



February 19, 2021

Chairman Barker and Members of the Committee,

My name is Elizabeth Patton and I am the State Director of Americans for Prosperity—Kansas. On behalf of our activists all across our state, we urge you to support HB 2212, a bill that would bring Kansas into compliance with the decision from the Supreme Court of the United States in *Tennessee Wine and Spirits Retail Association V. Thomas*.

In his majority opinion, Justice Samuel A. Alito Jr., said that the amendment did not authorize states to discriminate against new residents. “Because Tennessee’s two-year residency requirement for retail license applicants blatantly favors the state’s residents and has little relationship to public health and safety,” he wrote, “it is unconstitutional.”<sup>1</sup>

This 7-to-2 decision by the Supreme Court highlights a gap in our own state law and this bill endeavors to protect our state from similar litigation. This bill simultaneously helps us address one more example of red tape that neither protects public safety, nor helps our economy. The Competitive Enterprise Institute<sup>2</sup> lists regulations such as this one as part of their #NeverNeeded campaign to highlight opportunities states have to improve their economy especially in light of the barriers that have already been removed because COVID-19 brought them to the forefront.

Thank you for holding this hearing and I appreciate the opportunity to testify in written form.

Sincerely,

Elizabeth Patton

State Director

Americans for Prosperity-Kansas

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<sup>1</sup> <https://www.lexisnexis.com/community/casebrief/p/casebrief-tenn-wine-spirits-retailers-ass-n-v-thomas>

<sup>2</sup> <https://cei.org/onpoint/how-repeal-of-neverneeded-regulations-can-help-responses-to-the-covid-19-crisis/>