

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2200

By Committee on Federal and State Affairs

2-2

1 AN ACT concerning alcoholic beverages; relating to retailer's licenses;  
2 amending K.S.A. 2014 Supp. 41-102, 41-301, 41-303, 41-304, 41-308,  
3 41-308d, 41-310, 41-311, 41-313, 41-326, 41-713 and 79-4108 and  
4 repealing the existing sections; also repealing K.S.A. 41-103 and 41-  
5 711.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) On and after July 1, 2015, all retailer's licenses to  
9 sell alcoholic liquor issued by the director prior to such date shall be  
10 deemed to be retailer's class B licenses.

11 (b) A holder of a retailer's class B license shall have all the privileges  
12 granted to such licensees as set forth in K.S.A. 41-308, and amendments  
13 thereto.

14 (c) On and after July 1, 2015, the total number of retailer's class B  
15 licenses issued by the director to sell alcoholic liquor shall not exceed the  
16 number of valid retailer's licenses issued as of June 30, 2015. The director  
17 may only issue a retailer's class B license to sell alcoholic liquor to a  
18 qualified applicant if the issuance of such license would not cause the total  
19 number of such valid licenses issued to exceed the number of valid  
20 retailer's licenses issued as of June 30, 2015.

21 ~~New Sec. 2. (a) On and after July 1, 2018, any licensee holding a~~  
22 ~~valid retailer's class B license may transfer such license to any person~~  
23 ~~qualified to hold such license under the Kansas liquor control act. The~~  
24 ~~transferee's proposed premises to be licensed shall be located in the same~~  
25 ~~county as the licensed premises of the transferor~~ **On and after July 1,**  
26 **2018, and until June 30, 2021, any person qualified to hold a retailer's**  
27 **class B license under the Kansas liquor control act may purchase a**  
28 **valid retailer's class B license from one of the three existing liquor**  
29 **stores in closest proximity to the premises of the person purchasing**  
30 **such license. On and after July 1, 2021, a person qualified to hold a**  
31 **retailer's class B license under the Kansas liquor control act may**  
32 **purchase a valid retailer's class B license from an existing liquor store**  
33 **located in the same county as the premises of the person purchasing**  
34 **such license.**

35 (b) Any transfer of a license pursuant to this section shall be  
36 approved by the director. The director may require the transferor, the

1 transferee, or both, to submit such information as the director deems  
2 necessary in order to determine that the license transfer satisfies the  
3 requirements of the Kansas liquor control act. Such information shall be  
4 submitted in the manner and on such forms as prescribed by the director,  
5 and may include, but shall not be limited to, such information concerning  
6 the transferee that shows such transferee is qualified to hold a retailer's  
7 license and a copy of the agreement to transfer the license. **The**  
8 **transaction between the transferor and transferee providing for the**  
9 **transfer of a license shall provide for the sale of the transferor's**  
10 **inventory of alcoholic liquor to the transferee. Such sale shall be at the**  
11 **wholesale price of the alcoholic liquor.**

12 (c) On the effective date of the transfer of a license in accordance  
13 with this section, the director shall issue a retailer's class B license to the  
14 transferee. Such license shall be issued for the premises of the transferee as  
15 stated in the transfer agreement. The term of such license shall be for the  
16 remainder of the term of the license held by the transferor immediately  
17 prior to the effective date of the transfer. The director shall not require the  
18 payment of any new or additional retailer's license fee by the transferee.  
19 The transferee shall pay a nonrefundable transfer fee in the amount of  
20 ~~\$500~~ **\$10,000**, which fee shall be submitted to the director at the same time  
21 the request for approval of the transfer is submitted to the director.

22 New Sec. 3. (a) On and after July 1, 2018, the director may issue to  
23 qualified applicants a retailer's class A license. A retailer's class A license  
24 shall allow the licensee to sell and offer for sale at retail and deliver in the  
25 original package, as therein prescribed, beer for use or consumption off of  
26 and away from the premises specified in such license.

27 (b) A retailer's class A license shall permit the sale and delivery of  
28 beer only on the licensed premises and shall not permit the sale of beer for  
29 resale in any form, except that the licensee may sell beer to a temporary  
30 permit holder for resale by such temporary permit holder.

31 (c) A retailer's class A licensee may:

32 (1) Sell lottery tickets and shares to the public in accordance with the  
33 Kansas lottery act, if the licensee is selected as a lottery retailer;

34 (2) include in the sale of beer any goods included by the manufacturer  
35 in packaging with the beer, subject to the approval of the director;

36 (3) distribute to the public, without charge, consumer advertising  
37 specialties bearing advertising matter, subject to rules and regulations of  
38 the secretary limiting the form and distribution of such specialties so that  
39 they are not conditioned on or an inducement to the purchase of beer;

40 (4) store beer in refrigerators, cold storage units, ice boxes or other  
41 cooling devices, and sell such beer to consumers in a chilled condition;  
42 and

43 (5) sell any other good or service on the licensed premises.

1 (d) A retailer's class A license shall be subject to the provisions of  
2 K.S.A. 41-1101, and amendments thereto, prohibiting a retailer from  
3 purchasing alcoholic liquor from a distributor who has not filed with the  
4 director a sworn statement agreeing to sell to all retailers in the  
5 distributor's franchised territory at the same unit price and prohibiting a  
6 distributor from selling alcoholic liquor to a retailer at a discount for  
7 multiple case lots. A retailer's class A license also shall be subject to the  
8 provisions of K.S.A. 41-729, and amendments thereto, prohibiting the sale  
9 of alcoholic liquor at less than the acquisition cost thereof.

10 New Sec. 4. The director may propose rules and regulations  
11 necessary to implement and administer the provisions of sections 1  
12 through 3, and amendments thereto, and submit such rules and regulations  
13 to the secretary in accordance with K.S.A. 41-210, and amendments  
14 thereto. Such rules and regulations **shall be adopted by the secretary on**  
15 **or before July 1, 2016, and** may include, but are not limited to:

16 (a) That on and after July 1, 2018, the number of retailer's licenses  
17 that are issued by the director in any one month may be limited to that  
18 number which may be reasonably processed and issued by the director  
19 based on the resources of the division of alcoholic beverage control; and

20 (b) that submission of applications for a retailer's license to the  
21 director and review of such applications by the director for compliance  
22 with the Kansas liquor control act may be permitted prior to July 1, 2018.

23 New Sec. 5. The provisions of sections 1 through 5, and amendments  
24 thereto, shall be a part of and supplemental to the Kansas liquor control  
25 act.

26 New Sec. 6. (a) On and after July 1, 2018, 3% of the revenue remitted  
27 to the state treasurer pursuant to K.S.A. 79-4108, and amendments thereto,  
28 during the prior calendar year quarter that is deposited in the state treasury  
29 shall be credited to the local cereal malt beverage sales tax fund, which is  
30 hereby created in the state treasury. Moneys credited to the local cereal  
31 malt beverage sales tax fund shall be distributed quarterly as part of the  
32 January, April, July and October sales tax distribution to each city and  
33 county which levied a local retailers' sales tax. The amount to be  
34 distributed to each city and county shall be determined by the department  
35 of revenue based on a weighted population average. The weighted  
36 population average shall be computed by multiplying the total tax rate in  
37 effect for the city or county by the population of such city or county. The  
38 weighted population average for each city and county shall then be divided  
39 by the total Kansas population. The resulting quotient is the percentage of  
40 distribution for such city or county. The population data shall be updated  
41 annually with the issuance of the certified population data through the  
42 division of the budget.

