

HOUSE BILL No. 2476

By Committee on Federal and State Affairs

1-17

1 AN ACT concerning alcoholic beverages; relating to the definition of
2 alcoholic liquor, including alcoholic candy and ~~confectionary~~
3 *{confectionery}* products to the definition of alcoholic liquor; ~~relating~~
4 ~~to~~ *{confectionery products containing alcohol and adulterated food*
5 *products;}* microbreweries; authorizing the on-premises sale of
6 certain large containers of beer for off-premises consumption,
7 labeling requirements thereof; amending *{K.S.A. 65-664 and}* K.S.A.
8 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017
9 Session Laws of Kansas and K.S.A. 2017 Supp. 41-102 **and 41-308b**
10 and repealing the existing sections; also repealing K.S.A. 2017 Supp.
11 41-102, as amended by section 1 of this act.
12

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

14 Section 1. K.S.A. 2017 Supp. 41-102 is hereby amended to read as
15 follows: 41-102. As used in this act, unless the context clearly requires
16 otherwise:

17 (a) "Alcohol" means the product of distillation of any fermented
18 liquid, whether rectified or diluted, whatever its origin, and includes
19 synthetic ethyl alcohol but does not include denatured alcohol or wood
20 alcohol.

21 (b) "Alcoholic candy" means any candy or other confectionary
22 product with an alcohol content greater than ~~0.5%~~ *{1%}* alcohol by
23 volume.

24 (c) "Alcoholic liquor" means alcohol, spirits, wine, beer, *alcoholic*
25 *candy* and every liquid or solid, patented or not, containing alcohol, spirits,
26 wine or beer and capable of being consumed ~~as a beverage~~ by a human
27 being, but shall not include any cereal malt beverage.

28 (e) (d) "Beer" means a beverage, containing more than 3.2% alcohol
29 by weight, obtained by alcoholic fermentation of an infusion or concoction
30 of barley, or other grain, malt and hops in water and includes beer, ale,
31 stout, lager beer, porter and similar beverages having such alcoholic
32 content.

33 (d) (e) "Caterer" has the meaning provided by K.S.A. 41-2601, and
34 amendments thereto.

1 ~~(e)~~ (f) "Cereal malt beverage" has the meaning provided by K.S.A.
2 41-2701, and amendments thereto.

3 ~~(f)~~ (g) "Club" has the meaning provided by K.S.A. 41-2601, and
4 amendments thereto.

5 ~~(g)~~ (h) "Director" means the director of alcoholic beverage control of
6 the department of revenue.

7 ~~(h)~~ (i) "Distributor" means the person importing or causing to be
8 imported into the state, or purchasing or causing to be purchased within
9 the state, alcoholic liquor for sale or resale to retailers licensed under this
10 act or cereal malt beverage for sale or resale to retailers licensed under
11 K.S.A. 41-2702, and amendments thereto.

12 ~~(i)~~ (j) "Domestic beer" means beer which contains not more than ~~10%~~
13 **15%** alcohol by weight and which is manufactured in this state.

14 ~~(j)~~ (k) "Domestic fortified wine" means wine which contains more
15 than 14%, but not more than 20% alcohol by volume and which is
16 manufactured in this state.

17 ~~(k)~~ (l) "Domestic table wine" means wine which contains not more
18 than 14% alcohol by volume and which is manufactured without
19 rectification or fortification in this state.

20 ~~(l)~~ (m) "Drinking establishment" has the meaning provided by K.S.A.
21 41-2601, and amendments thereto.

22 ~~(m)~~ (n) "Farm winery" means a winery licensed by the director to
23 manufacture, store and sell domestic table wine and domestic fortified
24 wine.

25 ~~(n)~~ (o) "Hard cider" means any alcoholic beverage that:

26 (1) Contains less than 8.5% alcohol by volume;

27 (2) has a carbonation level that does not exceed 6.4 grams per liter;
28 and

29 (3) is obtained by the normal alcoholic fermentation of the juice of
30 sound, ripe apples or pears, including such beverages containing sugar
31 added for the purpose of correcting natural deficiencies.

