

**As Amended by House Committee**

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*Session of 2023*

**HOUSE BILL No. 2170**

By Committee on Federal and State Affairs

1-25

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1 AN ACT concerning alcoholic beverages; relating to spirits distributors,  
2 wine distributors and cereal malt beverage distributors; regulating  
3 samples; amending K.S.A. 41-306, 41-306a and 41-307 and repealing  
4 the existing sections.

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

7 Section 1. K.S.A. 41-306 is hereby amended to read as follows: 41-  
8 306. A spirits distributor's license, shall allow:

9 (a) The wholesale purchase, importation and storage of spirits, but all  
10 such spirits so purchased or imported which are manufactured in the  
11 United States shall be purchased from the primary American source of  
12 supply or from another licensed spirits distributor, except that a licensed  
13 spirits distributor may purchase confiscated spirits at a sheriff's sale.

14 (b) The sale of spirits to:

15 (1) Spirits distributors licensed in this state;

16 (2) retailers licensed in this state, except that such distributor shall  
17 sell a brand of spirits only to those retailers whose licensed premises are  
18 located in the geographic territory within which such distributor is  
19 authorized to sell such brand, as designated in the notice or notices filed  
20 with the director pursuant to K.S.A. 41-410, and amendments thereto; and

21 (3) such persons located outside such territory or outside this state as  
22 permitted by law.

23 (c) The purchase of spirits in barrels, casks or other bulk containers  
24 and the bottling thereof before resale, but all bottles or containers filled  
25 with such spirits shall be sealed, labeled and otherwise made to comply  
26 with all laws and rules and regulations governing the preparation and  
27 bottling of spirits by manufacturers and with all federal rules, regulations  
28 and laws.

29 (d) The storage and delivery to a retailer licensed under the Kansas  
30 liquor control act or a retailer licensed under K.S.A. 41-2702, and  
31 amendments thereto, on the distributor's licensed premises, of alcoholic  
32 liquor or cereal malt beverage of another licensed distributor authorized by  
33 law to sell such alcoholic liquor or cereal malt beverage to such retailer, in  
34 accordance with an agreement entered into with such other distributor and  
35 approved by the director.

36 (e) The storage and delivery to a public venue licensed under the club

1 and drinking establishment act of alcoholic liquor purchased by the public  
2 venue licensee from a retailer authorized by law to sell such alcoholic  
3 liquor to such public venue licensee.

4 (f) The withdrawal of spirits from such licensee's inventory for use as  
5 samples in the course of the business of the distributor or at industry  
6 seminars. Samples may only be provided to persons licensed as a  
7 distributor or a retailer under the Kansas liquor control act, and such  
8 person's employees *or to persons licensed under the club and drinking*  
9 *establishment act and such persons' employees*. Samples may be served on  
10 the licensed premises of the licensee, or on the premises of a licensed  
11 retailer, ~~provided~~ *except that* no sample shall be served on that portion of  
12 the premises of a licensed retailer that is open to the public and where  
13 sales of alcoholic liquor at retail are made. *Only products that have not*  
14 *been purchased from the distributor licensee by the retailer or club and*  
15 *drinking establishment act licensee within the previous 12 months may be*  
16 *provided for sampling pursuant to this subsection*. No sample shall be  
17 provided to any minor. Nothing in this subsection shall be construed to  
18 permit the licensee to sell any alcoholic liquor for consumption on the  
19 premises. The withdrawal of spirits shall be subject to the tax imposed by  
20 K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable  
21 current posted bottle or case price. For purposes of ~~providing samples~~  
22 ~~pursuant to this subsection other than at industry seminars or to the~~  
23 ~~licensee's employees, the term "sample" shall have the same meaning as~~  
24 ~~that term is defined in K.S.A. 41-2601, and amendments thereto this~~  
25 ~~subsection, "sample" means not more than three liters of distilled spirits.~~

26 Sec. 2. K.S.A. 41-306a is hereby amended to read as follows: 41-  
27 306a. A wine distributor's license shall allow:

28 (a) The wholesale purchase, importation and storage of wine, but all  
29 wine so purchased or imported which is manufactured in the United States  
30 shall be purchased from the primary American source of supply or from  
31 another licensed wine distributor, except that a licensed wine distributor  
32 may purchase confiscated wine at a sheriff's sale.

