquor. Original container~~  
40 ~~does not include a sleeve.~~

41 ~~(u) (v) "Person" means any natural person, corporation, partnership,~~  
42 ~~trust or association.~~

43 ~~(v) (w) "Primary American source of supply" means the~~

1 ~~manufacturer, the owner of alcoholic liquor at the time it becomes a~~  
2 ~~marketable product or the manufacturer's or owner's exclusive agent who,~~  
3 ~~if the alcoholic liquor cannot be secured directly from such manufacturer~~  
4 ~~or owner by American wholesalers, is the source closest to such~~  
5 ~~manufacturer or owner in the channel of commerce from which the~~  
6 ~~product can be secured by American wholesalers.~~

7 ~~(w) (x) (1) "Retailer" means a person who sells at retail, or offers for~~  
8 ~~sale at retail, alcoholic liquors.~~

9 ~~(2) "Retailer" does not include a microbrewery, microdistillery or a~~  
10 ~~farm winery.~~

11 ~~(x) (y) "Sale" means any transfer, exchange or barter in any manner~~  
12 ~~or by any means whatsoever for a consideration and includes all sales~~  
13 ~~made by any person, whether principal, proprietor, agent, servant or~~  
14 ~~employee.~~

15 ~~(y) (z) "Salesperson" means any natural person who:~~

16 ~~(1) Procures or seeks to procure an order, bargain, contract or~~  
17 ~~agreement for the sale of alcoholic liquor or cereal malt beverage; or~~

18 ~~(2) is engaged in promoting the sale of alcoholic liquor or cereal malt~~  
19 ~~beverage, or in promoting the business of any person, firm or corporation~~  
20 ~~engaged in the manufacturing and selling of alcoholic liquor or cereal malt~~  
21 ~~beverage, whether the seller resides within the state of Kansas and sells to~~  
22 ~~licensed buyers within the state of Kansas, or whether the seller resides~~  
23 ~~without the state of Kansas and sells to licensed buyers within the state of~~  
24 ~~Kansas.~~

25 ~~(z) (aa) "Secretary" means the secretary of revenue.~~

26 ~~(aa) (bb) (1) "Sell at retail" and "sale at retail" refer to and mean sales~~  
27 ~~for use or consumption and not for resale in any form and sales to clubs,~~  
28 ~~licensed drinking establishments, licensed caterers or holders of temporary~~  
29 ~~permits.~~

30 ~~(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by~~  
31 ~~a distributor, a microbrewery, a farm winery, a licensed club, a licensed~~  
32 ~~drinking establishment, a licensed caterer or a holder of a temporary~~  
33 ~~permit.~~

34 ~~(bb) (cc) "To sell" includes to solicit or receive an order for, to keep~~  
35 ~~or expose for sale and to keep with intent to sell.~~

36 ~~(cc) (dd) "Sleeve" means a package of two or more 50-milliliter (3.2-~~  
37 ~~fluid-ounce) containers of spirits.~~

38 ~~(dd) (ee) "Spirits" means any beverage which contains alcohol~~  
39 ~~obtained by distillation, mixed with water or other substance in solution,~~  
40 ~~and includes brandy, rum, whiskey, gin or other spirituous liquors, and~~  
41 ~~such liquors when rectified, blended or otherwise mixed with alcohol or~~  
42 ~~other substances.~~

43 ~~(ee) (ff) "Supplier" means a manufacturer of alcoholic liquor or cereal~~

1 ~~malt beverage or an agent of such manufacturer, other than a salesperson;~~  
2 ~~(ff) (gg) "Temporary permit" has the meaning provided by K.S.A. 41-~~  
3 ~~2601, and amendments thereto;~~

4 ~~(gg) (hh) "Wine" means any alcoholic beverage obtained by the~~  
5 ~~normal alcoholic fermentation of the juice of sound, ripe grapes, fruits,~~  
6 ~~berries or other agricultural products, including such beverages containing~~  
7 ~~added alcohol or spirits or containing sugar added for the purpose of~~  
8 ~~correcting natural deficiencies;~~

9 ~~Sec. 2. K.S.A. 2012 Supp. 41-104 is hereby amended to read as~~  
10 ~~follows: 41-104. No person shall manufacture, bottle, blend, sell, barter,~~  
11 ~~transport, deliver, furnish or possess any alcoholic liquor for beverage~~  
12 ~~purposes, except as specifically provided in this act, the club and drinking~~  
13 ~~establishment act or article 27 of chapter 41 of the Kansas Statutes~~  
14 ~~Annotated, and amendments thereto, except that nothing contained in this~~  
15 ~~act shall prevent:~~