32 ~~(o)~~ (p) "Manufacture" means to distill, rectify, ferment, brew, make,
33 mix, concoct, process, blend, bottle or fill an original package with any
34 alcoholic liquor, beer or cereal malt beverage.

35 ~~(p)~~ (q) (1) "Manufacturer" means every brewer, fermenter, distiller,
36 rectifier, wine maker, blender, processor, bottler or person who fills or
37 refills an original package and others engaged in brewing, fermenting,
38 distilling, rectifying or bottling alcoholic liquor, beer or cereal malt
39 beverage.

40 (2) "Manufacturer" does not include a microbrewery, microdistillery
41 or a farm winery.

42 ~~(q)~~ (r) "Microbrewery" means a brewery licensed by the director to
43 manufacture, store and sell domestic beer and hard cider.

1 ~~(s)~~ (s) "Microdistillery" means a facility which produces spirits from
2 any source or substance that is licensed by the director to manufacture,
3 store and sell spirits.

4 ~~(t)~~ (t) "Minor" means any person under 21 years of age.

5 ~~(u)~~ (u) "Nonbeverage user" means any manufacturer of any of the
6 products set forth and described in K.S.A. 41-501, and amendments
7 thereto, when the products contain alcohol or wine, and all laboratories
8 using alcohol for nonbeverage purposes.

9 ~~(v)~~ (v) "Original package" means any bottle, flask, jug, can, cask,
10 barrel, keg, hogshead or other receptacle or container whatsoever, used,
11 corked or capped, sealed and labeled by the manufacturer of alcoholic
12 liquor, to contain and to convey any alcoholic liquor. Original container
13 does not include a sleeve.

14 ~~(w)~~ (w) "Person" means any natural person, corporation, partnership,
15 trust or association.

16 ~~(x)~~ (x) "Powdered alcohol" means alcohol that is prepared in a
17 powdered or crystal form for either direct use or for reconstitution in a
18 nonalcoholic liquid.

19 ~~(y)~~ (y) "Primary American source of supply" means the manufacturer,
20 the owner of alcoholic liquor at the time it becomes a marketable product
21 or the manufacturer's or owner's exclusive agent who, if the alcoholic
22 liquor cannot be secured directly from such manufacturer or owner by
23 American wholesalers, is the source closest to such manufacturer or owner
24 in the channel of commerce from which the product can be secured by
25 American wholesalers.

26 ~~(z)~~ (z) (1) "Retailer" means a person who sells at retail, or offers for
27 sale at retail, alcoholic liquors.

28 (2) "Retailer" does not include a microbrewery, microdistillery or a
29 farm winery.

30 ~~(aa)~~ (aa) "Sale" means any transfer, exchange or barter in any manner
31 or by any means whatsoever for a consideration and includes all sales
32 made by any person, whether principal, proprietor, agent, servant or
33 employee.

34 ~~(bb)~~ (bb) "Salesperson" means any natural person who:

35 (1) Procures or seeks to procure an order, bargain, contract or
36 agreement for the sale of alcoholic liquor or cereal malt beverage; or

37 (2) is engaged in promoting the sale of alcoholic liquor or cereal malt
38 beverage, or in promoting the business of any person, firm or corporation
39 engaged in the manufacturing and selling of alcoholic liquor or cereal malt
40 beverage, whether the seller resides within the state of Kansas and sells to
41 licensed buyers within the state of Kansas, or whether the seller resides
42 without the state of Kansas and sells to licensed buyers within the state of
43 Kansas.

1 ~~(bb)~~ (cc) "Secretary" means the secretary of revenue.

2 ~~(ee)~~ (dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales
3 for use or consumption and not for resale in any form and sales to clubs,
4 licensed drinking establishments, licensed caterers or holders of temporary
5 permits.

6 (2) "Sell at retail" and "sale at retail" do not refer to or mean sales by
7 a distributor, a microbrewery, a farm winery, a licensed club, a licensed
8 drinking establishment, a licensed caterer or a holder of a temporary
9 permit.

10 ~~(dd)~~ (ee) "To sell" includes to solicit or receive an order for, to keep
11 or expose for sale and to keep with intent to sell.

