

SENATE BILL No. 269

By Committee on Federal and State Affairs

1-11

1 AN ACT concerning alcoholic beverages; relating to retailer licenses
2 offering alcoholic liquor sampling; amending K.S.A. 41-308 and
3 repealing the existing section.

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

6 Section 1. K.S.A. 41-308 is hereby amended to read as follows: 41-
7 308. (a) *Except as provided in new section 2, and amendments thereto*, a
8 retailer's license shall allow the licensee to sell and offer for sale at retail
9 and deliver in the original package, as therein prescribed, alcoholic liquor
10 for use or consumption off ~~of~~ and away from the premises specified in
11 such license. A retailer's license shall permit sale and delivery of alcoholic
12 liquor only on the licensed premises and shall not permit sale of alcoholic
13 liquor for resale in any form, except that a licensed retailer may:

14 (1) Sell alcoholic liquor to a temporary permit holder for resale by
15 such permit holder; and

16 (2) sell and deliver alcoholic liquor to a caterer or to the licensed
17 premises of a club or drinking establishment, if such premises are in the
18 county where the retailer's premises are located or in an adjacent county,
19 for resale by such club, establishment or caterer.

20 (b) The holder of a retailer's license shall not sell, offer for sale, give
21 away or permit to be sold, offered for sale or given away in or from the
22 premises specified in such license any service or thing of value whatsoever
23 except alcoholic liquor in the original package, except that a licensed
24 retailer may:

25 (1) Charge a delivery fee for delivery to a club, drinking
26 establishment or caterer pursuant to subsection (a);

27 (2) sell lottery tickets and shares to the public in accordance with the
28 Kansas lottery act, if the retailer is selected as a lottery retailer;

29 (3) include in the sale of alcoholic liquor any goods included by the
30 manufacturer in packaging with the alcoholic liquor, subject to the
31 approval of the director; and

32 (4) distribute to the public, without charge, consumer advertising
33 specialties bearing advertising matter, subject to rules and regulations of
34 the secretary limiting the form and distribution of such specialties so that
35 they are not conditioned on or an inducement to the purchase of alcoholic
36 liquor.

1 (c) No licensed retailer shall furnish any entertainment in such
2 premises or permit any pinball machine or game of skill or chance to be
3 located in or on such premises.

4 (d) A retailer's license shall allow the licensee to store alcoholic
5 liquor in refrigerators, cold storage units, ice boxes or other cooling
6 devices, and the licensee may sell such alcoholic liquor to consumers in a
7 chilled condition.

8 New Sec. 2. (a) Notwithstanding any other provisions of the Kansas
9 liquor control act to the contrary, any person or entity who is licensed to
10 sell alcoholic liquor in the original package at retail may conduct wine,
11 ~~malt beverage~~ *beer* and distilled spirit tastings on the licensed premises, *or*
12 *adjacent premises, monitored and regulated by the division of alcoholic*
13 *beverage control*, as follows:

14 (1) Wine, beer and spirits for the tastings shall come from the
15 inventory of the licensee. Except as provided by paragraph (2), a person
16 other than the licensee or the licensee's agent or employee may not
17 dispense or participate in the dispensing of alcoholic beverages under this
18 section.

19 (2) The holder of a supplier's permit or such permit holder's agent or
20 employee may participate in and conduct product tastings of alcoholic
21 beverages at a retail licensee's premises, *or adjacent premises, monitored*
22 *and regulated by the division of alcoholic beverage control*, and may
23 open, touch, or pour alcoholic beverages, make a presentation, or answer
24 questions at the tasting. Any alcoholic beverage tasted under this
25 subsection must be purchased from the ~~package store~~ retailer on whose
26 premises the tasting is held. The retailer may not require the purchase of
27 more alcoholic beverages than are necessary for the tasting. This section
28 does not authorize the ~~holder of a nonresident seller's or manufacturer's~~
29 ~~agent's permit~~ *supplier or its agent* to withdraw or purchase an alcoholic
30 beverage from the holder of a ~~wholesaler's~~ *distributor's* permit or provide
31 an alcoholic beverage for tasting on a retailer's premises that is not
32 purchased from the retailer.

33 (3) Sample portions at a product tasting shall be limited to no more
34 than:

35 (A) One-half ounce for distilled spirits;

36 (B) one ounce for wine; and

37 (C) two ounces for beer and malt beverages.

38 (4) No charge of any sort may be made for a sample serving.

39 (5) A person may be served more than one sample. Samples may not
40 be served to a minor. No samples may be removed from the licensed
41 premises.

42 (6) The act of providing samples to consumers shall be exempt from
43 the requirement of holding a Kansas food service dealer license from the

1 department of agriculture under the provisions of chapter 65 of the Kansas
2 Statutes Annotated, and amendments thereto.

3 (b) Nothing in this section shall be construed to permit the licensee to
4 sell wine, malt beverages or distilled spirits for on-premises consumption.

5 Sec. 3. K.S.A. 41-308 is hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its
7 publication in the statute book.