

HOUSE BILL No. 2637

By Representatives McLeland, Ballou, Barbieri-Lightner, Beggs, Boyer, Carter, Dreher, Faber, Goering, Goico, Huebert, Huff, Humerickhouse, Huntington, Jack, Landwehr, Merrick, Judy Morrison, Myers, Novascone, Patterson, Pottorff, Powell, S. Sharp, Siegfried, D. Williams, Wilson and Yoder

1-28

AN ACT concerning wine; providing for certain purchases from persons licensed in other states; prescribing certain restrictions thereon.

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

Section 1. (a) On and after January 1, 2005, a resident of this state who is 21 or more years of age may purchase wine from a person licensed to sell wine in another state, whether or not such wine is otherwise available for sale under the Kansas liquor control act, if the purchase is for the purchaser's personal use and not for resale. The purchase may be made in person, by telephone, by mail or on the internet.

(b) Wine purchased as authorized by this section shall be shipped to the purchaser in care of a retailer licensed in this state and shall be delivered to the purchaser at the retailer's licensed premises during hours that the retailer is authorized to sell alcoholic liquor. The retailer may charge the purchaser a handling fee not to exceed \$5 for each case or partial case of wine received on behalf of the purchaser. The purchaser shall be required to pay any amount due for the cost of the wine, shipping costs, taxes and the handling fee before the retailer releases the wine to the purchaser. The purchaser shall remove the wine from the retailer's licensed premises within 30 days after the retailer receives the wine or such other period of time as agreed upon by the retailer and the purchaser. The secretary shall provide by rules and regulations for the method of disposition of such wine if the purchaser fails to remove it from the retailer's licensed premises within such time.

(c) A retailer receiving shipment of wine on behalf of a purchaser as authorized by this section shall:

- (1) Ensure that the purchaser of the wine is 21 or more years of age.
- (2) Collect all taxes imposed with regard to such wine pursuant to K.S.A. 41-501 and 79-4101 *et seq.*, and amendments thereto, in accordance with rules and regulations of the secretary.
- (3) At the time of delivery to the purchaser, make a record of the

1 delivery on a form approved by the director. The record shall be retained
2 by the retailer for at least two years and shall include the following in-
3 formation: (A) The business name, address and license number of the
4 retailer; (B) the date and time of delivery to the purchaser; (C) the type,
5 brand, year and amount of wine delivered to the purchaser; and (D) the
6 age, printed name and signature of the purchaser.

7 (d) The secretary may adopt rules and regulations to implement and
8 enforce the provisions of this section.

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

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

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