12 ~~(ee)~~ (ff) "Sleeve" means a package of two or more 50-milliliter (3.2-
13 fluid-ounce) containers of spirits.

14 ~~(ff)~~ (gg) "Spirits" means any beverage which contains alcohol
15 obtained by distillation, mixed with water or other substance in solution,
16 and includes brandy, rum, whiskey, gin or other spirituous liquors, and
17 such liquors when rectified, blended or otherwise mixed with alcohol or
18 other substances.

19 ~~(gg)~~ (hh) "Supplier" means a manufacturer of alcoholic liquor or
20 cereal malt beverage or an agent of such manufacturer, other than a
21 salesperson.

22 ~~(hh)~~ (ii) "Temporary permit" has the meaning provided by K.S.A. 41-
23 2601, and amendments thereto.

24 ~~(ii)~~ (jj) "Wine" means any alcoholic beverage obtained by the normal
25 alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or
26 other agricultural products, including such beverages containing added
27 alcohol or spirits or containing sugar added for the purpose of correcting
28 natural deficiencies. The term "wine" shall include hard cider and any
29 other product that is commonly known as a subset of wine.

30 Sec. 2. On and after April 1, 2019 K.S.A. 2016 Supp. 41-102, as
31 amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas,
32 is hereby amended to read as follows: 41-102. As used in this act, unless
33 the context clearly requires otherwise:

34 (a) "Alcohol" means the product of distillation of any fermented
35 liquid, whether rectified or diluted, whatever its origin, and includes
36 synthetic ethyl alcohol but does not include denatured alcohol or wood
37 alcohol.

38 (b) "*Alcoholic candy*" means any candy or other confectionary
39 product with an alcohol content greater than ~~0.5%~~ {1%} alcohol by
40 volume.

41 (c) "Alcoholic liquor" means alcohol, spirits, wine, beer, *alcoholic*
42 *candy* and every liquid or solid, patented or not, containing alcohol, spirits,
43 wine or beer and capable of being consumed ~~as a beverage~~ by a human

1 being, but shall not include any cereal malt beverage.

2 ~~(e)~~ (d) "Beer" means a beverage, containing more than 3.2% alcohol
3 by weight, obtained by alcoholic fermentation of an infusion or concoction
4 of barley, or other grain, malt and hops in water and includes beer, ale,
5 stout, lager beer, porter and similar beverages having such alcoholic
6 content.

7 ~~(d)~~ (e) "Caterer" has the meaning provided by K.S.A. 41-2601, and
8 amendments thereto.

9 ~~(e)~~ (f) "Cereal malt beverage" has the meaning provided by K.S.A.
10 41-2701, and amendments thereto.

11 ~~(f)~~ (g) "Club" has the meaning provided by K.S.A. 41-2601, and
12 amendments thereto.

13 ~~(g)~~ (h) "Director" means the director of alcoholic beverage control of
14 the department of revenue.

15 ~~(h)~~ (i) "Distributor" means the person importing or causing to be
16 imported into the state, or purchasing or causing to be purchased within
17 the state, alcoholic liquor for sale or resale to retailers licensed under this
18 act or cereal malt beverage for sale or resale to retailers licensed under
19 K.S.A. 41-2702, and amendments thereto.

20 ~~(i)~~ (j) "Domestic beer" means beer which contains not more than ~~10%~~
21 **15%** alcohol by weight and which is manufactured in this state.

22 ~~(j)~~ (k) "Domestic fortified wine" means wine which contains more
23 than 14%, but not more than 20% alcohol by volume and which is
24 manufactured in this state.

25 ~~(k)~~ (l) "Domestic table wine" means wine which contains not more
26 than 14% alcohol by volume and which is manufactured without
27 rectification or fortification in this state.

28 ~~(l)~~ (m) "Drinking establishment" has the meaning provided by K.S.A.
29 41-2601, and amendments thereto.

30 ~~(m)~~ (n) "Farm winery" means a winery licensed by the director to
31 manufacture, store and sell domestic table wine and domestic fortified
32 wine.

