

Substitute for HOUSE BILL No. 2223

By Committee on Federal and State Affairs

3-20

1 AN ACT concerning alcoholic beverages; relating to homemade fermented  
2 beverages; amending K.S.A. ~~2012~~ 2013 Supp. ~~41-102 and~~ 41-104, ~~41-~~  
3 ~~308b, 41-308d and 41-311~~ and repealing the existing sections.

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

6 ~~Section 1. K.S.A. 2012 Supp. 41-102 is hereby amended to read as~~  
7 ~~follows: 41-102. As used in this act, unless the context clearly requires~~  
8 ~~otherwise:~~

9 ~~(a) "Alcohol" means the product of distillation of any fermented~~  
10 ~~liquid, whether rectified or diluted, whatever its origin, and includes~~  
11 ~~synthetic ethyl alcohol but does not include denatured alcohol or wood~~  
12 ~~alcohol.~~

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

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

21 ~~(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and~~  
22 ~~amendments thereto.~~

23 ~~(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-~~  
24 ~~2701, and amendments thereto.~~

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

27 ~~(g) "Director" means the director of alcoholic beverage control of the~~  
28 ~~department of revenue.~~

29 ~~(h) "Distributor" means the person importing or causing to be~~  
30 ~~imported into the state, or purchasing or causing to be purchased within~~  
31 ~~the state, alcoholic liquor for sale or resale to retailers licensed under this~~  
32 ~~act or cereal malt beverage for sale or resale to retailers licensed under~~  
33 ~~K.S.A. 41-2702, and amendments thereto.~~

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

36 ~~(j) "Domestic fortified wine" means wine which contains more than~~

1 ~~14%, but not more than 20% alcohol by volume and which is~~  
2 ~~manufactured in this state.~~

3 ~~(k) "Domestic table wine" means wine which contains not more than~~  
4 ~~14% alcohol by volume and which is manufactured without rectification or~~  
5 ~~fortification in this state.~~

6 ~~(l) "Drinking establishment" has the meaning provided by K.S.A. 41-~~  
7 ~~2601, and amendments thereto.~~

8 ~~(m) "Farm winery" means a winery licensed by the director to~~  
9 ~~manufacture, store and sell domestic table wine and domestic fortified~~  
10 ~~wine.~~

11 ~~(n) "Guest" means a natural person who is known to the host and~~  
12 ~~receives a personal invitation to an event conducted by the host. The term~~  
13 ~~"guest" shall not mean a natural person who receives an invitation to an~~  
14 ~~event conducted by the host when such invitation has been made available~~  
15 ~~to the general public.~~

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

19 ~~(o) (p) (1) "Manufacturer" means every brewer, fermenter, distiller,~~  
20 ~~rectifier, wine maker, blender, processor, bottler or person who fills or~~  
21 ~~refills an original package and others engaged in brewing, fermenting,~~  
22 ~~distilling, rectifying or bottling alcoholic liquor, beer or cereal malt~~  
23 ~~beverage.~~

24 ~~(2) "Manufacturer" does not include a microbrewery, microdistillery~~  
25 ~~or a farm winery.~~

26 ~~(p) (q) "Microbrewery" means a brewery licensed by the director to~~  
27 ~~manufacture, store and sell domestic beer.~~

28 ~~(q) (r) "Microdistillery" means a facility which produces spirits from~~  
29 ~~any source or substance that is licensed by the director to manufacture,~~  
30 ~~store and sell spirits.~~

31 ~~(r) (s) "Minor" means any person under 21 years of age.~~

32 ~~(s) (t) "Nonbeverage user" means any manufacturer of any of the~~  
33 ~~products set forth and described in K.S.A. 41-501, and amendments~~  
34 ~~thereto, when the products contain alcohol or wine, and all laboratories~~  
35 ~~using alcohol for nonbeverage purposes.~~

36 ~~(t) (u) "Original package" means any bottle, flask, jug, can, cask,~~  
37 ~~barrel, keg, hogshead or other receptacle or container whatsoever, used,~~  
38 ~~corked or capped, sealed and labeled by the manufacturer of alcoholic~~  
39 ~~liquor, to contain and to convey any alcoholic liquor. Original container~~  
40 ~~does not include a sleeve.~~