43 (b) The local cereal malt beverage sales tax fund shall be used for the

1 purposes set forth in K.S.A. 79-4101 et seq., and amendments thereto, and  
2 for no other governmental purposes. It is the intent of the legislature that  
3 the local cereal malt beverage sales tax fund shall remain intact and  
4 inviolate for the purposes set forth in K.S.A. 79-4101 et seq., and  
5 amendments thereto, and moneys in the local cereal malt beverage sales  
6 tax fund shall not be subject to the provisions of K.S.A. 75-3722, 75-  
7 3725a and 75-3726a, and amendments thereto.

8 Sec. 7. K.S.A. 2014 Supp. 41-102 is hereby amended to read as  
9 follows: 41-102. As used in this act, unless the context clearly requires  
10 otherwise:

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

15 (b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every  
16 liquid or solid, patented or not, containing alcohol, spirits, wine or beer  
17 and capable of being consumed as a beverage by a human being, but shall  
18 not include any cereal malt beverage.

19 (c) "Beer" means a beverage, containing more than 3.2% alcohol by  
20 weight, obtained by alcoholic fermentation of an infusion or concoction of  
21 barley, or other grain, malt and hops in water and includes beer, ale, stout,  
22 lager beer, porter and similar beverages having such alcoholic content.

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

25 (e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-  
26 2701, and amendments thereto.

27 (f) "Club" has the meaning provided by K.S.A. 41-2601, and  
28 amendments thereto.

29 (g) *"Convenience store" means a retail business with primary*  
30 *emphasis placed on providing the public a convenient location to quickly*  
31 *purchase from a wide array of consumable products (predominantly food*  
32 *or food and gasoline) and services; ~~and includes stores classified under~~*  
33 *~~the North American industry classification system as NAICS 44512,~~*  
34 *~~445120 or 447110 on the effective date of this act.~~*

35 (h) "Director" means the director of alcoholic beverage control of  
36 the department of revenue.

37 (i) "Distributor" means the person importing or causing to be  
38 imported into the state, or purchasing or causing to be purchased within  
39 the state, alcoholic liquor for sale or resale to retailers licensed under this  
40 act or cereal malt beverage for sale or resale to retailers licensed under  
41 K.S.A. 41-2702, and amendments thereto.

42 (j) "Domestic beer" means beer which contains not more than 10%  
43 alcohol by weight and which is manufactured in this state.

1       (+) (k) "Domestic fortified wine" means wine which contains more  
2 than 14%, but not more than 20% alcohol by volume and which is  
3 manufactured in this state.

4       (~~+~~) (l) "Domestic table wine" means wine which contains not more  
5 than 14% alcohol by volume and which is manufactured without  
6 rectification or fortification in this state.

7       (+) (m) "Drinking establishment" has the meaning provided by K.S.A.  
8 41-2601, and amendments thereto.

9       (~~+~~) (n) "Farm winery" means a winery licensed by the director to  
10 manufacture, store and sell domestic table wine and domestic fortified  
11 wine.

12       (o) "Grocery store" means an establishment primarily engaged in  
13 retailing a general line of groceries, including, but not limited to,  
14 packaged food, fresh and frozen food, prepared foods and other  
15 consumable products, and includes establishments primarily engaged in  
16 retailing a general line of groceries in combination with general lines of  
17 new merchandise, ~~including, but not limited to, establishments classified~~  
18 ~~under the North American industry classification system as NAICS 445110~~  
19 ~~or 452910 on the effective date of this act.~~

20       (p) "Liquor store" means a store whose primary business is the retail  
21 sale of alcoholic liquor in the original and unopened container and not for  
22 consumption on the premises, ~~and includes stores classified under the~~  
23 ~~North American industry classification system as NAICS 445310 on the~~  
24 ~~effective date of this act.~~

25       (~~+~~) (q) "Manufacture" means to distill, rectify, ferment, brew, make,  
26 mix, concoct, process, blend, bottle or fill an original package with any  
27 alcoholic liquor, beer or cereal malt beverage.

28       (+) (r) (1) "Manufacturer" means every brewer, fermenter, distiller,  
29 rectifier, wine maker, blender, processor, bottler or person who fills or  
30 refills an original package and others engaged in brewing, fermenting,  
31 distilling, rectifying or bottling alcoholic liquor, beer or cereal malt  
32 beverage.

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

35       (~~+~~) (s) "Microbrewery" means a brewery licensed by the director to  
36 manufacture, store and sell domestic beer.

37       (~~+~~) (t) "Microdistillery" means a facility which produces spirits from  
38 any source or substance that is licensed by the director to manufacture,  
39 store and sell spirits.

40       (+) (u) "Minor" means any person under 21 years of age.

41       (~~+~~) (v) "Nonbeverage user" means any manufacturer of any of the  
42 products set forth and described in K.S.A. 41-501, and amendments  
43 thereto, when the products contain alcohol or wine, and all laboratories

1 using alcohol for nonbeverage purposes.

2 ~~(t)~~ (w) "Original package" means any bottle, flask, jug, can, cask,  
3 barrel, keg, hogshead or other receptacle or container whatsoever, used,  
4 corked or capped, sealed and labeled by the manufacturer of alcoholic  
5 liquor, to contain and to convey any alcoholic liquor. Original container  
6 does not include a sleeve.

7 ~~(u)~~ (x) "Person" means any natural person, corporation, partnership,  
8 trust or association.

9 ~~(v)~~ (y) "Primary American source of supply" means the manufacturer,  
10 the owner of alcoholic liquor at the time it becomes a marketable product  
11 or the manufacturer's or owner's exclusive agent who, if the alcoholic  
12 liquor cannot be secured directly from such manufacturer or owner by  
13 American wholesalers, is the source closest to such manufacturer or owner  
14 in the channel of commerce from which the product can be secured by  
15 American wholesalers.

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

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

20 (aa) "Retailer's license" means a license to sell at retail alcoholic  
21 liquor in the original package issued pursuant to the Kansas liquor  
22 control act, and includes a retailer's class A or class B license.

23 ~~(x)~~ (bb) "Sale" means any transfer, exchange or barter in any manner  
24 or by any means whatsoever for a consideration and includes all sales  
25 made by any person, whether principal, proprietor, agent, servant or  
26 employee.

27 ~~(y)~~ (cc) "Salesperson" means any natural person who:

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

30 (2) is engaged in promoting the sale of alcoholic liquor or cereal malt  
31 beverage, or in promoting the business of any person, firm or corporation  
32 engaged in the manufacturing and selling of alcoholic liquor or cereal malt  
33 beverage, whether the seller resides within the state of Kansas and sells to  
34 licensed buyers within the state of Kansas, or whether the seller resides  
35 without the state of Kansas and sells to licensed buyers within the state of  
36 Kansas.

