

**SENATE BILL No. 349**

By Senator Emler  
(By request)

1-23

10 AN ACT concerning intoxicating liquors; relating to retail sales outside  
11 the corporate limits of cities; relating to microbreweries; amending  
12 K.S.A. 41-303 and 41-308b and repealing the existing sections.  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 41-303 is hereby amended to read as follows: 41-  
16 303. The director may license the sale of alcoholic liquor at retail in the  
17 original package on premises not located in an incorporated city for use  
18 or consumption off the premises; ~~if such premises are located in any~~  
19 ~~township having a population of more than 5,000.~~ No such license shall  
20 be granted to any applicant unless the applicant possesses all the quali-  
21 fications required of other applicants for retailers' licenses except the  
22 qualification of residence within a city. ~~In the event that any license has~~  
23 ~~been issued under the provisions of this section in a township having a~~  
24 ~~population of more than 5,000, and thereafter such township population~~  
25 ~~decreases or has decreased to 5,000 or less, such licenses shall continue~~  
26 ~~to be valid and the licensees shall be eligible for renewal of such licenses~~  
27 ~~at the appropriate time if they are otherwise qualified.~~ No such license  
28 shall be granted to any applicant under this section unless the board of  
29 county commissioners of the county ~~in which such township is located~~  
30 adopts a resolution approving the issuance of such license. A certified  
31 copy of such resolution shall accompany the application for a license au-  
32 thorized by this section.

33 ~~In the event that any~~ *If a* license has been issued under the provisions  
34 of this section ~~in a township having a population of more than 5,000,~~ and  
35 thereafter the premises so licensed are annexed to a city wherein retail  
36 liquor licenses may be issued, such licenses shall continue to be valid and  
37 the ~~licensees~~ *licensee* shall be eligible for renewal of such licenses at the  
38 ~~appropriate time even though the licensees shall not reside in the cities~~  
39 ~~to which the areas are annexed if the licensees are otherwise qualified~~  
40 ~~and if they reside~~ *if the licensee resides* in the township in which the  
41 premises ~~were~~ originally *were* located or in the city to which the premises  
42 have been annexed.

43 Sec. 2. K.S.A. 41-308b is hereby amended to read as follows: 41-

1 308b. (a) A microbrewery license shall allow:

2 (1) The manufacture of not ~~less than 100 nor~~ more than 15,000 bar-  
3 rels of domestic beer during the license year and the storage thereof;

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

5 (3) the sale, on the licensed premises in the original unopened con-  
6 tainer to consumers for consumption off the licensed premises, of beer  
7 manufactured by the licensee;

8 (4) the serving on the premises of samples of beer manufactured by  
9 the licensee, if the premises are located in a county where the sale of  
10 alcoholic liquor is permitted by law in licensed drinking establishments;

11 (5) if the licensee is also licensed as a club or drinking establishment,  
12 the sale of domestic beer and other alcoholic liquor for consumption on  
13 the licensed premises as authorized by the club and drinking establish-  
14 ment 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) Not less than 50% of the products utilized in the manufacture of  
19 domestic beer by a microbrewery shall be grown in Kansas except when  
20 a greater proportion of products grown outside this state is authorized by  
21 the director based upon findings that such products are not available in  
22 this state. The label of each container of domestic beer shall clearly set  
23 forth the proportion of the products utilized in the manufacture of the  
24 beer which was from agricultural products grown in Kansas.

25 (c) A microbrewery may sell domestic beer in the original unopened  
26 container to consumers for consumption off the licensed premises at any  
27 time between 6 a.m. and 12 midnight on any day except Sunday and  
28 between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a),  
29 a microbrewery may serve samples of domestic beer and serve and sell  
30 domestic beer and other alcoholic liquor for consumption on the licensed  
31 premises at any time when a club or drinking establishment is authorized  
32 to serve and sell alcoholic liquor.

33 (d) A microbrewery license shall apply only to the premises described  
34 in the application and in the license issued and only one location shall be  
35 described in the license.

36 (e) No microbrewery shall:

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

39 (2) permit any employee of the licensee who is under the age of 21  
40 years to work on the licensed premises at any time when not under the  
41 on-premises supervision of either the licensee or an employee of the  
42 licensee who is 21 years of age or over;

43 (3) employ any person under 21 years of age in connection with mix-

1 ing or dispensing alcoholic liquor; or  
2 (4) employ any person in connection with the manufacture or sale of  
3 alcoholic liquor if the person has been convicted of a felony.

4 (f) Whenever a microbrewery licensee is convicted of a violation of  
5 the Kansas liquor control act, the director may revoke the licensee's li-  
6 cense and all fees paid for the license in accordance with the Kansas  
7 administrative procedure act.

8 Sec. 3. K.S.A. 41-303 and 41-308b are hereby repealed.

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

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