

SENATE BILL No. 379

By Committee on Agriculture

2-6

1 AN ACT concerning farm wineries; amending K.S.A. 2011 Supp. 41-308a  
2 and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 41-308a is hereby amended to read as  
6 follows: 41-308a. (a) A farm winery license shall allow:

7 (1) The manufacture of domestic table wine and domestic fortified  
8 wine in a quantity not exceeding 100,000 gallons per year and the storage  
9 thereof;

10 (2) the sale of wine, manufactured by the licensee, to licensed wine  
11 distributors, retailers, clubs, drinking establishments, holders of temporary  
12 permits as authorized by K.S.A. 41-2645, and amendments thereto, and  
13 caterers;

14 (3) the sale, on the licensed premises in the original unopened  
15 container to consumers for consumption off the licensed premises, of wine  
16 manufactured by the licensee;

17 (4) the serving free of charge on the licensed premises and at special  
18 events, monitored and regulated by the division of alcoholic beverage  
19 control, of samples of wine manufactured by the licensee or imported  
20 under subsection (D), if the premises are located in a county where the sale  
21 of alcoholic liquor is permitted by law in licensed drinking establishments;

22 (5) if the licensee is also licensed as a club or drinking establishment,  
23 the sale of domestic wine, domestic fortified wine and other alcoholic  
24 liquor for consumption on the licensed premises as authorized by the club  
25 and drinking establishment act;

26 (6) if the licensee is also licensed as a caterer, the sale of domestic  
27 wine, domestic fortified wine and other alcoholic liquor for consumption  
28 on the unlicensed premises as authorized by the club and drinking  
29 establishment act;

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

34 (8) the sale and shipping of wine within this state pursuant to a permit  
35 issued pursuant to K.S.A. 2011 Supp. 41-350, and amendments thereto.

36 (b) Upon application and payment of the fee prescribed by K.S.A. 41-

Proposed Amendments to SB 379  
For Committee on Federal & State Affairs  
March 1, 2012  
Prepared by: Jason B. Long, Senior Ass't Revisor

1 310, and amendments thereto, by a farm winery licensee, the director may  
2 issue not to exceed three winery outlet licenses to the farm winery  
3 license. A winery outlet license shall allow:

4 (1) The sale, on the licensed premises in the original unopened  
5 container to consumers for consumption off the licensed premises, of wine  
6 manufactured by the licensee;

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

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

15 (e) ~~Not less than 60% of the products utilized in the manufacture of  
16 domestic table wine and domestic fortified wine by a farm winery shall be  
17 grown in Kansas except when a lesser proportion is authorized by the  
18 director based upon the director's findings and judgment. The label of  
19 domestic wine and domestic fortified wine shall indicate that a majority of  
20 the products utilized in the manufacture of the wine at such winery were  
21 grown in Kansas.~~

22 (c) ~~"Production" means to use non-alcoholic juice or other physical  
23 product to distill, rectify, ferment, brew, make, mix, conceal or process any  
24 substance capable of producing a beverage containing more than one-half  
25 of one percent of alcohol by volume and includes blending, bottling and  
26 the preparation for sale within a licensed physical structured winery  
27 operation within the state of Kansas boundaries.~~

28 (d) ~~The labeling of domestic wine and domestic fortified wine shall  
29 follow the label laws approved by the federal government.~~

30 (d)(e) ~~A farm winery or winery outlet may sell domestic wine and  
31 domestic fortified wine in the original unopened container to consumers  
32 for consumption off the licensed premises at any time between 6 a.m. and  
33 12 midnight on any day except Sunday and between 12 noon and 6 p.m.  
34 on Sunday. If authorized by subsection (a), a farm winery may serve  
35 samples of domestic wine, domestic fortified wine and wine imported  
36 under subsection (e)(f) and serve and sell domestic wine, domestic  
37 fortified wine and other alcoholic liquor for consumption on the licensed  
38 premises at any time when a club or drinking establishment is authorized  
39 to serve and sell alcoholic liquor. If authorized by subsection (b), a winery  
40 outlet may serve samples of domestic wine, domestic fortified wine and  
41 wine imported under subsection (e)(f) at any time when the winery outlet  
42 is authorized to sell domestic wine and domestic fortified wine.~~

43 (e)(f) ~~The director may issue to the Kansas state fair or any bona fide~~

During each of the following years that the farm winery licensee holds a farm winery license, the percentage of products utilized in the manufacture of domestic table wine and domestic fortified wine that are grown in Kansas shall not be less than the percentage that corresponds to such year:  
(1) 10% during the first year;  
(2) 20% during the second year;  
(3) 30% during the third year;  
(4) 40% during the fourth year;  
(5) 50% during the fifth year; and  
(6) 60% during the sixth year and each year thereafter.

(d)

(e)

1 group of grape growers or wine makers a permit to import into this state  
 2 small quantities of wines. Such wine shall be used only for bona fide  
 3 educational and scientific tasting programs and shall not be resold. Such  
 4 wine shall not be subject to the tax imposed by K.S.A. 41-501, and  
 5 amendments thereto. The permit shall identify specifically the brand and  
 6 type of wine to be imported, the quantity to be imported, the tasting  
 7 programs for which the wine is to be used and the times and locations of  
 8 such programs. The secretary shall adopt rules and regulations governing  
 9 the importation of wine pursuant to this subsection and the conduct of  
 10 tasting programs for which such wine is imported.

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

14 ~~(g)(h)~~ No farm winery or winery outlet shall:

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

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

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

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

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

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

32 Sec. 2. K.S.A. 2011 Supp. 41-308a is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its  
 34 publication in the statute book.

reletter subsections accordingly