16 ~~(a) The possession and transportation of alcoholic liquor for the~~  
17 ~~personal use of the possessor, the possessor's family and guests except that~~  
18 ~~the provisions of K.S.A. 41-407, and amendments thereto, shall be~~  
19 ~~applicable to all persons;~~

20 ~~(b) the making of wine, cider or beer by a person from fruits,~~  
21 ~~vegetables or grains, or the product thereof, by simple fermentation and~~  
22 ~~without distillation, if it is made solely for the use of the maker and, the~~  
23 ~~maker's family, guests and judges at a contest or competition of such~~  
24 ~~beverages, provided, the maker receives no compensation for producing~~  
25 ~~such beverages or for allowing the consumption thereof;~~

26 ~~(c) any duly licensed practicing physician or dentist from possessing~~  
27 ~~or using alcoholic liquor in the strict practice of the medical or dental~~  
28 ~~profession;~~

29 ~~(d) any hospital or other institution caring for sick and diseased~~  
30 ~~persons, from possessing and using alcoholic liquor for the treatment of~~  
31 ~~bona fide patients of such hospital or institution;~~

32 ~~(e) any drugstore employing a licensed pharmacist from possessing~~  
33 ~~and using alcoholic liquor in the compounding of prescriptions of duly~~  
34 ~~licensed physicians;~~

35 ~~(f) the possession and dispensation of wine by an authorized~~  
36 ~~representative of any church for the purpose of conducting any bona fide~~  
37 ~~rite or religious ceremony conducted by such church; or~~

38 ~~(g) the sale of wine to a consumer in this state by a person which~~  
39 ~~holds a valid license authorizing the manufacture of wine in this or another~~  
40 ~~state and the shipment of such wine directly to such consumer, subject to~~  
41 ~~the following: (1) The consumer must be at least 21 years of age; (2) the~~  
42 ~~consumer must purchase the wine while physically present on the premises~~  
43 ~~of the wine manufacturer; (3) the wine must be for the consumer's personal~~

1 ~~consumption and not for resale; and (4) the consumer shall comply with~~  
2 ~~the provisions of K.S.A. 41-407, and amendments thereto, by payment of~~  
3 ~~all applicable taxes within such time after purchase of the wine as~~  
4 ~~prescribed by rules and regulations adopted by the secretary.~~

5 ~~(h) The serving of complimentary alcoholic liquor or cereal malt~~  
6 ~~beverages at fund raising activities of charitable organizations as defined~~  
7 ~~by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to~~  
8 ~~26 U.S.C.A. § 501(e) and by committees formed pursuant to K.S.A. 25-~~  
9 ~~4142 et seq., and amendments thereto. The serving of such alcoholic liquor~~  
10 ~~at such fund raising activities shall not constitute a sale pursuant to this~~  
11 ~~act, the club and drinking establishment act or article 27 of chapter 41 of~~  
12 ~~the Kansas Statutes Annotated, and amendments thereto. Any such fund~~  
13 ~~raising activity shall not be required to obtain a license or a temporary~~  
14 ~~permit pursuant to this act, the club and drinking establishment act or~~  
15 ~~article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments~~  
16 ~~thereto.~~

17 *Section 1. K.S.A. 2013 Supp. 41-104 is hereby amended to read as*  
18 *follows: 41-104. No person shall manufacture, bottle, blend, sell, barter,*  
19 *transport, deliver, furnish or possess any alcoholic liquor for beverage*  
20 *purposes, except as specifically provided in this act, the club and*  
21 *drinking establishment act or article 27 of chapter 41 of the Kansas*  
22 *Statutes Annotated, and amendments thereto, except that nothing*  
23 *contained in this act shall prevent:*

24 *(a) The possession and transportation of alcoholic liquor for the*  
25 *personal use of the possessor, the possessor's family and guests except*  
26 *that the provisions of K.S.A. 41-407, and amendments thereto, shall be*  
27 *applicable to all persons;*