33 ~~(n)~~ (o) "Hard cider" means any alcoholic beverage that:

34 (1) Contains less than 8.5% alcohol by volume;

35 (2) has a carbonation level that does not exceed 6.4 grams per liter;
36 and

37 (3) is obtained by the normal alcoholic fermentation of the juice of
38 sound, ripe apples or pears, including such beverages containing sugar
39 added for the purpose of correcting natural deficiencies.

40 ~~(o)~~ (p) "Manufacture" means to distill, rectify, ferment, brew, make,
41 mix, concoct, process, blend, bottle or fill an original package with any
42 alcoholic liquor, beer or cereal malt beverage.

43 ~~(p)~~ (q) (1) "Manufacturer" means every brewer, fermenter, distiller,

1 rectifier, wine maker, blender, processor, bottler or person who fills or
2 refills an original package and others engaged in brewing, fermenting,
3 distilling, rectifying or bottling alcoholic liquor, beer or cereal malt
4 beverage.

5 (2) "Manufacturer" does not include a microbrewery, microdistillery
6 or a farm winery.

7 ~~(q)~~ (r) "Microbrewery" means a brewery licensed by the director to
8 manufacture, store and sell domestic beer and hard cider.

9 ~~(t)~~ (s) "Microdistillery" means a facility which produces spirits from
10 any source or substance that is licensed by the director to manufacture,
11 store and sell spirits.

12 ~~(u)~~ (t) "Minor" means any person under 21 years of age.

13 ~~(v)~~ (u) "Nonbeverage user" means any manufacturer of any of the
14 products set forth and described in K.S.A. 41-501, and amendments
15 thereto, when the products contain alcohol or wine, and all laboratories
16 using alcohol for nonbeverage purposes.

17 ~~(w)~~ (v) "Original package" means any bottle, flask, jug, can, cask,
18 barrel, keg, hogshead or other receptacle or container whatsoever, used,
19 corked or capped, sealed and labeled by the manufacturer of alcoholic
20 liquor, to contain and to convey any alcoholic liquor. Original container
21 does not include a sleeve.

22 ~~(x)~~ (w) "Person" means any natural person, corporation, partnership,
23 trust or association.

24 ~~(y)~~ (x) "Powdered alcohol" means alcohol that is prepared in a
25 powdered or crystal form for either direct use or for reconstitution in a
26 nonalcoholic liquid.

27 ~~(z)~~ (y) "Primary American source of supply" means the manufacturer,
28 the owner of alcoholic liquor at the time it becomes a marketable product
29 or the manufacturer's or owner's exclusive agent who, if the alcoholic
30 liquor cannot be secured directly from such manufacturer or owner by
31 American wholesalers, is the source closest to such manufacturer or owner
32 in the channel of commerce from which the product can be secured by
33 American wholesalers.

34 ~~(aa)~~ (z) (1) "Retailer" means a person who is licensed under the
35 Kansas liquor control act and sells at retail, or offers for sale at retail,
36 alcoholic liquors or cereal malt beverages.

37 (2) "Retailer" does not include a microbrewery, microdistillery or a
38 farm winery.

39 ~~(ab)~~ (aa) "Sale" means any transfer, exchange or barter in any manner
40 or by any means whatsoever for a consideration and includes all sales
41 made by any person, whether principal, proprietor, agent, servant or
42 employee.

43 ~~(ac)~~ (bb) "Salesperson" means any natural person who:

1 (1) Procures or seeks to procure an order, bargain, contract or
2 agreement for the sale of alcoholic liquor or cereal malt beverage; or

3 (2) is engaged in promoting the sale of alcoholic liquor or cereal malt
4 beverage, or in promoting the business of any person, firm or corporation
5 engaged in the manufacturing and selling of alcoholic liquor or cereal malt
6 beverage, whether the seller resides within the state of Kansas and sells to
7 licensed buyers within the state of Kansas, or whether the seller resides
8 without the state of Kansas and sells to licensed buyers within the state of
9 Kansas.

10 ~~(bb)~~ (cc) "Secretary" means the secretary of revenue.

