

SENATE BILL No. 390

By Committee on Agriculture

2-7

1 AN ACT concerning farm wineries; relating to farm winery license;  
2 authority of licensee; amending K.S.A. 2011 Supp. 41-308a and  
3 repealing the existing section.  
4

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

6 Section 1. K.S.A. 2011 Supp. 41-308a is hereby amended to read as  
7 follows: 41-308a. (a) A farm winery license shall allow:

8 (1) The manufacture of domestic table wine and domestic fortified  
9 wine in a quantity not exceeding 100,000 gallons per year and the storage  
10 thereof;

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

15 (3) the sale, on the licensed premises and at special events monitored  
16 and regulated by the division of alcoholic beverage control in the original  
17 unopened container to consumers for consumption off the licensed  
18 premises, of wine 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 wine manufactured by the licensee or imported  
22 under subsection (f), if the licensed premises are located in a county where  
23 the sale of alcoholic liquor is permitted by law in licensed drinking  
24 establishments;

25 (5) ~~if the licensee manufactured the wine, the sale of wine~~  
26 ~~manufactured by the licensee for consumption on the licensed premises, if~~ —  
27 ~~the licensed premises are located in a county where the sale of alcoholic~~  
28 ~~liquor is permitted by law in licensed drinking establishments;~~  
29 (5) (6) if the licensee is also licensed as a club or drinking  
30 establishment, the sale of domestic wine, domestic fortified wine and other  
31 alcoholic liquor for consumption on the licensed premises as authorized by  
32 the club and drinking establishment act;

33 (6) (7) if the licensee is also licensed as a caterer, the sale of domestic  
34 wine, domestic fortified wine and other alcoholic liquor for consumption  
35 on the unlicensed premises as authorized by the club and drinking  
36 establishment act;

Proposed Amendments to SB 390 - Consumption on Premises  
For Committee on Federal & State Affairs  
March 1, 2012  
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provided,

Wine sold pursuant to this paragraph shall not be considered the sale of alcoholic liquor under the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales

not

subject to the provisions of

1 ~~(7)~~ (8) the sale and shipping, in the original unopened container, to  
 2 consumers outside this state of wine manufactured by the licensee,  
 3 provided that the licensee complies with applicable laws and rules and  
 4 regulations of the jurisdiction to which the wine is shipped; and  
 5 ~~(8)~~ (9) the sale and shipping of wine within this state pursuant to a  
 6 permit issued pursuant to K.S.A. 2011 Supp. 41-350, and amendments  
 7 thereto.

8 (b) Upon application and payment of the fee prescribed by K.S.A. 41-  
 9 310, and amendments thereto, by a farm winery licensee, the director may  
 10 issue not to exceed three winery outlet licenses to the farm winery  
 11 licensee. A winery outlet license shall allow:

12 (1) The sale, on the licensed premises and at special events  
 13 monitored and regulated by the division of alcoholic beverage control in  
 14 the original unopened container to consumers for consumption off the  
 15 licensed premises, of wine manufactured by the licensee;

16 (2) the serving on the licensed premises of samples of wine  
 17 manufactured by the licensee or imported under subsection (f), if the  
 18 premises are located in a county where the sale of alcoholic liquor is  
 19 permitted by law in licensed drinking establishments; and

20 (3) the manufacture of domestic table wine and domestic fortified  
 21 wine and the storage thereof, provided, that the aggregate quantity of wine  
 22 produced by the farm winery licensee, including all winery outlets, shall  
 23 not exceed 100,000 gallons per year.

24 (c) Not less than 60% of the products utilized in the manufacture  
 25 of domestic table wine and domestic fortified wine by a farm winery shall  
 26 be grown in Kansas except when a lesser proportion is authorized by the  
 27 director based upon the director's findings and judgment. The label of  
 28 domestic wine and domestic fortified wine shall indicate that a majority of  
 29 the products utilized in the manufacture of the wine at such winery were  
 30 grown in Kansas.

31 (d) A farm winery or winery outlet may sell domestic wine and  
 32 domestic fortified wine in the original unopened container to consumers  
 33 for consumption off the licensed premises at any time between 6 a.m. and  
 34 12 midnight on any day except Sunday and between 12 noon and 6 p.m.  
 35 on Sunday. If authorized by subsection (a), a farm winery may serve  
 36 samples of ~~domestic wine, domestic fortified wine and wine manufactured~~  
 37 ~~by the licensee and wine imported under subsection (c) and serve and sell~~  
 38 domestic wine, domestic fortified wine and other alcoholic liquor for  
 39 consumption on the licensed premises at any time when a club or drinking  
 40 establishment is authorized to serve and sell alcoholic liquor. If authorized  
 41 by subsection (b), a winery outlet may serve samples of domestic wine,  
 42 domestic fortified wine and wine imported under subsection (e) at any  
 43 time when the winery outlet is authorized to sell domestic wine and

60%

1 domestic fortified wine.

2 (e) The director may issue to the Kansas state fair or any bona fide  
3 group of grape growers or wine makers a permit to import into this state  
4 small quantities of wines. Such wine shall be used only for bona fide  
5 educational and scientific tasting programs and shall not be resold. Such  
6 wine shall not be subject to the tax imposed by K.S.A. 41-501, and  
7 amendments thereto. The permit shall identify specifically the brand and  
8 type of wine to be imported, the quantity to be imported, the tasting  
9 programs for which the wine is to be used and the times and locations of  
10 such programs. The secretary shall adopt rules and regulations governing  
11 the importation of wine pursuant to this subsection and the conduct of  
12 tasting programs for which such wine is imported.

13 (f) A farm winery license or winery outlet license shall apply only to  
14 the premises described in the application and in the license issued and only  
15 one location shall be described in the license.

16 (g) No farm winery or winery outlet shall:

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

19 (2) permit any employee of the licensee who is under the age of 21  
20 years to work on the licensed premises at any time when not under the on-  
21 premise supervision of either the licensee or an employee of the licensee  
22 who is 21 years of age or over;

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

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

27 (h) Whenever a farm winery or winery outlet licensee is convicted of  
28 a violation of the Kansas liquor control act, the director may revoke the  
29 licensee's license and order forfeiture of all fees paid for the license, after a  
30 hearing before the director for that purpose in accordance with the  
31 provisions of the Kansas administrative procedure act.

32 (i) This section shall be part of and supplemental to the Kansas liquor  
33 control act.

34 Sec. 2. K.S.A. 2011 Supp. 41-308a is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its  
36 publication in the statute book.