28 *(b) the making of wine, cider or beer by a person from fruits,*  
29 *vegetables or grains, or the product thereof, by simple fermentation and*  
30 *without distillation, if it is made solely for the use of the maker and, the*  
31 *maker's family, guests and judges at a contest or competition of such*  
32 *beverages, provided, the maker receives no compensation for producing*  
33 *such beverages or for allowing the consumption thereof;*

34 *(c) any duly licensed practicing physician or dentist from*  
35 *possessing or using alcoholic liquor in the strict practice of the medical*  
36 *or dental profession;*

37 *(d) any hospital or other institution caring for sick and diseased*  
38 *persons, from possessing and using alcoholic liquor for the treatment of*  
39 *bona fide patients of such hospital or institution;*

40 *(e) any drugstore employing a licensed pharmacist from possessing*  
41 *and using alcoholic liquor in the compounding of prescriptions of duly*  
42 *licensed physicians;*

43 *(f) the possession and dispensation of wine by an authorized*

1 *representative of any church for the purpose of conducting any bona*  
2 *fide rite or religious ceremony conducted by such church;*

3 *(g) the sale of wine to a consumer in this state by a person which*  
4 *holds a valid license authorizing the manufacture of wine in this or*  
5 *another state and the shipment of such wine directly to such consumer,*  
6 *subject to the following: (1) The consumer must be at least 21 years of*  
7 *age; (2) the consumer must purchase the wine while physically present*  
8 *on the premises of the wine manufacturer; (3) the wine must be for the*  
9 *consumer's personal consumption and not for resale; and (4) the*  
10 *consumer shall comply with the provisions of K.S.A. 41-407, and*  
11 *amendments thereto, by payment of all applicable taxes within such time*  
12 *after purchase of the wine as prescribed by rules and regulations*  
13 *adopted by the secretary;*

14 *(h) the serving of complimentary alcoholic liquor or cereal malt*  
15 *beverages at fund raising activities of charitable organizations as*  
16 *defined by K.S.A. 17-1760, and amendments thereto, and as qualified*  
17 *pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to*  
18 *K.S.A. 25-4142 et seq., and amendments thereto. The serving of such*  
19 *alcoholic liquor at such fund raising activities shall not constitute a sale*  
20 *pursuant to this act, the club and drinking establishment act or article*  
21 *27 of chapter 41 of the Kansas Statutes Annotated, and amendments*  
22 *thereto. Any such fund raising activity shall not be required to obtain a*  
23 *license or a temporary permit pursuant to this act, the club and drinking*  
24 *establishment act or article 27 of chapter 41 of the Kansas Statutes*  
25 *Annotated, and amendments thereto; or*

26 *(i) the serving of complimentary alcoholic liquor or cereal malt*  
27 *beverage on the unlicensed premises of a business by the business owner*  
28 *or owner's agent at an event sponsored by a nonprofit organization*  
29 *promoting the arts and which has been approved by ordinance or*  
30 *resolution of the governing body of the city, county or township wherein*  
31 *the event will take place and whereby the director of the alcoholic*  
32 *beverage control has been notified thereof no less than 10 days in*  
33 *advance.*

34 *(j) For purposes of subsection (b), the term "guest" means a natural*  
35 *person who is known to the host and receives a personal invitation to an*  
36 *event conducted by the host. The term "guest" shall not mean a natural*  
37 *person who receives an invitation to an event conducted by the host when*  
38 *such invitation has been made available to the general public.*

39 **Sec. 2. K.S.A. 2013 Supp. 41-308b is hereby amended to read as**  
40 **follows: 41-308b. (a) A microbrewery license shall allow:**

41 **(1) The manufacture of not less than 100 nor more than ~~15,000~~**  
42 **30,000 barrels of domestic beer during the license calendar year and the**  
43 **storage thereof;**

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

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

6       (4) *the serving free of charge on the licensed premises and at*  
7 *special events, monitored and regulated by the division of alcoholic*  
8 *beverage control, of samples of beer manufactured by the licensee, if the*  
9 *premises are located in a county where the sale of alcoholic liquor is*  
10 *permitted by law in licensed drinking establishments;*

11       (5) *if the licensee is also licensed as a club or drinking*  
12 *establishment, the sale of domestic beer and other alcoholic liquor for*  
13 *consumption on the licensed premises as authorized by the club and*  
14 *drinking establishment act; and*