11 ~~(ee)~~ (dd) (1) "Sell at retail" and "sale at retail" refer to and mean sales
12 for use or consumption and not for resale in any form and sales to clubs,
13 licensed drinking establishments, licensed caterers or holders of temporary
14 permits.

15 (2) "Sell at retail" and "sale at retail" do not refer to or mean sales by
16 a distributor, a microbrewery, a farm winery, a licensed club, a licensed
17 drinking establishment, a licensed caterer or a holder of a temporary
18 permit.

19 ~~(dd)~~ (ee) "To sell" includes to solicit or receive an order for, to keep
20 or expose for sale and to keep with intent to sell.

21 ~~(ee)~~ (ff) "Sleeve" means a package of two or more 50-milliliter (3.2-
22 fluid-ounce) containers of spirits.

23 ~~(ff)~~ (gg) "Spirits" means any beverage which contains alcohol
24 obtained by distillation, mixed with water or other substance in solution,
25 and includes brandy, rum, whiskey, gin or other spirituous liquors, and
26 such liquors when rectified, blended or otherwise mixed with alcohol or
27 other substances.

28 ~~(gg)~~ (hh) "Supplier" means a manufacturer of alcoholic liquor or
29 cereal malt beverage or an agent of such manufacturer, other than a
30 salesperson.

31 ~~(hh)~~ (ii) "Temporary permit" has the meaning provided by K.S.A. 41-
32 2601, and amendments thereto.

33 ~~(ii)~~ (jj) "Wine" means any alcoholic beverage obtained by the normal
34 alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or
35 other agricultural products, including such beverages containing added
36 alcohol or spirits or containing sugar added for the purpose of correcting
37 natural deficiencies. The term "wine" shall include hard cider and any
38 other product that is commonly known as a subset of wine.

39 **Sec. 3. K.S.A. 2017 Supp. 41-308b is hereby amended to read as**
40 **follows: 41-308b. (a) A microbrewery license shall allow:**

41 **(1) The manufacture of not less than 100 nor more than 60,000**
42 **barrels of domestic beer during the calendar year and the storage**
43 **thereof, if, however, the licensee holds a 10% or greater ownership**

1 interest in one or more entities that also hold a microbrewery license,
2 then the aggregate number of barrels of domestic beer manufactured
3 by all such licensees with such common ownership shall not exceed the
4 60,000 barrel limit;

5 (2) the manufacture in the aggregate of not more than 100,000
6 gallons of hard cider during the calendar year and the storage thereof;

7 (3) the sale to beer distributors of beer and the sale to wine
8 distributors of hard cider, manufactured by the licensee;

9 (4) the sale, on the licensed premises in the original unopened
10 container to consumers for consumption off the licensed premises, of
11 beer and hard cider manufactured by the licensee;

12 (5) *the sale, on the licensed premises in refillable and sealable*
13 *containers to consumers for consumption off the licensed premises, of beer*
14 *manufactured by the licensee, subject to the following conditions:*

15 (A) *Containers described in this paragraph shall contain not less*
16 *than 32 fluid ounces and not more than 64 fluid ounces of beer; and*

17 (B) *the licensee shall affix a label to all containers sold pursuant to*
18 *this paragraph clearly indicating the licensee's name and the name and*
19 *type of beer contained in such container;*

20 (6) the serving free of charge on the licensed premises and at
21 special events, monitored and regulated by the division of alcoholic
22 beverage control, of samples of beer and hard cider manufactured by
23 the licensee, if the premises are located in a county where the sale of
24 alcoholic liquor is permitted by law in licensed drinking
25 establishments;

26 ~~(6)~~(7) if the premises is also licensed as a club or drinking
27 establishment, the sale and transfer of domestic beer to such club or
28 drinking establishment and the sale of domestic beer and other
29 alcoholic liquor for consumption on the licensed premises as
30 authorized by the club and drinking establishment act;

31 ~~(7)~~(8) if the premises is also licensed as a caterer, the sale of
32 domestic beer and other alcoholic liquor for consumption on
33 unlicensed premises as authorized by the club and drinking
34 establishment act; and

35 ~~(8)~~(9) if the licensee holds a 10% or greater ownership interest in
36 one or more entities that also hold a microbrewery license, the
37 domestic beer may be manufactured and transferred for sale or
38 storage among such microbrewery licensees with such common
39 ownership.

