

## HOUSE BILL No. 2189

By Committee on Federal and State Affairs

1-29

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1 AN ACT concerning alcoholic beverages; relating to microbreweries;  
2 amending K.S.A. 41-708 and K.S.A. 2014 Supp. 41-308b and repealing  
3 the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 41-308b is hereby amended to read as  
7 follows: 41-308b. (a) A microbrewery license shall allow:

8 (1) The manufacture of not less than 100 nor more than ~~30,000-~~  
9 *60,000* barrels of domestic beer during the calendar year and the storage  
10 thereof;

11 (2) ~~the sale to beer distributors of beer, manufactured by the licensee~~  
12 *of beer, manufactured by the licensee, to licensed beer distributors,*  
13 *retailers, public venues, clubs, drinking establishments, caterers and*  
14 *holders of temporary permits as authorized by K.S.A. 41-2645, and*  
15 *amendments thereto;*

16 (3) the sale, on the licensed premises in the original unopened  
17 container to consumers for consumption off the licensed premises, of beer  
18 manufactured by the licensee;

19 (4) the serving free of charge on the licensed premises and at special  
20 events, monitored and regulated by the division of alcoholic beverage  
21 control, of samples of beer manufactured by the licensee, if the premises  
22 are located in a county where the sale of alcoholic liquor is permitted by  
23 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 the  
26 licensed premises as authorized by the club and drinking establishment  
27 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 as  
30 authorized by the club and drinking establishment act.

31 (b) Upon application and payment of the fee prescribed by K.S.A. 41-  
32 310, and amendments thereto, by a microbrewery licensee, the director  
33 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

1 the licensed premises of the microbrewery packaging and warehousing  
2 facility, of beer manufactured by the licensee, for the purpose of packaging  
3 or storage, or both; and

4 (2) the transfer, from the licensed premises of the microbrewery  
5 packaging and warehousing facility to the licensed premises of the  
6 microbrewery, of beer manufactured by the licensee; or

7 (3) the removal from the licensed premises of the microbrewery  
8 packaging and warehousing facility of beer manufactured by the licensee  
9 for the purpose of delivery to a licensed beer wholesaler.

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

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

29 (e) A microbrewery license or microbrewery packaging and  
30 warehousing facility license shall apply only to the premises described in  
31 the application and in the license issued and only one location shall be  
32 described in the license.

33 (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 on-  
38 premises supervision of either the licensee or an employee of the licensee  
39 who is 21 years of age or over;

40 (3) employ any person under 21 years of age in connection with  
41 mixing 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 (g) Whenever a microbrewery licensee is convicted of a violation of  
2 the Kansas liquor control act, the director may revoke the licensee's license  
3 and all fees paid for the license in accordance with the Kansas  
4 administrative procedure act.

5 Sec. 2. K.S.A. 41-708 is hereby amended to read as follows: 41-708.

6 (a) No retailer licensed under this act shall purchase or receive alcoholic  
7 liquor from any source except ~~from~~: (1) *From* a distributor licensed under  
8 this act and having a place of business in this state, ~~except that a licensed~~  
9 ~~retailer may purchase confiscated alcoholic liquor at a sheriff's sale;~~ (2)  
10 *from a farm winery as authorized by K.S.A. 41-308a, and amendments*  
11 *thereto;* (3) *from a microbrewery as authorized by K.S.A. 41-308b, and*  
12 *amendments thereto;* or (4) *by purchase of confiscated alcoholic liquor at*  
13 *a sheriff's sale.*

14 (b) Any retail licensee who violates this section is guilty of a  
15 misdemeanor, and upon conviction thereof shall be punished by a fine of  
16 not less than \$200, nor more than \$1,000, to which may be added  
17 imprisonment for not more than six months, and the license of such  
18 licensee may be revoked as provided by law.

19 Sec. 3. K.S.A. 41-708 and K.S.A. 2014 Supp. 41-308b are hereby  
20 repealed.

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