AN ACT concerning alcohol; relating to persons allowed to dispense
alcohol; amending K.S.A. 2016 Supp. 41-308a, 41-308b, 41-354, 41-
713, 41-2610 and 41-2708 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 2016 Supp. 41-308a is hereby amended to read as
follows: 41-308a. (a) A farm winery license shall allow:
(1) The manufacture of domestic table wine and domestic fortified
wine in a quantity not exceeding 100,000 gallons per year and the storage
thereof;
(2) the sale of wine, manufactured by the licensee, to licensed wine
distributors, retailers, public venues, clubs, drinking establishments,
holders of temporary permits as authorized by K.S.A. 41-2645, and
amendments thereto, and caterers;
(3) the sale, on the licensed premises and at special events monitored
and regulated by the division of alcoholic beverage control in the original
unopened container to consumers for consumption off the licensed
premises, of wine manufactured by the licensee;
(4) the serving free of charge on the licensed premises and at special
events, monitored and regulated by the division of alcoholic beverage
control, of samples of wine manufactured by the licensee or imported
under subsection (e), if the licensed premises are located in a county where
the sale of alcoholic liquor is permitted by law in licensed drinking
establishments;
(5) the sale of wine manufactured by the licensee for consumption on
the licensed premises, provided, the licensed premises are located in a
county where the sale of alcoholic liquor is permitted by law in licensed
drinking establishments. Wine sold pursuant to this paragraph shall not be
subject to the provisions of 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;
(6) if the licensee is also licensed as a club or drinking establishment,
the sale of domestic wine, domestic fortified wine and other alcoholic
liquor for consumption on the licensed premises as authorized by the club
and drinking establishment act;
(7) if the licensee is also licensed as a caterer, the sale of domestic
wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(8) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(9) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2016 Supp. 41-350, and amendments thereto.

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

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

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

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

(c) Not less than 30% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The production requirement of this subsection shall be determined based on the annual production of domestic table wine and domestic fortified wine by the farm winery.

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

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

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

(g) No farm winery or winery outlet shall:

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

2. Permit any employee of the licensee who is under the age of 21
   years to work on the licensed premises at any time when not under the on-
   premise supervision of either the licensee or an employee of the licensee
   who is 21 years of age or over; or

3. Employ any person under 21 years of age in connection with
   mixing or dispensing alcoholic liquor; or

4. Employ any person in connection with the manufacture or sale of
   alcoholic liquor if the person has been convicted of a felony.

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

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

Sec. 2. K.S.A. 2016 Supp. 41-308b is hereby amended to read as
follows: 41-308b. (a) A microbrewery license shall allow:

1. The manufacture of not less than 100 nor more than 60,000
   barrels of domestic beer during the calendar year and the storage thereof,
   if, however, the licensee holds a 10% or greater ownership interest in one
   or more entities that also hold a microbrewery license, then the aggregate
   number of barrels of domestic beer manufactured by all such licensees
   with such common ownership shall not exceed the 60,000 barrel limit;

2. The manufacture in the aggregate of not more than 100,000 gallons
of hard cider during the calendar year and the storage thereof;

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

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

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

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

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

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

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

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

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

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

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler; and
(4) the removal from the licensed premises of the microbrewery packaging and warehousing facility of hard cider manufactured by the licensee for the purpose of delivery to a licensed wine distributor.

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

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

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

(g) No microbrewery shall:

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

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

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

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

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

Sec. 3. K.S.A. 2016 Supp. 41-354 is hereby amended to read as follows: 41-354. (a) A microdistillery license shall allow:
(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;
(2) the sale to spirit distributors of spirits, manufactured by the licensee;
(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;
(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;
(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and
(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:
(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;
(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or
(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.
(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.
(d) The director may issue to the Kansas state fair or any bona fide
group of distillers a permit to import into this state small quantities of 
spirits. Such spirits shall be used only for bona fide educational and 
scientific tasting programs and shall not be resold. Such spirits shall not be 
subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The 
permit shall identify specifically the brand and type of spirit to be 
imported, the quantity to be imported, the tasting programs for which the 
spirit is to be used and the times and locations of such programs. The 
secretary shall adopt rules and regulations governing the importation of 
spirits pursuant to this subsection and the conduct of tasting programs for 
which such spirits are imported.

