

## HOUSE BILL No. 2817

By Committee on Judiciary

2-11

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9 AN ACT concerning microbreweries; relating to licensing; amending  
10 K.S.A. 2007 Supp. 41-308b and repealing the existing section.

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

13 Section 1. K.S.A. 2007 Supp. 41-308b is hereby amended to read as  
14 follows: 41-308b. (a) A microbrewery license shall allow:

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

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

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

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

24 (5) if the licensee is also licensed as a club or drinking establishment,  
25 the sale of domestic beer and other alcoholic liquor for consumption on  
26 the licensed premises as authorized by the club and drinking establish-  
27 ment act; and

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

31 (b) Upon application and payment of the fee prescribed by K.S.A.  
32 41-310, and amendments thereto, by a microbrewery licensee, the direc-  
33 tor may issue not to exceed one microbrewery packaging and warehousing  
34 facility license to the microbrewery licensee. A microbrewery packaging  
35 and warehousing facility license shall allow:

36 (1) The transfer, from the licensed premises of the microbrewery to  
37 the licensed premises of the microbrewery packaging and warehousing  
38 facility, of beer manufactured by the licensee, for the purpose of pack-  
39 aging or storage, or both; and

40 (2) the transfer, from the licensed premises of the microbrewery  
41 packaging and warehousing facility to the licensed premises of the mi-  
42 crobrewery, of beer manufactured by the licensee; or

43 (3) the removal from the licensed premises of the microbrewery

1 packaging and warehousing facility of beer manufactured by the licensee  
2 for the purpose of delivery to a licensed beer wholesaler.

3 ~~(c) Not less than 50% of the products utilized in the manufacture of~~  
4 ~~domestic beer by a microbrewery shall be grown in Kansas except when~~  
5 ~~a greater proportion of products grown outside this state is authorized by~~  
6 ~~the director based upon findings that such products are not available in~~  
7 ~~this state. The label of each container of domestic beer shall clearly set~~  
8 ~~forth the proportion of the products utilized in the manufacture of the~~  
9 ~~beer which was from agricultural products grown in Kansas.~~

10 ~~(d)~~ (c) A microbrewery may sell domestic beer in the original uno-  
11 pened container to consumers for consumption off the licensed premises  
12 at any time between 6 a.m. and 12 midnight on any day except Sunday  
13 and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection  
14 (a), a microbrewery may serve samples of domestic beer and serve and  
15 sell domestic beer and other alcoholic liquor for consumption on the  
16 licensed premises at any time when a club or drinking establishment is  
17 authorized to serve and sell alcoholic liquor.

18 ~~(e)~~ (d) The director may issue to the Kansas state fair or any bona  
19 fide group of brewers a permit to import into this state small quantities  
20 of beer. Such beer shall be used only for bona fide educational and sci-  
21 entific tasting programs and shall not be resold. Such beer shall not be  
22 subject to the tax imposed by K.S.A. 41-501, and amendments thereto.  
23 The permit shall identify specifically the brand and type of beer to be  
24 imported, the quantity to be imported, the tasting programs for which  
25 the beer is to be used and the times and locations of such programs. The  
26 secretary shall adopt rules and regulations governing the importation of  
27 beer pursuant to this subsection and the conduct of tasting programs for  
28 which such beer is imported.

29 ~~(f)~~ (e) A microbrewery license or microbrewery packaging and ware-  
30 housing facility license shall apply only to the premises described in the  
31 application and in the license issued and only one location shall be de-  
32 scribed in the license.

33 ~~(g)~~ (f) No microbrewery shall:

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

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

40 (3) employ any person under 21 years of age in connection with mix-  
41 ing or dispensing alcoholic liquor; or

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

1     ~~(h)~~ (g) Whenever a microbrewery licensee is convicted of a violation  
2 of the Kansas liquor control act, the director may revoke the licensee's  
3 license and all fees paid for the license in accordance with the Kansas  
4 administrative procedure act.  
5     Sec. 2. K.S.A. 2007 Supp. 41-308b is hereby repealed.  
6     Sec. 3. This act shall take effect and be in force from and after its  
7 publication in the statute book.