40 (b) Not less than 30% of the products utilized in the manufacture
41 of hard cider by a microbrewery shall be grown in Kansas except
42 when a lesser proportion is authorized by the director based upon the
43 director's findings and judgment. The production requirement of this

1 subsection shall be determined based on the annual production of
2 domestic hard cider.

3 (c) Upon application and payment of the fee prescribed by K.S.A.
4 41-310, and amendments thereto, by a microbrewery licensee, the
5 director may issue not to exceed one microbrewery packaging and
6 warehousing facility license to the microbrewery licensee. A
7 microbrewery packaging and warehousing facility license shall allow:

8 (1) The transfer, from the licensed premises of the microbrewery
9 to the licensed premises of the microbrewery packaging and
10 warehousing facility, of beer and hard cider manufactured by the
11 licensee, for the purpose of packaging or storage, or both;

12 (2) the transfer, from the licensed premises of the microbrewery
13 packaging and warehousing facility to the licensed premises of any
14 microbrewery of such licensee, of beer manufactured by the licensee;

15 (3) the removal from the licensed premises of the microbrewery
16 packaging and warehousing facility of beer manufactured by the
17 licensee for the purpose of delivery to a licensed beer wholesaler; and

18 (4) the removal from the licensed premises of the microbrewery
19 packaging and warehousing facility of hard cider manufactured by the
20 licensee for the purpose of delivery to a licensed wine distributor.

21 (d) A microbrewery may sell domestic beer in the original
22 unopened container to consumers for consumption off the licensed
23 premises at any time between 6 a.m. and 12 midnight on any day
24 except Sunday and between 11 a.m. and 7 p.m. on Sunday. If
25 authorized by subsection (a), a microbrewery may serve samples of
26 domestic beer and serve and sell domestic beer and other alcoholic
27 liquor for consumption on the licensed premises at any time when a
28 club or drinking establishment is authorized to serve and sell alcoholic
29 liquor.

30 (e) The director may issue to the Kansas state fair or any bona
31 fide group of brewers a permit to import into this state small
32 quantities of beer. Such beer shall be used only for bona fide
33 educational and scientific tasting programs and shall not be resold.
34 Such beer shall not be subject to the tax imposed by K.S.A. 41-501,
35 and amendments thereto. The permit shall identify specifically the
36 brand and type of beer to be imported, the quantity to be imported,
37 the tasting programs for which the beer is to be used and the times
38 and locations of such programs. The secretary shall adopt rules and
39 regulations governing the importation of beer pursuant to this
40 subsection and the conduct of tasting programs for which such beer is
41 imported.

42 (f) A microbrewery license or microbrewery packaging and
43 warehousing facility license shall apply only to the premises described

1 in the application and in the license issued and only one location shall
2 be described in the license.

3 (g) No microbrewery shall:

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

6 (2) permit any employee of the licensee who is under the age of 21
7 years to work on the licensed premises at any time when not under the
8 on-premises supervision of either the licensee or an employee of the
9 licensee who is 21 years of age or over;

10 (3) employ any person under 21 years of age in connection with
11 mixing or dispensing alcoholic liquor; or

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

14 (h) Whenever a microbrewery licensee is convicted of a violation
15 of the Kansas liquor control act, the director may revoke the licensee's
16 license and all fees paid for the license in accordance with the Kansas
17 administrative procedure act.

18 *{Sec. 4. K.S.A. 65-664 is hereby amended to read as follows: 65-
19 664. A food shall be deemed to be adulterated:*

