

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2170

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2170, as amended, would amend the Kansas Liquor Control Act provisions on the licensing of spirits, wine, and cereal malt beverage (CMB) distributors concerning samples of products provided to retailers and to club and drinking establishment licensees.

Spirits

The bill would allow a sample of up to three liters of distilled spirits to be provided to club and drinking establishment licensees and employees of the establishment. Continuing law allows samples to be provided to distributors, retailers, and their employees.

Wine

The bill would allow a sample of up to three liters of any brand of wine to be provided to a licensee. Continuing law allows a sample to be provided to club and drinking establishment licensees, distributors, retailers, and their employees.

Beer

The bill would allow a sample of up to three gallons of any brand of beer or CMB to be provided to a licensee.

*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>

Continuing law allows a sample to be provided to club and drinking establishment licensees, distributors, retailers, and their employees.

Sample Products

The bill would require such sample to be of a product the licensee has not purchased from the distributor within the previous 12 months.

Effective Date

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was requested for introduction by the House Committee on Federal and State Affairs at the request of Representative Will Carpenter.

House Committee on Federal and State Affairs

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas Association of Beverage Retailers, Kansas Beer Wholesalers Association, and Kansas Wine & Spirits Wholesalers Association. The proponents indicated the bill would conform Kansas law to Federal Tax and Trade Bureau rules in regards to sampling among industry members. One of the proponents recommended an amendment to the bill, requesting the bill become effective upon publication in the *Kansas Register*.

Neutral testimony was provided by a representative of the Department of Revenue, Alcoholic Beverage Control Division (ABC), who stated that if the bill is passed into law,

ABC would begin the process of revoking the portion of the regulation that conflicts with the new law.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Revenue indicates enactment of the bill would have no fiscal effect.

Sample; alcohol; drinking establishment; distributor; wine; cereal malt beverage; spirits; beer