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

18       (b) *Upon application and payment of the fee prescribed by K.S.A.*  
19 *41-310, and amendments thereto, by a microbrewery licensee, the*  
20 *director may issue not to exceed one microbrewery packaging and*  
21 *warehousing facility license to the microbrewery licensee. A*  
22 *microbrewery packaging and warehousing facility license shall allow:*

23       (1) *The transfer, from the licensed premises of the microbrewery to*  
24 *the licensed premises of the microbrewery packaging and warehousing*  
25 *facility, of beer manufactured by the licensee, for the purpose of*  
26 *packaging or storage, or both; and*

27       (2) *the transfer, from the licensed premises of the microbrewery*  
28 *packaging and warehousing facility to the licensed premises of the*  
29 *microbrewery, of beer manufactured by the licensee; or*

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

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

41       (d) *The director may issue to the Kansas state fair or any bona fide*  
42 *group of brewers a permit to import into this state small quantities of*  
43 *beer. Such beer shall be used only for bona fide educational and*

1 *scientific tasting programs and shall not be resold. Such beer shall not*  
2 *be subject to the tax imposed by K.S.A. 41-501, and amendments thereto.*  
3 *The permit shall identify specifically the brand and type of beer to be*  
4 *imported, the quantity to be imported, the tasting programs for which the*  
5 *beer is to be used and the times and locations of such programs. The*  
6 *secretary shall adopt rules and regulations governing the importation of*  
7 *beer pursuant to this subsection and the conduct of tasting programs for*  
8 *which such beer is imported.*

9 *(e) A microbrewery license or microbrewery packaging and*  
10 *warehousing facility license shall apply only to the premises described in*  
11 *the application and in the license issued and only one location shall be*  
12 *described in the license.*

13 *(f) No microbrewery shall:*

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

16 *(2) permit any employee of the licensee who is under the age of 21*  
17 *years to work on the licensed premises at any time when not under the*  
18 *on-premises supervision of either the licensee or an employee of the*  
19 *licensee who is 21 years of age or over;*

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

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

24 *(g) Whenever a microbrewery licensee is convicted of a violation of*  
25 *the Kansas liquor control act, the director may revoke the licensee's*  
26 *license and all fees paid for the license in accordance with the Kansas*  
27 *administrative procedure act.*

28 *Sec. 3. K.S.A. 2013 Supp. 41-308d is hereby amended to read as*  
29 *follows: 41-308d. (a) Notwithstanding any other provisions of the*  
30 *Kansas liquor control act to the contrary, any person or entity who is*  
31 *licensed to sell alcoholic liquor in the original package at retail may*  
32 *conduct wine, beer and distilled spirit tastings on the licensed premises,*  
33 *or adjacent premises, monitored and regulated by the division of*  
34 *alcoholic beverage control, as follows:*

35 *(1) Wine, beer and spirits for the tastings shall come from the*  
36 *inventory of the licensee. Except as provided by paragraph (2), a person*  
37 *other than the licensee or the licensee's agent or employee may not*  
38 *dispense or participate in the dispensing of alcoholic beverages under*  
39 *this section.*

40 *(2) The holder of a supplier's permit or Kansas farm winery license*  
41 *or such permit holder's or licensee's agent or employee may participate*  
42 *in and conduct product tastings of alcoholic beverages at a retail*  
43 *licensee's premises, or adjacent premises, monitored and regulated by*



1 *the division of alcoholic beverage control, and may open, touch, or pour*  
2 *alcoholic beverages, make a presentation, or answer questions at the*  
3 *tasting. Any alcoholic beverage tasted under this subsection must be*  
4 *purchased from the retailer on whose premises the tasting is held. The*  
5 *retailer may not require the purchase of more alcoholic beverages than*  
6 *are necessary for the tasting. This section does not authorize the*  
7 *supplier, farm winery licensee or its the supplier's or licensee's agent to*  
8 *withdraw or purchase an alcoholic beverage from the holder of a*  
9 *distributor's permit or provide an alcoholic beverage for tasting on a*  
10 *retailer's premises that is not purchased from the retailer.*

11 *(3) No charge of any sort may be made for a sample serving.*

12 *(4) A person may be served more than one sample. Samples may*  
13 *not be served to a minor. No samples may be removed from the licensed*  
14 *premises.*

15 *(5) The act of providing samples to consumers shall be exempt from*  
16 *the requirement of holding a Kansas food service dealer license from the*  
17 *department of agriculture under the provisions of chapter 65 of the*  
18 *Kansas Statutes Annotated, and amendments thereto.*