37 ~~(z)~~ (dd) "Secretary" means the secretary of revenue.

38 ~~(aa)~~ (ee) (1) "Sell at retail" and "sale at retail" refer to and mean sales  
39 for use or consumption and not for resale in any form and sales to clubs,  
40 licensed drinking establishments, licensed caterers or holders of temporary  
41 permits.

42 (2) "Sell at retail" and "sale at retail" do not refer to or mean sales by  
43 a distributor, a microbrewery, a farm winery, a licensed club, a licensed

1 drinking establishment, a licensed caterer or a holder of a temporary  
2 permit.

3 ~~(bb)~~ (ff) "To sell" includes to solicit or receive an order for, to keep or  
4 expose for sale and to keep with intent to sell.

5 ~~(ee)~~ (gg) "Sleeve" means a package of two or more 50-milliliter (3.2-  
6 fluid-ounce) containers of spirits.

7 ~~(dd)~~ (hh) "Spirits" means any beverage which contains alcohol  
8 obtained by distillation, mixed with water or other substance in solution,  
9 and includes brandy, rum, whiskey, gin or other spirituous liquors, and  
10 such liquors when rectified, blended or otherwise mixed with alcohol or  
11 other substances.

12 ~~(ee)~~ (ii) "Supplier" means a manufacturer of alcoholic liquor or cereal  
13 malt beverage or an agent of such manufacturer, other than a salesperson.

14 ~~(ff)~~ (jj) "Temporary permit" has the meaning provided by K.S.A. 41-  
15 2601, and amendments thereto.

16 ~~(gg)~~ (kk) "Wine" means any alcoholic beverage obtained by the  
17 normal alcoholic fermentation of the juice of sound, ripe grapes, fruits,  
18 berries or other agricultural products, including such beverages containing  
19 added alcohol or spirits or containing sugar added for the purpose of  
20 correcting natural deficiencies.

21 **New Sec. 8. Notwithstanding the provisions of K.S.A. 41-1101,**  
22 **and amendments thereto, a distributor may establish minimum order**  
23 **requirements for deliveries to a retailer based on invoice dollar**  
24 **amount or product case quantity.**

25 ~~Sec.-8: 9. K.S.A. 2014 Supp. 41-301 is hereby amended to read as~~  
26 ~~follows: 41-301. (a) Except as provided by subsection (b), the director~~  
27 ~~shall issue to qualified applicants, who have filed the bond and paid the~~  
28 ~~registration and license fees required by this act, licenses to sell at retail~~  
29 ~~alcoholic liquor in the original package on premises within the corporate~~  
30 ~~limits of cities and outside the corporate limits of any city.~~

31 ~~(b)—No retailer's license shall be issued for premises within a city if~~  
32 ~~the governing body of such city, on or before February 15, 2006, adopts~~  
33 ~~adopted an ordinance prohibiting the licensing of the sale at retail of~~  
34 ~~alcoholic liquor in the original package within such city. Upon adoption of~~  
35 ~~such ordinance, the city clerk promptly shall transmit a copy of such~~  
36 ~~ordinance to the director and the director shall refuse to issue licenses to~~  
37 ~~sell at retail alcoholic liquor in the original package in such city. If the~~  
38 ~~governing body adopts such an ordinance, the holder of any valid existing~~  
39 ~~retailer's license for premises in such city shall have the right to continue~~  
40 ~~to operate under such license for a period of 90 days after the effective~~  
41 ~~date of the ordinance or until the expiration of such license, whichever~~  
42 ~~period of time is shorter. If such period of time expires before the~~  
43 ~~expiration of the term for which the retailer's license was issued, the~~

1 licensee shall be entitled to a refund of the license fee for the unexpired  
2 portion of the license period which remains, in accordance with rules and  
3 regulations adopted by the secretary.

4 (e) (b) No retailer's license shall be issued for premises within a city  
5 if, after November 15, 2005, a majority of the qualified voters of such city  
6 voting at an election held as provided by K.S.A. 41-302, and amendments  
7 thereto, votes against the licensing of the sale at retail of alcoholic liquor  
8 in the original package within such city unless, at a subsequent election, a  
9 majority of the qualified voters of such city voting at such election votes in  
10 favor of the licensing of the sale at retail of alcoholic liquor in the original  
11 package within such city.

12 ~~Sec. 9. 10. K.S.A. 2014 Supp. 41-303 is hereby amended to read as~~  
13 ~~follows: 41-303. (a) The director may issue to qualified applicants licenses~~  
14 ~~to sell at retail alcoholic liquor in the original package on premises not~~  
15 ~~located in an incorporated city for use or consumption off the premises. No~~  
16 ~~such license shall be issued to any applicant unless the applicant possesses~~  
17 ~~all the qualifications required of other applicants for retailers' licenses~~  
18 ~~except the qualification of residency within a city.~~

19 ~~No such~~ *No retailer's* license shall be issued to any applicant under this  
20 section *for premises not located in an incorporated city* unless the board of  
21 county commissioners of the county in which the premises for which  
22 licensure is sought are located adopts a resolution approving the issuance  
23 of such license. A certified copy of such resolution shall accompany the  
24 application for a *such* license authorized by this section.

25 (b) ~~If a license has been issued under the provisions of this section in~~  
26 ~~the unincorporated area of a county and thereafter the premises so licensed~~  
27 ~~are annexed to a city wherein retail liquor licenses may be issued, such~~  
28 ~~license shall continue to be valid and may be renewed at the appropriate~~  
29 ~~time even though the licensee does not reside in the city to which the area~~  
30 ~~is annexed if the licensee otherwise is qualified and resides in the township~~  
31 ~~in which the premises were located prior to annexation or in the city to~~  
32 ~~which the premises have been annexed.~~

33 (e) ~~Any retail~~ *retailer's* license issued prior to the effective date of  
34 this act for premises not located in an incorporated city shall continue to be  
35 valid and such premises shall continue to be eligible for licensure if the  
36 board of county commissioners of the county in which the premises are  
37 located has adopted a resolution approving the issuance of such license. A  
38 certified copy of such resolution shall accompany the application for a  
39 *such* license authorized by this subsection.

40 ~~Sec. 10. 11. K.S.A. 2014 Supp. 41-304 is hereby amended to read as~~  
41 ~~follows: 41-304. Licenses issued by the director shall be of the following~~  
42 ~~classes: (a) Manufacturer's license; (b) spirits distributor's license; (c) wine~~  
43 ~~distributor's license; (d) beer distributor's license; (e) retailer's class A~~



1 license; (f) *retailer's class B license*; (g) microbrewery license; ~~(g)~~ (h)  
2 microdistillery license; ~~(h)~~ (i) farm winery license; and ~~(i)~~ (j) nonbeverage  
3 user's license.