20 *(a) (1) If it bears or contains any poisonous or deleterious
21 substance which may render it injurious to health; but in case the
22 substance is not an added substance such food shall not be considered
23 adulterated under this clause if the quantity of the substance in such
24 food does not ordinarily render it injurious to health; or (2) (A) it bears
25 or contains any added poisonous or added deleterious substance, other
26 than one which is: (i) A pesticide chemical in or on a raw agricultural
27 commodity; (ii) a food additive; or (iii) a color additive, which is unsafe
28 within the meaning of K.S.A. 65-667, and amendments thereto; ~~or~~ (B) it
29 is a raw agricultural commodity and it bears or contains a pesticide
30 chemical which is unsafe within the meaning of K.S.A. 65-667, and
31 amendments thereto; or (C) it is or it bears or contains any food additive
32 which is unsafe within the meaning of K.S.A. 65-667, and amendments
33 thereto. Where a pesticide chemical has been used in or on a raw
34 agricultural commodity in conformity with an exemption granted or
35 tolerance prescribed under K.S.A. 65-667, and amendments thereto, and
36 such raw agricultural commodity has been subjected to processing such
37 as canning, cooking, freezing, dehydrating, or milling, the residue of
38 such pesticide chemical remaining in or on such processed food shall,
39 notwithstanding the provisions of K.S.A. 65-667, and amendments
40 thereto, and ~~clause subparagraph (C) of this subsection,~~ not be deemed
41 unsafe if such residue in or on the raw agricultural commodity has been
42 removed to the extent possible in good manufacturing practice, and the
43 concentration of such residue in the processed food when ready to eat is*

1 *not greater than the tolerance prescribed for the raw agricultural*
 2 *commodity;—*~~or~~ *(3) it consists in whole or in part of a diseased,*
 3 *contaminated, filthy, putrid, or decomposed substance, or is otherwise*
 4 *unfit for food;—*~~or~~ *(4) it has been produced, prepared, packed, or held*
 5 *under insanitary conditions whereby it may have become contaminated*
 6 *with filth, or whereby it may have been rendered diseased,*
 7 *unwholesome, or injurious to health;—*~~or~~ *(5) it is the product of a diseased*
 8 *animal or an animal which has died otherwise than by slaughter, or that*
 9 *has been fed upon the uncooked offal from a slaughterhouse; or (6) its*
 10 *container is composed, in whole or in part, of any poisonous or*
 11 *deleterious substance which may render the contents injurious to health.*

12 *(b) (1) If any valuable constituent has been in whole or in part*
 13 *omitted or abstracted therefrom;—*~~or~~ *(2) any substance has been*
 14 *substituted wholly or in part therefor;—*~~or~~ *(3) damage or inferiority has*
 15 *been concealed in any manner; or (4) any substance has been added*
 16 *thereto or mixed or packed therewith so as to increase its bulk or weight,*
 17 *or reduce its quality or strength or make it appear better or of greater*
 18 *value than it is. This subsection does not apply to any cured or smoked*
 19 *pork product by reason of its containing added water.*

20 *(c) If it is confectionery and it bears or contains any alcohol or*
 21 *nonnutritive article or substance except harmless coloring, harmless*
 22 *flavoring, harmless resinous glaze not in excess of⁴/₁₀ ~~of 1%~~ 0.4%,*
 23 *harmless natural wax not in excess of⁴/₁₀ ~~of 1%~~ 0.4%, harmless natural*
 24 *gum, and pectin. This subsection does not apply to any confectionery by*
 25 *reason of its containing less than 1/2 of not more than 1% by volume of*
 26 *alcohol derived solely from the use of flavoring extracts, or to any*
 27 *chewing gum by reason of its containing harmless nonnutritive*
 28 *masticatory substances.*

29 *(d) If it is or bears or contains any color additive which is unsafe*
 30 *within the meaning of K.S.A. 65-667, and amendments thereto}.*

31 ~~Sec. 3-4, {5.} {K.S.A. 65-664 and} K.S.A. 2017 Supp. 41-102-is and~~
 32 ~~41-308b are hereby repealed.~~

33 ~~Sec. 4-5, {6.} On and after April 1, 2019, K.S.A. 2016 Supp. 41-102,~~
 34 ~~as amended by section 4 of chapter 56 of the 2017 Session Laws of~~
 35 ~~Kansas, and K.S.A. 2017 Supp. 41-102, as amended by section 1 of this~~
 36 ~~act are hereby repealed.~~

37 ~~Sec. 5-6, {7.} This act shall take effect and be in force from and after~~
 38 ~~its publication in the statute book.~~