19 *(b) Nothing in this section shall be construed to permit the licensee*  
20 *to sell wine, malt beverages or distilled spirits for on-premises*  
21 *consumption.*

22 *(c) The provisions of this section shall take effect and be in force*  
23 *from and after July 1, 2012.*

24 *(d) All rules and regulations adopted on and after July 1, 2012, and*  
25 *prior to July 1, 2013, to implement this section shall continue to be*  
26 *effective and shall be deemed to be duly adopted rules and regulations of*  
27 *the secretary until revised, amended, revoked or nullified pursuant to*  
28 *law.*

29 *(e) This section shall be a part of and supplemental to the Kansas*  
30 *liquor control act.*

31 *Sec. 4. K.S.A. 2013 Supp. 41-311 is hereby amended to read as*  
32 *follows: 41-311. (a) No license of any kind shall be issued pursuant to*  
33 *the liquor control act to a person:*

34 *(1) Who has not been is not a citizen of the United States for at least*  
35 *10 years, except that the spouse of a deceased retail licensee may receive*  
36 *and renew a retail license notwithstanding the provisions of this subsection*  
37 *(a)(1) if such spouse is otherwise qualified to hold a retail license and is a*  
38 *United States citizen or becomes a United States citizen within one year*  
39 *after the deceased licensee's death;*

40 *(2) who has been convicted of a felony under the laws of this state,*  
41 *any other state or the United States;*

42 *(3) who has had a license revoked for cause under the provisions of*  
43 *the liquor control act, the beer and cereal malt beverage keg registration*

1 *act or who has had any license issued under the cereal malt beverage*  
2 *laws of any state revoked for cause except that a license may be issued to*  
3 *a person whose license was revoked for the conviction of a misdemeanor*  
4 *at any time after the lapse of 10 years following the date of the*  
5 *revocation;*

6 (4) *who has been convicted of being the keeper or is keeping any*  
7 *property, whether real or personal, where sexual relations are being sold*  
8 *or offered for sale by a person who is 18 years of age or older or has*  
9 *forfeited bond to appear in court to answer charges of being a keeper of*  
10 *any property, whether real or personal, where sexual relations are being*  
11 *sold or offered for sale by a person who is 18 years of age or older;*

12 (5) *who has been convicted of being a proprietor of a gambling*  
13 *house, pandering or any other crime opposed to decency and morality or*  
14 *has forfeited bond to appear in court to answer charges for any of those*  
15 *crimes;*

16 (6) *who is not at least 21 years of age;*

17 (7) *who, other than as a member of the governing body of a city or*  
18 *county, appoints or supervises any law enforcement officer, who is a law*  
19 *enforcement official or who is an employee of the director;*

20 (8) *who intends to carry on the business authorized by the license*  
21 *as agent of another;*

22 (9) *who at the time of application for renewal of any license issued*  
23 *under this act would not be eligible for the license upon a first*  
24 *application, except as provided by subsection (a)(12);*

25 (10) *who is the holder of a valid and existing license issued under*  
26 *article 27 of chapter 41 of the Kansas Statutes Annotated, and*  
27 *amendments thereto, unless the person agrees to and does surrender the*  
28 *license to the officer issuing the same upon the issuance to the person of*  
29 *a license under this act, except that a retailer licensed pursuant to K.S.A.*  
30 *41-2702, and amendments thereto, shall be eligible to receive a retailer's*  
31 *license under the Kansas liquor control act;*

32 (11) *who does not own the premises for which a license is sought,*  
33 *or does not, at the time of application, have a written lease thereon;*

34 (12) *whose spouse would be ineligible to receive a license under*  
35 *this act for any reason other than citizenship, residence requirements or*  
36 *age, except that this subsection (a)(12) shall not apply in determining*  
37 *eligibility for a renewal license;*

38 (13) *whose spouse has been convicted of a felony or other crime*  
39 *which would disqualify a person from licensure under this section and*  
40 *such felony or other crime was committed during the time that the*  
41 *spouse held a license under this act; or*

42 (14) *who does not provide any data or information required by*  
43 *K.S.A. 2013 Supp. 41-311b, and amendments thereto.*

1       ***(b) No retailer's license shall be issued to:***

2       ***(1) A person who is not a resident of this state;***

3       ***(2) a person who has not been a resident of this state for at least***  
4 ***four years immediately preceding the date of application;***