4 Sec. ~~11~~ **12**. K.S.A. 2014 Supp. 41-308 is hereby amended to read as  
5 follows: 41-308. (a) *On or before June 30, 2018*:

6 (1) Except as provided in K.S.A. 2014 Supp. 41-308d, and  
7 amendments thereto, a retailer's *class B* license shall allow the licensee to  
8 sell and offer for sale at retail and deliver in the original package, as  
9 therein prescribed, alcoholic liquor for use or consumption off and away  
10 from the premises specified in such license. A retailer's *class B* license  
11 shall permit sale and delivery of alcoholic liquor only on the licensed  
12 premises and shall not permit sale of alcoholic liquor for resale in any  
13 form, except that a licensed retailer may:

14 ~~(1)~~ (A) Sell alcoholic liquor to a temporary permit holder for resale by  
15 such permit holder; and

16 ~~(2)~~ (B) sell and deliver alcoholic liquor to a caterer or to the licensed  
17 premises of a public venue, club or drinking establishment, if such  
18 premises are in the county where the retailer's premises are located or in an  
19 adjacent county, for resale by such public venue, club, establishment or  
20 caterer.

21 ~~(b)~~ (2) The holder of a retailer's *class B* license shall not sell, offer for  
22 sale, give away or permit to be sold, offered for sale or given away in or  
23 from the premises specified in such license any service or thing of value  
24 whatsoever except alcoholic liquor in the original package, except that a  
25 licensed retailer may:

26 ~~(1)~~ (A) Charge a delivery fee for delivery to a public venue, club,  
27 drinking establishment or caterer pursuant to subsection (a)(1);

28 ~~(2)~~ (B) sell lottery tickets and shares to the public in accordance with  
29 the Kansas lottery act, if the ~~retailer~~ licensee is selected as a lottery  
30 retailer;

31 ~~(3)~~ (C) include in the sale of alcoholic liquor any goods included by  
32 the manufacturer in packaging with the alcoholic liquor, subject to the  
33 approval of the director; ~~and~~

34 ~~(4)~~ (D) distribute to the public, without charge, consumer advertising  
35 specialties bearing advertising matter, subject to rules and regulations of  
36 the secretary limiting the form and distribution of such specialties so that  
37 they are not conditioned on or an inducement to the purchase of alcoholic  
38 liquor; and

39 (E) *store alcoholic liquor in refrigerators, cold storage units, ice*  
40 *boxes or other cooling devices, and the licensee may sell such alcoholic*  
41 *liquor to consumers in a chilled condition.*

42 ~~(e)~~ (3) No licensed retailer shall furnish any entertainment in such  
43 premises or permit any pinball machine or game of skill or chance to be

1 located in or on such premises.

2 ~~(d) A retailer's license shall allow the licensee to store alcoholic~~  
3 ~~liquor in refrigerators, cold storage units, ice boxes or other cooling~~  
4 ~~devices, and the licensee may sell such alcoholic liquor to consumers in a~~  
5 ~~chilled condition.~~

6 (b) *On and after July 1, 2018:*

7 (1) *A retailer's class B license shall allow the licensee to sell and*  
8 *offer for sale at retail and deliver in the original package, as therein*  
9 *prescribed, alcoholic liquor for use or consumption off and away from the*  
10 *premises specified in such license.*

11 (2) *A retailer's class B license shall permit sale and delivery of*  
12 *alcoholic liquor only on the licensed premises and shall not permit sale of*  
13 *alcoholic liquor for resale in any form, except that a licensed retailer*  
14 **liquor store may:**

15 (A) *Sell alcoholic liquor to a temporary permit holder for resale by*  
16 *such permit holder; and*

17 (B) *sell and deliver alcoholic liquor to a caterer or to the licensed*  
18 *premises of a public venue, club or drinking establishment, if such*  
19 *premises are in the county where the retailer's premises are located or in*  
20 *an adjacent county, for resale by such public venue, club, establishment or*  
21 *caterer. **If there is no liquor store within a county that makes or***  
22 **intends to make sales for resale as described in this paragraph or if the**  
23 **transfer of a license as provided in this act has eliminated a liquor**  
24 **store that made sales for resale as described in this paragraph and**  
25 **there is no other liquor store in the county that makes or intends to**  
26 **make such sales for resale, the director may authorize a grocery store**  
27 **that is a holder of a class B license to make sales for resale as**  
28 **described in this paragraph.**

29 (3) *The holder of a retailer's class B license may:*

30 (A) **If the holder of the retailer's class B license is a liquor store,**  
31 *Charge a delivery fee for delivery to a public venue, club, drinking*  
32 *establishment or caterer pursuant to subsection (b)(2);*

33 (B) *sell lottery tickets and shares to the public in accordance with the*  
34 *Kansas lottery act, if the licensee is selected as a lottery retailer;*

35 (C) *include in the sale of alcoholic liquor any goods included by the*  
36 *manufacturer in packaging with the alcoholic liquor, subject to the*  
37 *approval of the director;*

38 (D) *distribute to the public, without charge, consumer advertising*  
39 *specialties bearing advertising matter, subject to rules and regulations of*  
40 *the secretary limiting the form and distribution of such specialties so that*  
41 *they are not conditioned on or an inducement to the purchase of alcoholic*  
42 *liquor;*

43 (E) *store alcoholic liquor in refrigerators, cold storage units, ice*

1 *boxes or other cooling devices, and the licensee may sell such alcoholic*  
2 *liquor to consumers in a chilled condition; and*

3 *(F) sell any other good or service on the licensed premises, except*  
4 **that a liquor store may sell any other good or service on and after**  
5 **January 1, 2018.**

6 *(c) On and after July 1, 2018, the provisions of subsection (a) shall*  
7 *have no force and effect.*

8 *(d) A retailer's class B license shall be subject to the provisions of*  
9 *K.S.A. 41-1101, and amendments thereto, prohibiting a retailer from*  
10 *purchasing alcoholic liquor from a distributor who has not filed with the*  
11 *director a sworn statement agreeing to sell to all retailers in the*  
12 *distributor's franchised territory at the same unit price and prohibiting a*  
13 *distributor from selling alcoholic liquor to a retailer at a discount for*  
14 *multiple case lots. A retailer's class B license also shall be subject to the*  
15 *provisions of K.S.A. 41-729, and amendments thereto, prohibiting the sale*  
16 *of alcoholic liquor at less than the acquisition cost thereof.*

17 **(e) A grocery store holding a retailer's class B license shall**  
18 **provide for the display of wine and spirits in an area of the store which**  
19 **is segregated from other goods offered for sale by the grocery store, in**  
20 **accordance with rules and regulations adopted by the secretary.**

21 ~~Sec. 12. 13.~~ K.S.A. 2014 Supp. 41-308d is hereby amended to read as  
22 follows: 41-308d. (a) Notwithstanding any other provisions of the Kansas  
23 liquor control act to the contrary, ~~any person or entity who is licensed to~~  
24 ~~sell alcoholic liquor in the original package at retail~~ **a liquor store** *issued*  
25 *a retailer's class B license may conduct wine, beer and distilled spirit*  
26 *tastings on the licensed premises, or adjacent premises, monitored and*  
27 *regulated by the division of alcoholic beverage control, as follows:*

28 (1) Wine, beer and spirits for the tastings shall come from the  
29 inventory of the licensee. Except as provided by paragraph (2), a person  
30 other than the licensee or the licensee's agent or employee may not  
31 dispense or participate in the dispensing of alcoholic beverages under this  
32 section.