41 ~~(u) (v) "Person" means any natural person, corporation, partnership,~~  
42 ~~trust or association.~~

43 ~~(v) (w) "Primary American source of supply" means the~~

~~1 manufacturer, the owner of alcoholic liquor at the time it becomes a  
2 marketable product or the manufacturer's or owner's exclusive agent who,  
3 if the alcoholic liquor cannot be secured directly from such manufacturer  
4 or owner by American wholesalers, is the source closest to such  
5 manufacturer or owner in the channel of commerce from which the  
6 product can be secured by American wholesalers.~~

~~7 (w) (x) (1) "Retailer" means a person who sells at retail, or offers for  
8 sale at retail, alcoholic liquors.~~

~~9 (2) "Retailer" does not include a microbrewery, microdistillery or a  
10 farm winery.~~

~~11 (x) (y) "Sale" means any transfer, exchange or barter in any manner  
12 or by any means whatsoever for a consideration and includes all sales  
13 made by any person, whether principal, proprietor, agent, servant or  
14 employee.~~

~~15 (y) (z) "Salesperson" means any natural person who:~~

~~16 (1) Procures or seeks to procure an order, bargain, contract or  
17 agreement for the sale of alcoholic liquor or cereal malt beverage; or~~

~~18 (2) is engaged in promoting the sale of alcoholic liquor or cereal malt  
19 beverage, or in promoting the business of any person, firm or corporation  
20 engaged in the manufacturing and selling of alcoholic liquor or cereal malt  
21 beverage, whether the seller resides within the state of Kansas and sells to  
22 licensed buyers within the state of Kansas, or whether the seller resides  
23 without the state of Kansas and sells to licensed buyers within the state of  
24 Kansas.~~

~~25 (z) (aa) "Secretary" means the secretary of revenue.~~

~~26 (aa) (bb) (1) "Sell at retail" and "sale at retail" refer to and mean sales  
27 for use or consumption and not for resale in any form and sales to clubs,  
28 licensed drinking establishments, licensed caterers or holders of temporary  
29 permits.~~

~~30 (2) "Sell at retail" and "sale at retail" do not refer to or mean sales by  
31 a distributor, a microbrewery, a farm winery, a licensed club, a licensed  
32 drinking establishment, a licensed caterer or a holder of a temporary  
33 permit.~~

~~34 (bb) (cc) "To sell" includes to solicit or receive an order for, to keep  
35 or expose for sale and to keep with intent to sell.~~

~~36 (cc) (dd) "Sleeve" means a package of two or more 50-milliliter (3.2-  
37 fluid-ounce) containers of spirits.~~

~~38 (dd) (ee) "Spirits" means any beverage which contains alcohol  
39 obtained by distillation, mixed with water or other substance in solution,  
40 and includes brandy, rum, whiskey, gin or other spirituous liquors, and  
41 such liquors when rectified, blended or otherwise mixed with alcohol or  
42 other substances.~~

~~43 (ee) (ff) "Supplier" means a manufacturer of alcoholic liquor or cereal~~

1 ~~malt beverage or an agent of such manufacturer, other than a salesperson;~~  
2 ~~(ff) (gg) "Temporary permit" has the meaning provided by K.S.A. 41-~~  
3 ~~2601, and amendments thereto;~~

4 ~~(gg) (hh) "Wine" means any alcoholic beverage obtained by the~~  
5 ~~normal alcoholic fermentation of the juice of sound, ripe grapes, fruits,~~  
6 ~~berries or other agricultural products, including such beverages containing~~  
7 ~~added alcohol or spirits or containing sugar added for the purpose of~~  
8 ~~correcting natural deficiencies;~~