33 (b) The sale of wine to:

34 (1) Wine distributors licensed in this state;

35 (2) retailers licensed in this state, except that such distributor shall  
36 sell a brand of wine only to those retailers whose licensed premises are  
37 located in the geographic territory within which such distributor is  
38 authorized to sell such brand, as designated in the notice or notices filed  
39 with the director pursuant to K.S.A. 41-410, and amendments thereto; and

40 (3) such persons located outside such territory or outside this state as  
41 permitted by law.

42 (c) The sale of wine, but only in barrels, casks and other bulk  
43 containers, to:

1 (1) Licensed caterers; and

2 (2) public venues, clubs and drinking establishments licensed in this  
3 state, except that such distributor shall sell a brand of wine only to such  
4 public venues, clubs and drinking establishments the licensed premises of  
5 which are located in the geographic territory within which such distributor  
6 is authorized to sell such brand, as designated in the notice or notices filed  
7 with the director pursuant to K.S.A. 41-410, and amendments thereto.

8 (d) The purchase of wine in barrels, casks or other bulk containers  
9 and the bottling thereof before resale, but all bottles or containers filled  
10 with such wine shall be sealed, labeled and otherwise made to comply with  
11 all laws and rules and regulations governing the preparation and bottling of  
12 wine by manufacturers and with all federal rules, regulations and laws.

13 (e) The storage and delivery to a retailer licensed under the Kansas  
14 liquor control act or a retailer licensed under K.S.A. 41-2702, and  
15 amendments thereto, on the distributor's licensed premises, of alcoholic  
16 liquor or cereal malt beverage of another licensed distributor authorized by  
17 law to sell such alcoholic liquor or cereal malt beverage to such retailer, in  
18 accordance with an agreement entered into with such other distributor and  
19 approved by the director.

20 (f) The withdrawal of wine from such licensee's inventory for use as  
21 samples in the course of the business of the distributor or at industry  
22 seminars. Samples may only be provided to persons licensed as a  
23 distributor or a retailer under the Kansas liquor control act, and such  
24 person's employees, or to persons licensed under the club and drinking  
25 establishment act, and such person's employees. Samples may be served  
26 on the licensed premises of the licensee, or on the premises of a licensed  
27 retailer, provided no sample shall be served on that portion of the premises  
28 of a licensed retailer that is open to the public and where sales of alcoholic  
29 liquor at retail are made. Samples may be served on the premises of a  
30 licensee holding a license issued under the club and drinking establishment  
31 act, provided no sample shall be served on that portion of the premises that  
32 is open to the public and where sales of alcoholic liquor are made. *Only*  
33 *products that have not been purchased from the distributor licensee by the*  
34 *retailer or club and drinking establishment licensee within the previous 12*  
35 *months may be provided for sampling pursuant to this subsection. No*  
36 *sample shall be provided to any minor. Nothing in this subsection shall be*  
37 *construed to permit the licensee to sell any alcoholic liquor for*  
38 *consumption on the premises. The withdrawal of wine shall be subject to*  
39 *the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based*  
40 *on the applicable current posted bottle or case price. For purposes of*  
41 ~~providing samples pursuant to this subsection other than at industry~~  
42 ~~seminars or to the licensee's employees, the term of this subsection,~~  
43 "sample" shall have the same meaning as that term is defined in K.S.A. 41-

1 ~~2601, and amendments thereto~~ means not more than three liters of any  
2 brand of wine.

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

5 Sec. 3. K.S.A. 41-307 is hereby amended to read as follows: 41-307.  
6 A beer distributor's license shall allow:

7 (a) The wholesale purchase, importation and storage of beer.