5       ***(3) a person who has a beneficial interest in a manufacturer,***  
6 ***distributor, farm winery or microbrewery licensed under this act, except***  
7 ***that the spouse of an applicant for a retailer's license may own and hold***  
8 ***a farm winery license, microbrewery license, or both, if the spouse does***  
9 ***not hold a retailer's license issued under this act;***

10       ***(4) a person who has a beneficial interest in any other retail***  
11 ***establishment licensed under this act, except that the spouse of a***  
12 ***licensee may own and hold a retailer's license for another retail***  
13 ***establishment;***

14       ***(5) a copartnership, unless all of the copartners are qualified to***  
15 ***obtain a license;***

16       ***(6) a corporation; or***

17       ***(7) a trust, if any grantor, beneficiary or trustee would be ineligible***  
18 ***to receive a license under this act for any reason, except that the***  
19 ***provisions of subsection (a)(6) shall not apply in determining whether a***  
20 ***beneficiary would be eligible for a license.***

21       ***(c) No manufacturer's license shall be issued to:***

22       ***(1) A corporation, if any officer or director thereof, or any***  
23 ***stockholder owning in the aggregate more than 25% of the stock of the***  
24 ***corporation would be ineligible to receive a manufacturer's license for***  
25 ***any reason other than citizenship and residence requirements;***

26       ***(2) a copartnership, unless all of the copartners shall have been***  
27 ***residents of this state for at least five years immediately preceding the***  
28 ***date of application and unless all the members of the copartnership***  
29 ***would be eligible to receive a manufacturer's license under this act;***

30       ***(3) a trust, if any grantor, beneficiary or trustee would be ineligible***  
31 ***to receive a license under this act for any reason, except that the***  
32 ***provisions of subsection (a)(6) shall not apply in determining whether a***  
33 ***beneficiary would be eligible for a license;***

34       ***(4) an individual who is not a resident of this state;***

35       ***(5) an individual who has not been a resident of this state for at***  
36 ***least five years immediately preceding the date of application;***

37       ***(6) a person who has a beneficial interest in a distributor, retailer,***  
38 ***farm winery or microbrewery licensed under this act, except as provided***  
39 ***in K.S.A. 41-305, and amendments thereto.***

40       ***(d) No distributor's license shall be issued to:***

41       ***(1) A corporation, if any officer, director or stockholder of the***  
42 ***corporation would be ineligible to receive a distributor's license for any***  
43 ***reason. It shall be unlawful for any stockholder of a corporation***

1 *licensed as a distributor to transfer any stock in the corporation to any*  
2 *person who would be ineligible to receive a distributor's license for any*  
3 *reason, and any such transfer shall be null and void, except that: (A) If*  
4 *any stockholder owning stock in the corporation dies and an heir or*  
5 *devisee to whom stock of the corporation descends by descent and*  
6 *distribution or by will is ineligible to receive a distributor's license, the*  
7 *legal representatives of the deceased stockholder's estate and the*  
8 *ineligible heir or devisee shall have 14 months from the date of the death*  
9 *of the stockholder within which to sell the stock to a person eligible to*  
10 *receive a distributor's license, any such sale by a legal representative to*  
11 *be made in accordance with the provisions of the probate code; or (B) if*  
12 *the stock in any such corporation is the subject of any trust and any*  
13 *trustee or beneficiary of the trust who is 21 years of age or older is*  
14 *ineligible to receive a distributor's license, the trustee, within 14 months*  
15 *after the effective date of the trust, shall sell the stock to a person eligible*  
16 *to receive a distributor's license and hold and disburse the proceeds in*  
17 *accordance with the terms of the trust. If any legal representatives, heirs,*  
18 *devisees or trustees fail, refuse or neglect to sell any stock as required by*  
19 *this subsection, the stock shall revert to and become the property of the*  
20 *corporation, and the corporation shall pay to the legal representatives,*  
21 *heirs, devisees or trustees the book value of the stock. During the period*  
22 *of 14 months prescribed by this subsection, the corporation shall not be*  
23 *denied a distributor's license or have its distributor's license revoked if*  
24 *the corporation meets all of the other requirements necessary to have a*  
25 *distributor's license;*

26 *(2) a copartnership, unless all of the copartners are eligible to*  
27 *receive a distributor's license;*

