



*Kansas  
Licensed  
Beverage  
Association*

*Philip Bradley  
CEO*

*1372 N 1000 Rd.  
Lawrence, KS  
66046-9608*

*785.766-7492  
[www.klba.org](http://www.klba.org)  
[phil@klba.org](mailto:phil@klba.org)*

Testimony on SB 203  
March 25, 2013

House Federal & State Affairs Committee

Chairman Siegfried, and Members of the Committee,

I am Philip Bradley representing the **Kansas Licensed Beverage Association**. Thank you for the opportunity to speak today and I will be brief.

**We ask you to pass SB 203.** The original bill addressed two issues. The hotel drinks issue and the elimination of unneeded language about price lists. **We support both of these.** The bill was amended in the Senate Committee to include several other issues including the correction of an unintended consequence that occurred in the 2012 Liquor “mega” bill. After that bill was implemented, the ABC determined that service of pitchers of Margaritas, Mojitos, and Sangria like beverages was not allowed. This changed existing practices that had been occurring for quite some time in establishments all over our state. This corrects that and clarifies a limited permission under the Directors control. **We support this as well,**

**We support** another element that was attached, the “Brown Jug” act that would allow a licensee to bring a very limited civil action against individuals that perpetrate a fraud by using counterfeit or borrowed ID to illegally purchase, consume or provide alcohol.

**We were neutral** on the last two amendments, the first was to allow, under ABC Directors control, complimentary alcoholic liquor or cereal malt beverages on the unlicensed premises of a business by the business owner or his agent at an event sponsored by a nonprofit organization with a minimum 10 day notice. We agree with the ABC, who testified that are other ways to accomplish this in existing law, but were neutral on the amendment. It was requested specifically by and for events like the “NOTO ‘Art Walk in Topeka.

The final amendment is the **only one that appears to have had concerns.** This final issue deals with allowing at self-dispensing machines whose use would be conditioned on The Directors approval, specific observation and operational practices. It was the issue of debate in Senate Committee of the Whole. In Senate final action the bill received 27 aye votes, and I am told by Senators that it is the reason for most if not all of the 13 nay votes. We hope it is not a problem, however we ask that it not be the reason to hold up SB 203 at this late date of this year’s session if the Committee decides this issue needs further work and/or consideration.

**The Kansas Viticulture and Farm Winery Assn. (KVFVA), Artisan Distillers of KS (ADK), and Craft Brewers Guild of KS (CBGK) have asked me to represent them on these issues.**

Again thank you for your attention and consideration. I am available for your questions.

Philip Bradley



**Drink Responsibly.  
Drive Responsibly.**

**KLBA –Kansas Licensed Beverage Assn.** represents the interests of the men and women in the hospitality industry, who own, manage and work in Kansas bars, breweries, clubs, caterers, hotels, and restaurants. These are the places you frequent and enjoy with the tens of thousands of employees that are glad to serve you.

**KVFWA – Kansas Viticulture and Farm Winery Assn.:** We began our Association in 2004 but our journey began decades ago. Our mission is the promotion of the production of wine from Kansas grapes, the science and practice of viticulture in the State of Kansas, and the development of Kansas Farm Wineries. We include farm wineries (such as **Blue Jacket, Davenport, Holy-Field, Stone Pillar and White Tail Run**) and numerous growers of fine grapes.

**CBGK-Craft Brewers Guild of Kansas** is the microbrewers and craft brewers of Kansas. We are a diverse group that embraces the age old art of brewing both commercial operations and the home hobby artist brewer.

**ADK-Artisan Distillers of Kansas** are Kansans inspired to hand craft distilled spirits for sale and sharing.

**We support these elements;**

- **Allow hotels, if the entire premise is licensed as a drinking establishment, to distribute coupons to its guests, redeemable on the hotel premises for drinks containing alcoholic liquor;**
  - **Require those licensed hotels to remit liquor drink tax on each drink served based on a price, which is not less than the acquisition cost of the drink;**
  - **Allow other hotels for which the entire premises are not licensed as drinking establishments to distribute coupons to their guests redeemable at clubs and drinking establishments, in accordance with rules and regulations adopted by the Department of Revenue;**
  - **Require each club or drinking establishment redeeming hotel coupons to remit liquor tax on each drink served based on a price not less than the acquisition cost of the drink;**
- **Delete a requirement that clubs and drinking establishments provide price lists;**
- **Allow the sale or serving of certain mixed alcoholic beverages, and any others approved by the Director, in a pitcher containing not more than 64 fluid ounces;**
- **Allow a licensee under the Kansas Liquor Control Act or Club and Drinking Establishment Act to bring about a civil action for damages (\$1,000 and attorney fees) against an individual who is 18 years of age who presents fraudulent or false evidence of age for the purpose of acquiring alcoholic liquor; and**
- **Allow a licensee under the Kansas Liquor Control Act or Club and Drinking Establishment Act to bring about a civil action for damages (\$1,000 and attorney fees) against an individual who is of legal consumption age and acquires alcoholic liquor for the purposes of providing it to a person under the age of 21 years.**

We were neutral on these elements;

- **Allow the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or his agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county, or township where the event will take place. The Director of the Alcoholic Beverage Control (Director) would require a minimum 10 days advance notice;**
- **Permit certain licensees, upon approval of the Director, to offer self-service alcoholic liquor or cereal malt beverage from automated devices on the licensed premises.**
  - **The licensee would be required to monitor and control the consumption from automated devices.**
  - **Prior to approving the automated devices, the Director would require video surveillance, operation of devices by a smart card system capable of limiting or ceasing service, and limiting operation of the devices during business hours when the licensee's management is present at the licensed premises and maintains constant visual contact;**

**We hope it is not a problem, however we ask that it not be the reason to hold up SB 203 at this late date of this year's session if the Committee decides this issue needs further work and/or consideration.**