33 (2) The holder of a supplier's permit or Kansas farm winery license or  
34 such permit holder's or licensee's agent or employee may participate in and  
35 conduct product tastings of alcoholic beverages at a ~~retail liquor store~~  
36 **licensee's premises**, or adjacent premises, monitored and regulated by the  
37 division of alcoholic beverage control, and may open, touch, or pour  
38 alcoholic beverages, make a presentation, or answer questions at the  
39 tasting. Any alcoholic beverage tasted under this subsection must be  
40 purchased from the ~~retailer licensee~~ **licensee** on whose premises the tasting is held.  
41 ~~The retailer licensee~~ **licensee** may not require the purchase of more alcoholic  
42 beverages than are necessary for the tasting. This section does not  
43 authorize the supplier, farm winery licensee or the supplier's or licensee's

1 agent to withdraw or purchase an alcoholic beverage from the holder of a  
2 distributor's permit or provide an alcoholic beverage for tasting on a  
3 ~~retailer's licensee's~~ premises that is not purchased from the ~~retailer-~~  
4 ~~licensee.~~

5 (3) No charge of any sort may be made for a sample serving.

6 (4) A person may be served more than one sample. Samples may not  
7 be served to a minor. No samples may be removed from the licensed  
8 premises.

9 (5) The act of providing samples to consumers shall be exempt from  
10 the requirement of holding a Kansas food service dealer license from the  
11 department of agriculture under the provisions of chapter 65 of the Kansas  
12 Statutes Annotated, and amendments thereto.

13 (b) Nothing in this section shall be construed to permit the licensee to  
14 sell wine, malt beverages or distilled spirits for on-premises consumption.

15 (c) The provisions of this section shall take effect and be in force  
16 from and after July 1, 2012.

17 (d) All rules and regulations adopted on and after July 1, 2012, and  
18 prior to July 1, 2013, to implement this section shall continue to be  
19 effective and shall be deemed to be duly adopted rules and regulations of  
20 the secretary until revised, amended, revoked or nullified pursuant to law.

21 (e) This section shall be a part of and supplemental to the Kansas  
22 liquor control act.

23 ~~Sec. 13.~~ **14.** K.S.A. 2014 Supp. 41-310 is hereby amended to read as  
24 follows: 41-310. (a) At the time application is made to the director for a  
25 license of any class, the applicant shall pay the fee provided by this  
26 section.

27 (b) The fee for a manufacturer's license to manufacture alcohol and  
28 spirits shall be \$5,000.

29 (c) The fee for a manufacturer's license to manufacture beer and  
30 cereal malt beverage shall be:

31 (1) For 1 to 100 barrel daily capacity or any part thereof, \$400.

32 (2) For 100 to 150 barrel daily capacity, \$800.

33 (3) For 150 to 200 barrel daily capacity, \$1,400.

34 (4) For 200 to 300 barrel daily capacity, \$2,000.

35 (5) For 300 to 400 barrel daily capacity, \$2,600.

36 (6) For 400 to 500 barrel daily capacity, \$2,800.

37 (7) For 500 or more barrel daily capacity, \$3,200.

38 As used in this subsection, "daily capacity" means the average daily  
39 barrel production for the previous 12 months of manufacturing operation.  
40 If no basis for comparison exists, the licensee shall pay in advance for  
41 operation during the first term of the license a fee of \$2,000.

42 (d) The fee for a manufacturer's license to manufacture wine shall be  
43 \$1,000.

1 (e) (1) The fee for a microbrewery license, a microdistillery license or  
2 a farm winery license shall be \$500.

3 (2) The fee for a winery outlet license shall be \$100.

4 (3) The fee for a microbrewery packaging and warehousing facility  
5 license shall be \$200.

6 (4) The fee for a microdistillery packaging and warehousing facility  
7 license shall be \$200.

8 (f) The fee for a spirits distributor's license for the first and each  
9 additional distributing place of business operated in this state by the  
10 licensee and wholesaling and jobbing spirits shall be \$2,000.

11 (g) The fee for a wine distributor's license for the first and each  
12 additional distributing place of business operated in this state by the  
13 licensee and wholesaling and jobbing wine shall be \$2,000.

14 (h) The fee for a beer distributor's license, for the first and each  
15 additional wholesale distributing place of business operated in this state by  
16 the licensee and wholesaling or jobbing beer and cereal malt beverage  
17 shall be \$2,000.

18 (i) The fee for a nonbeverage user's license shall be:

19 (1) For class 1, \$20.

20 (2) For class 2, \$100.

21 (3) For class 3, \$200.

22 (4) For class 4, \$400.

23 (5) For class 5, \$1,000.

24 (j) In addition to the license fees prescribed by subsections (b), (c),  
25 (d), (f), (g), (h) and (i):

26 (1) Any city in which the licensed premises are located may levy and  
27 collect a biennial occupation or license tax on the licensee in an amount  
28 not exceeding the amount of the license fee required to be paid under this  
29 act to obtain the license, but no city shall impose an occupation or  
30 privilege tax on the licensee in excess of that amount; and

31 (2) any township in which the licensed premises are located may levy  
32 and collect a biennial occupation or license tax on the licensee in an  
33 amount not exceeding the amount of the license fee required to be paid  
34 under this act to obtain the license, but no township shall impose an  
35 occupation or privilege tax on the licensee in excess of that amount; the  
36 township board of the township is authorized to fix and impose the tax and  
37 the tax shall be paid by the licensee to the township treasurer, who shall  
38 issue a receipt therefor to the licensee and shall cause the tax paid to be  
39 placed in the general fund of the township.

40 (k) (1) The fee for a retailer's *class A* license shall be ~~\$500~~ \$1,500.

41 (2) The fee for a retailer's *class B* license issued for a premises  
42 engaged in business as a grocery store shall be \$1,500.

43 (3) The fee for a retailer's *class B* license issued for a premises

1 *engaged in business as a liquor store shall be \$500.*

2 (l) In addition to the license fee prescribed by subsection (k):

3 (1) Any city in which the licensed premises are located may levy and  
4 collect a biennial occupation or license tax on the licensee in an amount  
5 not less than \$200 nor more than \$600, but no other occupation or excise  
6 tax or license fee shall be levied by any city against or collected from the  
7 licensee; and

8 (2) any township in which the licensed premises are located may levy  
9 and collect a biennial occupation or license tax on the licensee in an  
10 amount not less than \$200 nor more than \$600; the township board of the  
11 township is authorized to fix and impose the tax and the tax shall be paid  
12 by the licensee to the township treasurer, who shall issue a receipt therefor  
13 to the licensee and shall cause the tax paid to be placed in the general fund  
14 of the township.

15 (m) The license term for a license shall commence on the date the  
16 license is issued by the director and shall end two years after that date. The  
17 director may, at the director's sole discretion and after examination of the  
18 circumstances, extend the license term of any license for not more than 30  
19 days beyond the date such license would expire pursuant to this section.  
20 Any extension of the license term by the director pursuant to this section  
21 shall automatically extend the due date for payment by the licensee of any  
22 occupation or license tax levied by a city or township pursuant to this  
23 section by the same number of days the director has extended the license  
24 term.

