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SENATE BILL No. 277

By Committee on Federal and State Affairs

1-12

Proposed Amendment to SB 277
For Committee on Federal & State Affairs
February 9, 2012
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1 AN ACT concerning alcoholic beverages; relating to the licensing of
2 microdistilleries; amending K.S.A. 41-304, 41-316 and 41-320 and
3 K.S.A. 2011 Supp. 41-102, 41-310, 41-317 and 41-319 and repealing
4 the existing sections.

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

6 New Section 1. (a) A microdistillery license shall allow:

7 (1) The manufacture of not more than 50,000 gallons of spirits ~~during~~
8 ~~the license year and the storage thereof;~~

9 (2) the sale to spirit distributors of spirits, manufactured by the
10 licensee;

11 (3) the sale, on the licensed premises in the original unopened
12 container to consumers for consumption off the licensed premises, of
13 spirits manufactured by the licensee;

14 (4) the serving free of charge on the licensed premises of samples of
15 spirits manufactured by the licensee, if the premises are located in a county
16 where the sale of alcoholic liquor is permitted by law in licensed drinking
17 establishments;

18 (5) if the licensee is also licensed as a club or drinking establishment,
19 the sale of spirits and other alcoholic liquor for consumption on the
20 licensed premises as authorized by the club and drinking establishment
21 act; and

22 (6) if the licensee is also licensed as a caterer, the sale of spirits and
23 other alcoholic liquor for consumption on unlicensed premises as
24 authorized by the club and drinking establishment act.

25 (b) Upon application and payment of the fee prescribed by K.S.A. 41-
26 310, and amendments thereto, by a microdistillery licensee, the director
27 may issue not to exceed one microdistillery packaging and warehousing
28 facility license to the microdistillery licensee. A microdistillery packaging
29 and warehousing facility license shall allow:

30 (1) The transfer, from the licensed premises of the microdistillery to
31 the licensed premises of the microdistillery packaging and warehousing
32 facility, of spirits manufactured by the licensee, for the purpose of
33 packaging or storage, or both;

34 (2) the transfer, from the licensed premises of the microdistillery
35 packaging and warehousing facility to the licensed premises of the
36

per

and at special events monitored and regulated by the division of
alcoholic beverage control,

1 follows: 41-102. As used in this act, unless the context clearly requires
2 otherwise:

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

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

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

15 (d) "Caretter" has the meaning provided by K.S.A. 41-2601, and
16 amendments thereto.

17 (e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-
18 2701, and amendments thereto.

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

21 (g) "Director" means the director of alcoholic beverage control of the
22 department of revenue.

23 (h) "Distributor" means the person importing or causing to be
24 imported into the state, or purchasing or causing to be purchased within
25 the state, alcoholic liquor for sale or resale to retailers licensed under this
26 act or cereal malt beverage for sale or resale to retailers licensed under
27 K.S.A. 41-2702, and amendments thereto.

28 (i) "Domestic beer" means beer which contains not more than 10%
29 alcohol by weight and which is manufactured in this state.

30 (j) "Domestic fortified wine" means wine which contains more than
31 14%, but not more than 20% alcohol by volume and which is
32 manufactured in this state.

33 (k) "Domestic table wine" means wine which contains not more than
34 14% alcohol by volume and which is manufactured without rectification or
35 fortification in this state.

36 (l) "Drinking establishment" has the meaning provided by K.S.A. 41-
37 2601, and amendments thereto.

38 (m) "Farm winery" means a winery licensed by the director to
39 manufacture, store and sell domestic table wine and domestic fortified
40 wine.

41 (n) "Manufacture" means to distill, rectify, ferment, brew, make, mix,
42 concoct, process, blend, bottle or fill an original package with any
43 alcoholic liquor, beer or cereal malt beverage.