28 *(3) a trust, if any grantor, beneficiary or trustee would be ineligible*  
29 *to receive a license under this act for any reason, except that the*  
30 *provisions of subsection (a)(6) shall not apply in determining whether a*  
31 *beneficiary would be eligible for a license; or*

32 *(4) a person who has a beneficial interest in a manufacturer,*  
33 *retailer, farm winery or microbrewery licensed under this act.*

34 *(e) No nonbeverage user's license shall be issued to a corporation,*  
35 *if any officer, manager or director of the corporation or any stockholder*  
36 *owning in the aggregate more than 25% of the stock of the corporation*  
37 *would be ineligible to receive a nonbeverage user's license for any*  
38 *reason other than citizenship and residence requirements.*

39 *(f) No microbrewery license, microdistillery license or farm winery*  
40 *license shall be issued to a:*

41 *(1) Person who is not a resident of this state;*

42 *(2) person who has not been a resident of this state for at least one*  
43 *year immediately preceding the date of application;*

1       (3) *person who has a beneficial interest in a manufacturer or*  
2 *distributor licensed under this act, except as provided in K.S.A. 41-305,*  
3 *and amendments thereto;*

4       (4) *person, copartnership or association which has a beneficial*  
5 *interest in any retailer licensed under this act or under K.S.A. 41-2702,*  
6 *and amendments thereto, except that the spouse of an applicant for a*  
7 *microbrewery or farm winery license may own and hold a retailer's*  
8 *license if the spouse does not hold a microbrewery or farm winery*  
9 *license issued under this act;*

10       (5) *copartnership, unless all of the copartners are qualified to*  
11 *obtain a license;*

12       (6) *corporation, unless stockholders owning in the aggregate 50%*  
13 *or more of the stock of the corporation would be eligible to receive such*  
14 *license and all other stockholders would be eligible to receive such*  
15 *license except for reason of citizenship or residency; or*

16       (7) *a trust, if any grantor, beneficiary or trustee would be ineligible*  
17 *to receive a license under this act for any reason, except that the*  
18 *provisions of subsection (a)(6) shall not apply in determining whether a*  
19 *beneficiary would be eligible for a license.*

20       (g) *The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),*  
21 *(f)(1), (f)(2) and K.S.A. 2013 Supp. 41-311b, and amendments thereto,*  
22 *shall not apply in determining eligibility for the 10<sup>th</sup>, or a subsequent,*  
23 *consecutive renewal of a license if the applicant has appointed a citizen*  
24 *of the United States who is a resident of Kansas as the applicant's agent*  
25 *and filed with the director a duly authenticated copy of a duly executed*  
26 *power of attorney, authorizing the agent to accept service of process*  
27 *from the director and the courts of this state and to exercise full*  
28 *authority, control and responsibility for the conduct of all business and*  
29 *transactions within the state relative to alcoholic liquor and the business*  
30 *licensed. The agent must be satisfactory to and approved by the director,*  
31 *except that the director shall not approve as an agent any person who:*

32       (1) *Has been convicted of a felony under the laws of this state, any*  
33 *other state or the United States;*

34       (2) *has had a license issued under the alcoholic liquor or cereal*  
35 *malt beverage laws of this or any other state revoked for cause, except*  
36 *that a person may be appointed as an agent if the person's license was*  
37 *revoked for the conviction of a misdemeanor and 10 years have lapsed*  
38 *since the date of the revocation;*

39       (3) *has been convicted of being the keeper or is keeping any*  
40 *property, whether real or personal, where sexual relations are being sold*  
41 *or offered for sale by a person who is 18 years of age or older or has*  
42 *forfeited bond to appear in court to answer charges of being a keeper of*  
43 *any property, whether real or personal, where sexual relations are being*

1 *sold or offered for sale by a person who is 18 years of age or older;*  
2 *(4) has been convicted of being a proprietor of a gambling house,*  
3 *pandering or any other crime opposed to decency and morality or has*  
4 *forfeited bond to appear in court to answer charges for any of those*  
5 *crimes; or*

6 *(5) is less than 21 years of age.*

7 ~~Sec. 3.~~ *Sec. 5.* K.S.A. ~~2012~~ 2013 Supp. ~~41-102 and~~ 41-104, *41-308b,*  
8 *41-308d and 41-311* are hereby repealed.

9 Sec. ~~4.~~ 6. This act shall take effect and be in force from and after its  
10 publication in the ~~statute book~~ *Kansas register.*