25 ~~Sec. 14.~~ **15.** K.S.A. 2014 Supp. 41-311 is hereby amended to read as  
26 follows: 41-311. (a) No license of any kind shall be issued pursuant to the  
27 liquor control act to a person:

28 (1) Who is not a citizen of the United States;

29 (2) who has been convicted of a felony under the laws of this state,  
30 any other state or the United States;

31 (3) who has had a license revoked for cause under the provisions of  
32 the liquor control act, the beer and cereal malt beverage keg registration  
33 act or who has had any license issued under the cereal malt beverage laws  
34 of any state revoked for cause except that a license may be issued to a  
35 person whose license was revoked for the conviction of a misdemeanor at  
36 any time after the lapse of 10 years following the date of the revocation;

37 (4) who has been convicted of being the keeper or is keeping any  
38 property, whether real or personal, where sexual relations are being sold or  
39 offered for sale by a person who is 18 years of age or older or has forfeited  
40 bond to appear in court to answer charges of being a keeper of any  
41 property, whether real or personal, where sexual relations are being sold or  
42 offered for sale by a person who is 18 years of age or older;

43 (5) who has been convicted of being a proprietor of a gambling

1 house, pandering or any other crime opposed to decency and morality or  
 2 has forfeited bond to appear in court to answer charges for any of those  
 3 crimes;

4 (6) who is not at least 21 years of age;

5 (7) who, other than as a member of the governing body of a city or  
 6 county, appoints or supervises any law enforcement officer, who is a law  
 7 enforcement official or who is an employee of the director;

8 (8) who intends to carry on the business authorized by the license as  
 9 agent of another;

10 (9) who at the time of application for renewal of any license issued  
 11 under this act would not be eligible for the license upon a first application,  
 12 except as provided by subsection (a)(12);

13 (10) who is the holder of a valid and existing license issued under  
 14 article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments  
 15 thereto, unless the person agrees to and does surrender the license to the  
 16 officer issuing the same upon the issuance to the person of a license under  
 17 this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and  
 18 amendments thereto, shall be eligible to receive a retailer's license under  
 19 the Kansas liquor control act;

20 (11) who does not own the premises for which a license is sought, or  
 21 does not, at the time of application, have a written lease thereon;

22 (12) whose spouse would be ineligible to receive a license under this  
 23 act for any reason other than citizenship, residence requirements or age,  
 24 except that this subsection (a)(12) shall not apply in determining eligibility  
 25 for a renewal license;

26 (13) whose spouse has been convicted of a felony or other crime  
 27 which would disqualify a person from licensure under this section and  
 28 such felony or other crime was committed during the time that the spouse  
 29 held a license under this act; or

30 (14) who does not provide any data or information required by  
 31 K.S.A. 2014 Supp. 41-311b, and amendments thereto.

32 (b) (1) No retailer's license shall be issued to:

33 ~~(1) (A) A person~~ *An individual* who is not a resident of this state;

34 ~~(2) (B) a person~~ *an individual* who has not been a resident of this  
 35 state for at least four years immediately preceding the date of application;

36 ~~(3) (C) a person~~ who has a beneficial interest in a manufacturer,  
 37 distributor, farm winery ~~or~~, microbrewery *or microdistillery* licensed under  
 38 this act, except that the spouse of an applicant for a retailer's license may  
 39 own and hold a farm winery license, microbrewery license, or both, if the  
 40 spouse does not hold a retailer's license issued under this act;

41 ~~(4) (D) a person who has a beneficial interest in any other retail~~  
 42 ~~establishment licensed under this act, except that the spouse of a licensee~~  
 43 ~~may own and hold a retailer's license for another retail establishment;~~

1       ~~(5)~~ a copartnership, unless all of the copartners are qualified to obtain  
2 a license; **or**

3       ~~(6) (E)~~ a corporation; or, if any officer, manager or director thereof,  
4 or any natural person owning in the aggregate more than 25% of the  
5 common or preferred stock of such corporation would be ineligible to  
6 receive a license hereunder for any reason other than citizenship and  
7 residence requirements;

8       ~~(F)~~ a corporation, if any officer, manager or director thereof, or any  
9 natural person owning in the aggregate more than 25% of the common or  
10 preferred stock of such corporation, has been an officer, manager or  
11 director, or a natural person owning in the aggregate more than 25% of  
12 the common or preferred stock, of a corporation which:

13       ~~(i)~~ Has had a license revoked under the provisions of the Kansas  
14 liquor control act; or

15       ~~(ii)~~ has been convicted of a violation of the Kansas liquor control  
16 act; or

17       ~~(7)(G)~~ **(E)** a trust, if any grantor, beneficiary or trustee would be  
18 ineligible to receive a license under this act for any reason, except that the  
19 provisions of subsection (a)(6) shall not apply in determining whether a  
20 beneficiary would be eligible for a license.

21       **(2) On and after July 1, 2018:**

22       **(A) No retailer's license shall be issued to:**

23       **(i) A corporation, if any officer, manager or director thereof, or**  
24 **any natural person owning in the aggregate more than 5% of the**  
25 **common or preferred stock of such corporation would be ineligible to**  
26 **receive a license hereunder for any reason other than citizenship and**  
27 **residence requirements; or**

28       **(ii) a corporation, if any officer, manager or director thereof, or**  
29 **any natural person owning in the aggregate more than 5% of the**  
30 **common or preferred stock of such corporation, has been an officer,**  
31 **manager or director, or a natural person owning in the aggregate**  
32 **more than 5% of the common or preferred stock, of a corporation**  
33 **which:**

34       **(a) Has had a license revoked under the provisions of the Kansas**  
35 **liquor control act; or**

36       **(b) has been convicted of a violation of the Kansas liquor control**  
37 **act.**

38       ~~(2)~~ **(B) No retailer's class A license shall be issued to a person who is**  
39 **not engaged in business as a convenience store or grocery store, except**  
40 **that a license may be issued to such person if upon issuance of the license**  
41 **such person engages in business as a convenience store or grocery store.**

42       ~~(3)~~ **(C) No retailer's class B license shall be issued to a person who is**  
43 **not engaged in business as a liquor store or grocery store, except that a**



1 *license may be issued to such person if upon issuance of the license such*  
2 *person engages in business as a liquor store or grocery store.*

3 **(c) No retailer's class B license shall be issued to any person who**  
4 **does not in good faith actually carry on or intend to carry on a bona**  
5 **fide business for the retail sale of alcoholic beverages, and the**  
6 **secretary may revoke any class B license when the licensee fails for a**  
7 **period of 180 days to actively and in good faith engage in the retail**  
8 **business and shall revoke any class B license held by any person who**  
9 **fails to comply with this section. Upon a showing of good cause, the**  
10 **secretary may extend the inactive period an additional 180 days. Upon**  
11 **revocation, any such license shall become available for sale by public**  
12 **auction to persons eligible to hold a class B license in the county of**  
13 **origin. The license shall be sold at public auction by the secretary and**  
14 **the proceeds of the sale shall first be applied to the payment of any**  
15 **enforcement taxes due, and the remainder shall be deposited in the**  
16 **state general fund. The transfer fee shall be due in addition thereto as**  
17 **provided in section 2, and amendments thereto.**

