

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2908

As Amended by Senate Committee on
Federal and State Affairs

Brief*

HB 2908 would allow a farm winery to sell wine, manufactured by the winery, to holders of temporary permits to sell and serve alcoholic liquor. This permission would be in addition to current law which allows these wineries to sell to licensed wine distributors, retailers, clubs, drinking establishments, and caterers. The bill would allow the temporary permit holders at the State Fair to sell, in its original, unopened container, wine that is being sold by the glass.

The bill would eliminate the requirement that not less than 50.0 percent of agricultural products used in the manufacturing of domestic microbrewery beer be grown in Kansas.

The bill would permit consumption of alcoholic liquor on the premises of any Kansas National Guard Armory as authorized by the rules and regulations of the Adjutant General and upon approval of the Kansas Military Board. In addition, a defendant who has served a minor under 21 years of age can use as evidence against the revocation, suspension, or imposition of a fine, that the driver's license or identification card presented by the minor reasonably appeared to contain a photograph of the minor purporting to establish that such minor was 21 years of age. The bill also would require a retailer, prior to selling a keg of beer or cereal malt beverage, to record what reasonably appears to contain a purchaser's picture and signature.

Finally, the bill would allow issuance of a license to sell retail alcoholic liquor in the original package on premises

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

located in an unincorporated county. Current law would restrict the issuance of a license in a township having a population less than 5,000 people.

Background

At the hearing on the bill, proponents included representatives of the Smoky Hill Vineyards & Winery, the Kansas Wine & Spirits Wholesalers Association, Wyldewood Cellars Winery, the Kansas Licensed Beverage Association, and a concerned citizen.

Opponents to the bill included Davenport Orchards, Vineyards and Winery, the Kansas Viticulture and Farm Winery Association, and Bluejacket Crossing Vineyard and Winery.

The Senate Committee amended the provisions of HB 2817 and SB 397 into HB 2908. In addition, the Committee reinserted into HB 2908 the provision that 60 percent of the products utilized in the manufacture of domestic table wine and domestic fortified wine be grown in Kansas. Also, the Committee deleted the provision in the bill that would allow the sale of bottles of wine at farmer's markets. Finally, the Committee deleted the provision that would have allowed a person to have more than one winery license and manufacturing location.

No fiscal note was available on the bill as amended by the Senate Committee.