8 (b) The sale of beer to:

9 (1) Licensed caterers;

10 (2) beer distributors licensed in this state;

11 (3) retailers, public venues, clubs and drinking establishments,  
12 licensed in this state, except that such distributor shall sell a brand of beer  
13 only to those retailers, public venues, clubs and drinking establishments of  
14 which the licensed premises are located in the geographic territory within  
15 which such distributor is authorized to sell such brand, as designated in the  
16 notice or notices filed with the director pursuant to K.S.A. 41-410, and  
17 amendments thereto; and

18 (4) such persons located outside such territory or outside this state as  
19 permitted by law.

20 (c) The sale of cereal malt beverage to:

21 (1) Beer distributors licensed in this state;

22 (2) clubs and drinking establishments, licensed in this state, and  
23 retailers licensed under K.S.A. 41-2702, and amendments thereto, except  
24 that such distributor shall sell a brand of cereal malt beverage only to those  
25 such clubs, drinking establishments and retailers of which the licensed  
26 premises are located in the geographic territory within which such  
27 distributor is authorized to sell such brand, as designated in the notice or  
28 notices filed with the director pursuant to K.S.A. 41-410, and amendments  
29 thereto;

30 (3) retailers; and

31 (4) such persons located outside such territory or outside this state as  
32 permitted by law.

33 (d) The sale of beer containing not more than 6% alcohol by volume  
34 to cereal malt beverage retailers licensed pursuant to K.S.A. 41-2702, and  
35 amendments thereto.

36 (e) The purchase of cereal malt beverage in kegs or other bulk  
37 containers and the bottling or canning thereof in accordance with law.

38 (f) The storage and delivery to a retailer licensed under the Kansas  
39 liquor control act or a retailer licensed under K.S.A. 41-2702, and  
40 amendments thereto, on the distributor's licensed premises, of alcoholic  
41 liquor or cereal malt beverage of another licensed distributor authorized by  
42 law to sell such alcoholic liquor or cereal malt beverage to such retailer, in  
43 accordance with an agreement entered into with such other distributor and

1 approved by the director.

2 (g) The storage and delivery, with proper invoicing in accordance  
3 with rules and regulations adopted by the secretary, on the premises of a  
4 public venue licensee, of beer sold to or available for purchase by the  
5 public venue during an event.

6 (h) The withdrawal of beer or cereal malt beverage from such  
7 licensee's inventory for use as samples in the course of the business of the  
8 distributor or at industry seminars. Samples may only be provided to  
9 persons licensed as a distributor or a retailer under the Kansas liquor  
10 control act, and such person's employees, or to persons licensed under the  
11 club and drinking establishment act, and such person's employees.  
12 Samples may be served on the licensed premises of the licensee, or on the  
13 premises of a licensed retailer, provided no sample shall be served on that  
14 portion of the premises of a licensed retailer that is open to the public and  
15 where sales of alcoholic liquor at retail are made. Samples may be served  
16 on the premises of a licensee holding a license issued under the club and  
17 drinking establishment act, provided no sample shall be served on that  
18 portion of the premises that is open to the public and where sales of  
19 alcoholic liquor are made. *Only products that have not been purchased*  
20 *from the distributor licensee by the retailer or club and drinking*  
21 *establishment act licensee within the previous 12 months may be provided*  
22 *for sampling pursuant to this subsection.* No sample shall be provided to  
23 any minor. Nothing in this subsection shall be construed to permit the  
24 licensee to sell any alcoholic liquor for consumption on the premises. The  
25 withdrawal of beer or cereal malt beverage shall be subject to the tax  
26 imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the  
27 applicable current posted bottle or case price. For purposes of ~~providing~~  
28 ~~samples pursuant to this subsection other than at industry seminars or to~~  
29 ~~the licensee's employees, the term this subsection, "sample" shall have the~~  
30 ~~same meaning as that term is defined in K.S.A. 41-2601, and amendments~~  
31 ~~thereto means not more than three gallons of any brand of beer or cereal~~  
32 ~~malt beverage.~~

33 Sec. 4. K.S.A. 41-306, 41-306a and 41-307 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its  
35 publication in the ~~statute book~~ **Kansas register**.