18 ~~(e)~~ **(d)** No manufacturer's license shall be issued to:

19 (1) A corporation, if any officer or director thereof, or any  
20 stockholder owning in the aggregate more than 25% of the stock of the  
21 corporation would be ineligible to receive a manufacturer's license for any  
22 reason other than citizenship and residence requirements;

23 (2) a copartnership, unless all of the copartners shall have been  
24 residents of this state for at least five years immediately preceding the date  
25 of application and unless all the members of the copartnership would be  
26 eligible to receive a manufacturer's license under this act;

27 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to  
28 receive a license under this act for any reason, except that the provisions of  
29 subsection (a)(6) shall not apply in determining whether a beneficiary  
30 would be eligible for a license;

31 (4) an individual who is not a resident of this state;

32 (5) an individual who has not been a resident of this state for at least  
33 five years immediately preceding the date of application; or

34 (6) a person who has a beneficial interest in a distributor, retailer,  
35 farm winery or microbrewery licensed under this act, except as provided in  
36 K.S.A. 41-305, and amendments thereto.

37 ~~(d)~~ **(e)** No distributor's license shall be issued to:

38 (1) A corporation, if any officer, director or stockholder of the  
39 corporation would be ineligible to receive a distributor's license for any  
40 reason. It shall be unlawful for any stockholder of a corporation licensed  
41 as a distributor to transfer any stock in the corporation to any person who  
42 would be ineligible to receive a distributor's license for any reason, and  
43 any such transfer shall be null and void, except that: (A) If any stockholder

1 owning stock in the corporation dies and an heir or devisee to whom stock  
2 of the corporation descends by descent and distribution or by will is  
3 ineligible to receive a distributor's license, the legal representatives of the  
4 deceased stockholder's estate and the ineligible heir or devisee shall have  
5 14 months from the date of the death of the stockholder within which to  
6 sell the stock to a person eligible to receive a distributor's license, any such  
7 sale by a legal representative to be made in accordance with the provisions  
8 of the probate code; or (B) if the stock in any such corporation is the  
9 subject of any trust and any trustee or beneficiary of the trust who is 21  
10 years of age or older is ineligible to receive a distributor's license, the  
11 trustee, within 14 months after the effective date of the trust, shall sell the  
12 stock to a person eligible to receive a distributor's license and hold and  
13 disburse the proceeds in accordance with the terms of the trust. If any legal  
14 representatives, heirs, devisees or trustees fail, refuse or neglect to sell any  
15 stock as required by this subsection, the stock shall revert to and become  
16 the property of the corporation, and the corporation shall pay to the legal  
17 representatives, heirs, devisees or trustees the book value of the stock.  
18 During the period of 14 months prescribed by this subsection, the  
19 corporation shall not be denied a distributor's license or have its  
20 distributor's license revoked if the corporation meets all of the other  
21 requirements necessary to have a distributor's license;

22 (2) a copartnership, unless all of the copartners are eligible to receive  
23 a distributor's license;

24 (3) a trust, if any grantor, beneficiary or trustee would be ineligible to  
25 receive a license under this act for any reason, except that the provisions of  
26 subsection (a)(6) shall not apply in determining whether a beneficiary  
27 would be eligible for a license; or

28 (4) a person who has a beneficial interest in a manufacturer, retailer,  
29 farm winery or microbrewery licensed under this act.

30 ~~(e)~~ **(f)** No nonbeverage user's license shall be issued to a corporation,  
31 if any officer, manager or director of the corporation or any stockholder  
32 owning in the aggregate more than 25% of the stock of the corporation  
33 would be ineligible to receive a nonbeverage user's license for any reason  
34 other than citizenship and residence requirements.

35 ~~(f)~~ **(g)** No microbrewery license, microdistillery license or farm  
36 winery license shall be issued to a:

37 (1) Person who is not a resident of this state;

38 (2) person who has not been a resident of this state for at least one  
39 year immediately preceding the date of application;

40 (3) person who has a beneficial interest in a manufacturer or  
41 distributor licensed under this act, except as provided in K.S.A. 41-305,  
42 and amendments thereto;

43 (4) person, copartnership or association which has a beneficial

1 interest in any retailer licensed under this act or under K.S.A. 41-2702, and  
2 amendments thereto, except that the spouse of an applicant for a  
3 microbrewery or farm winery license may own and hold a retailer's license  
4 if the spouse does not hold a microbrewery or farm winery license issued  
5 under this act;

6 (5) copartnership, unless all of the copartners are qualified to obtain a  
7 license;

8 (6) corporation, unless stockholders owning in the aggregate 50% or  
9 more of the stock of the corporation would be eligible to receive such  
10 license and all other stockholders would be eligible to receive such license  
11 except for reason of citizenship or residency; or

12 (7) a trust, if any grantor, beneficiary or trustee would be ineligible to  
13 receive a license under this act for any reason, except that the provisions of  
14 subsection (a)(6) shall not apply in determining whether a beneficiary  
15 would be eligible for a license.

16 ~~(g)~~ **(h)** The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)  
17 (3), (f)(1), (f)(2) and K.S.A. 2014 Supp. 41-311b, and amendments thereto,  
18 shall not apply in determining eligibility for the 10<sup>th</sup>, or a subsequent,  
19 consecutive renewal of a license if the applicant has appointed a citizen of  
20 the United States who is a resident of Kansas as the applicant's agent and  
21 filed with the director a duly authenticated copy of a duly executed power  
22 of attorney, authorizing the agent to accept service of process from the  
23 director and the courts of this state and to exercise full authority, control  
24 and responsibility for the conduct of all business and transactions within  
25 the state relative to alcoholic liquor and the business licensed. The agent  
26 must be satisfactory to and approved by the director, except that the  
27 director shall not approve as an agent any person who:

28 (1) Has been convicted of a felony under the laws of this state, any  
29 other state or the United States;

30 (2) has had a license issued under the alcoholic liquor or cereal malt  
31 beverage laws of this or any other state revoked for cause, except that a  
32 person may be appointed as an agent if the person's license was revoked  
33 for the conviction of a misdemeanor and 10 years have lapsed since the  
34 date of the revocation;

35 (3) has been convicted of being the keeper or is keeping any property,  
36 whether real or personal, where sexual relations are being sold or offered  
37 for sale by a person who is 18 years of age or older or has forfeited bond to  
38 appear in court to answer charges of being a keeper of any property,  
39 whether real or personal, where sexual relations are being sold or offered  
40 for sale by a person who is 18 years of age or older;

41 (4) has been convicted of being a proprietor of a gambling house,  
42 pandering or any other crime opposed to decency and morality or has  
43 forfeited bond to appear in court to answer charges for any of those

1 crimes; or

2 (5) is less than 21 years of age.