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

(f) No microdistillery shall:

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

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

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

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

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

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

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

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

Sec. 4. K.S.A. 2016 Supp. 41-713 is hereby amended to read as 
follows: 41-713. (a) It shall be unlawful for a retailer of alcoholic liquor:

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

(2) to employ any person under the age of 21 years in connection 
with the operation of such retail establishment; or
(3) to employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony.

(b) The provisions of subsection (a)(1) shall not apply to the preparation or mixing of samples for the purposes of conducting wine, beer or distilled spirit tastings, or any combination thereof, as authorized by K.S.A. 2016 Supp. 41-308d, and amendments thereto.

Sec. 5. K.S.A. 2016 Supp. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor.

(b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.

(c) Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks containing alcoholic liquor, who has been adjudged guilty of two or more violations of K.S.A. 2016 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or a similar law of any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.

(d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

(e) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.

(f) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or permit holder, or an employee who is 21 years of age or over.

Sec. 6. K.S.A. 2016 Supp. 41-2708 is hereby amended to read as follows: 41-2708. (a) The board of county commissioners or the governing
body of any city, upon five days' notice to the persons holding a license, may revoke or suspend the license for any one of the following reasons:
(1) The licensee has violated any of the provisions of K.S.A. 41-2701 et seq., and amendments thereto, or any rules or regulations made by the board or the city, as the case may be;
(2) drunkenness of the licensee or permitting any intoxicated person to remain in or upon the licensee's place of business;
(3) the sale of cereal malt beverages to any person under the legal age for consumption of cereal malt beverage;
(4) permitting any person to mix drinks with materials purchased in or upon the place of business or brought in for that purpose;
(5) the sale or possession of, or permitting any person to use or consume on the licensed premises, any alcoholic liquor as defined by K.S.A. 41-102, and amendments thereto; or
(6) the licensee has been convicted of a violation of the beer and cereal malt beverage keg registration act.
(b) The provisions of subsections (a)(4) and (5) shall not apply if the place of business or premises also are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act.
(c) The board of county commissioners or the governing body of any city, upon five days' notice to the persons holding a license, shall revoke or suspend the license for any one of the following reasons:
(1) The licensee has fraudulently obtained the license by giving false information in the application therefor;
(2) the licensee has become ineligible to obtain a license under this act;
(3) the nonpayment of any license fees;
(4) permitting any gambling in or upon the licensee's place of business;
(5) the employment of persons under 18 years of age in dispensing or selling cereal malt beverages;
(6) the employment or continuation in employment of a person in connection with the sale, serving or dispensing of cereal malt beverages if the licensee knows such person has been, within the preceding two years, adjudged guilty of a felony or of any violation of the intoxicating liquor laws of this state, another state or the United States; or
(7) there has been a violation of K.S.A. 21-4106 or 21-4107, prior to their repeal, or K.S.A. 2016 Supp. 21-6204, and amendments thereto, in or upon the licensee's place of business.
(d) Within 20 days after the order of the board revoking or suspending any license, the licensee may appeal to the district court and the district court shall proceed to hear such appeal as though such court had original jurisdiction of the matter. Any appeal taken from an order
revoking or suspending the license shall not suspend the order of
revocation or suspension during the pendency of any such appeal.
Sec. 7.  K.S.A. 2016 Supp. 41-308a, 41-308b, 41-354, 41-713, 41-
2610 and 41-2708 are hereby repealed.
Sec. 8.  This act shall take effect and be in force from and after its
publication in the statute book.