3 Sec. ~~15~~. **16**. K.S.A. 2014 Supp. 41-313 is hereby amended to read as  
4 follows: 41-313. (a) No corporation, either organized under the laws of  
5 this state, any other state or a foreign country, shall be issued a *retailer's*  
6 manufacturer's, distributor's, microbrewery, microdistillery or farm winery  
7 license unless the corporation has first ~~procured a certificate of authority~~  
8 ~~from~~ *filed a formation document* with the secretary of state to do business  
9 in this state as provided by law, appointed a citizen of the United States,  
10 and resident of Kansas, as its *resident* agent and filed with the director a  
11 duly authenticated copy of a duly executed power of attorney, authorizing  
12 the agent to accept service of process from the director and the courts of  
13 this state and to exercise full authority of the corporation and full authority,  
14 control and responsibility for the conduct of all business and transactions  
15 of the corporation within the state relative to alcoholic liquor and the  
16 business licensed. The agent must be satisfactory to and approved by the  
17 director with respect to the agent's character. The agent shall at all times be  
18 maintained by the corporation.

19 In addition, any corporation organized under the laws of any other state  
20 or foreign country, as a condition precedent to the issuance to it of any  
21 license, shall file with the secretary of state of the state of Kansas, a duly  
22 authorized and executed power of attorney, authorizing the secretary of  
23 state to accept service of process from the director and the courts of this  
24 state and to accept service of any notice or order provided for in this act,  
25 and all such acts by the secretary of state shall be fully binding upon the  
26 corporation.

27 (b) Every nonresident applicant on applying for a license or permit  
28 under this act, and as a condition precedent to obtaining such license or  
29 permit, shall file with the secretary of state of this state its written consent,  
30 irrevocable, that any action or garnishment proceeding may be  
31 commenced against such applicant in the proper court of any county in this  
32 state in which the cause of action shall arise or in which the plaintiff may  
33 reside by the service of process on the resident agent specified in  
34 subsection (a), and stipulating and agreeing that such service shall be taken  
35 and held in all courts to be as valid and binding as if due service had been  
36 made upon the applicant. The written consent shall state that the courts of  
37 this state have jurisdiction over the person of such applicant and are the  
38 proper and convenient forum for such action and shall waive the right to  
39 request a change of jurisdiction or venue to a court outside this state and  
40 that all actions arising under this act and commenced by the applicant shall  
41 be brought in this state's courts as the proper and convenient forum. Such  
42 consent shall be executed by the applicant and if a corporation, by the  
43 president and secretary of the corporate applicant, and shall be

1 accompanied by a duly certified copy of the order or resolution of the  
2 board of directors, trustees or managers authorizing the president and  
3 secretary to execute the same.

4 ~~Sec. 16.~~ **17.** K.S.A. 2014 Supp. 41-326 is hereby amended to read as  
5 follows: 41-326. A license shall be purely a personal privilege, *and shall*  
6 *not constitute property. A license shall be valid for not to exceed two years*  
7 *after issuance, ~~except as otherwise provided by law,~~ unless sooner*  
8 *suspended or revoked, ~~and shall not constitute property, nor shall it. A~~*  
9 *license shall not be subject to attachment, garnishment or execution, ~~nor~~*  
10 *shall it. A license shall not be alienable or transferable, voluntarily or*  
11 *involuntarily, ~~or except as provided by law. A license shall not be~~ subject to*  
12 *being encumbered or hypothecated. A license shall not descend by the*  
13 *laws of testate or intestate devolution but shall cease and expire upon the*  
14 *death of the licensee except that executors, administrators or*  
15 *representatives of the estate of any deceased licensee and the trustee of any*  
16 *insolvent or bankrupt licensee, when such estate consists in part of*  
17 *alcoholic liquor, may continue the business of the sale, distribution or*  
18 *manufacture of alcoholic liquor under order of the appropriate court and*  
19 *may exercise the privilege of the deceased, insolvent or bankrupt licensee*  
20 *after the death of such decedent, or after such insolvency or bankruptcy,*  
21 *until the expiration of such license but not longer than one year after the*  
22 *death, bankruptcy or insolvency of such licensee.*

23 When the licensee pays the full amount of the license fee upon  
24 application and is prevented from operating under such license in  
25 accordance with the provisions of this act for the entire second year of the  
26 license term, a refund shall be made of one-half of the license fee paid by  
27 such licensee. The secretary of revenue may adopt rules and regulations  
28 pursuant to K.S.A. 41-210, and amendments thereto, which provide for the  
29 authorization of refunds of one-half of the license fee paid when the  
30 licensee does not use such license for the entire second year of the license  
31 term as a result of the cancellation of the license upon the request of the  
32 licensee for voluntary reasons.

33 ~~Sec. 17.~~ **18.** K.S.A. 2014 Supp. 41-713 is hereby amended to read as  
34 follows: 41-713. (a) It shall be unlawful for a retailer of alcoholic liquor:

35 (1) To permit any person to mix drinks in or on the licensed premises,  
36 except as provided in subsection (b);

37 ~~(2) to employ any person under the age of 21 years in connection~~  
38 ~~with the operation of such retail establishment authorize or allow any~~  
39 ~~person under the age of 18 years to sell at retail any alcoholic liquor at~~  
40 ~~the point of sale; ~~or~~~~

41 ~~(3) to employ any person in connection with the operation of such~~  
42 ~~retail establishment authorize or allow any person who has been adjudged~~  
43 ~~guilty of a felony to sell at retail any alcoholic liquor at the point of sale;~~

1 ~~or~~

2 (4) ~~to permit any employee of the licensee who~~ a person licensed as  
3 a class B retailer which employee is under the age of 21 years to sell,  
4 stock or handle alcoholic liquor; or

5 (5) to permit any employee of a person licensed as a class A  
6 retailer which employee is under the age of 21 years to work on the  
7 premises where alcoholic liquor is sold by such licensee at any time when  
8 not under the on-premises supervision of either the licensee or an  
9 employee of the licensee ~~who~~ which employee is 21 years of age or older.

10 (b) The provisions of subsection (a)(1) shall not apply to the  
11 preparation or mixing of samples for the purposes of conducting wine,  
12 beer or distilled spirit tastings, or any combination thereof, as authorized  
13 by K.S.A. 2014 Supp. 41-308d, and amendments thereto.

14 ~~Sec. 18.~~ 19. K.S.A. 2014 Supp. 79-4108 is hereby amended to read as  
15 follows: 79-4108. All revenue collected or received by the director of  
16 taxation from taxes imposed by K.S.A. 79-4101 to 79-4105, and  
17 amendments thereto, shall be remitted to the state treasurer in accordance  
18 with the provisions of K.S.A. 75-4215, and amendments thereto. *Except as*  
19 *otherwise provided in section 6, and amendments thereto,* upon receipt of  
20 each such remittance, the state treasurer shall deposit the entire amount in  
21 the state treasury to the credit of the state general fund. The state treasurer  
22 shall transfer any moneys remaining in the county and city alcoholic liquor  
23 control enforcement fund on the effective date of this act to the state  
24 general fund.

25 ~~Sec. 19.~~ 20. K.S.A. 41-103 and 41-711 and K.S.A. 2014 Supp. 41-  
26 102, 41-301, 41-303, 41-304, 41-308, 41-308d, 41-310, 41-311, 41-313,  
27 41-326, 41-713 and 79-4108 are hereby repealed.

28 ~~Sec. 20.~~ 21. This act shall take effect and be in force from and after  
29 its publication in the statute book.