9 ~~Sec. 2. K.S.A. 2012 Supp. 41-104 is hereby amended to read as~~  
10 ~~follows: 41-104. No person shall manufacture, bottle, blend, sell, barter,~~  
11 ~~transport, deliver, furnish or possess any alcoholic liquor for beverage~~  
12 ~~purposes, except as specifically provided in this act, the club and drinking~~  
13 ~~establishment act or article 27 of chapter 41 of the Kansas Statutes~~  
14 ~~Annotated, and amendments thereto, except that nothing contained in this~~  
15 ~~act shall prevent;~~

16 ~~(a) The possession and transportation of alcoholic liquor for the~~  
17 ~~personal use of the possessor, the possessor's family and guests except that~~  
18 ~~the provisions of K.S.A. 41-407, and amendments thereto, shall be~~  
19 ~~applicable to all persons;~~

20 ~~(b) the making of wine, cider or beer by a person from fruits,~~  
21 ~~vegetables or grains, or the product thereof, by simple fermentation and~~  
22 ~~without distillation, if it is made solely for the use of the maker and, the~~  
23 ~~maker's family, guests and judges at a contest or competition of such~~  
24 ~~beverages, provided, the maker receives no compensation for producing~~  
25 ~~such beverages or for allowing the consumption thereof;~~

26 ~~(c) any duly licensed practicing physician or dentist from possessing~~  
27 ~~or using alcoholic liquor in the strict practice of the medical or dental~~  
28 ~~profession;~~

29 ~~(d) any hospital or other institution caring for sick and diseased~~  
30 ~~persons, from possessing and using alcoholic liquor for the treatment of~~  
31 ~~bona fide patients of such hospital or institution;~~

32 ~~(e) any drugstore employing a licensed pharmacist from possessing~~  
33 ~~and using alcoholic liquor in the compounding of prescriptions of duly~~  
34 ~~licensed physicians;~~

35 ~~(f) the possession and dispensation of wine by an authorized~~  
36 ~~representative of any church for the purpose of conducting any bona fide~~  
37 ~~rite or religious ceremony conducted by such church; or~~

38 ~~(g) the sale of wine to a consumer in this state by a person which~~  
39 ~~holds a valid license authorizing the manufacture of wine in this or another~~  
40 ~~state and the shipment of such wine directly to such consumer, subject to~~  
41 ~~the following: (1) The consumer must be at least 21 years of age; (2) the~~  
42 ~~consumer must purchase the wine while physically present on the premises~~  
43 ~~of the wine manufacturer; (3) the wine must be for the consumer's personal~~

1 ~~consumption and not for resale; and (4) the consumer shall comply with~~  
2 ~~the provisions of K.S.A. 41-407, and amendments thereto, by payment of~~  
3 ~~all applicable taxes within such time after purchase of the wine as~~  
4 ~~prescribed by rules and regulations adopted by the secretary.~~

5 ~~(h) The serving of complimentary alcoholic liquor or cereal malt~~  
6 ~~beverages at fund raising activities of charitable organizations as defined~~  
7 ~~by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to~~  
8 ~~26 U.S.C.A. § 501(e) and by committees formed pursuant to K.S.A. 25-~~  
9 ~~4142 et seq., and amendments thereto. The serving of such alcoholic liquor~~  
10 ~~at such fund raising activities shall not constitute a sale pursuant to this~~  
11 ~~act, the club and drinking establishment act or article 27 of chapter 41 of~~  
12 ~~the Kansas Statutes Annotated, and amendments thereto. Any such fund~~  
13 ~~raising activity shall not be required to obtain a license or a temporary~~  
14 ~~permit pursuant to this act, the club and drinking establishment act or~~  
15 ~~article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments~~  
16 ~~thereto.~~

17 *Section 1. K.S.A. 2013 Supp. 41-104 is hereby amended to read as*  
18 *follows: 41-104. No person shall manufacture, bottle, blend, sell, barter,*  
19 *transport, deliver, furnish or possess any alcoholic liquor for beverage*  
20 *purposes, except as specifically provided in this act, the club and*  
21 *drinking establishment act or article 27 of chapter 41 of the Kansas*  
22 *Statutes Annotated, and amendments thereto, except that nothing*  
23 *contained in this act shall prevent:*

24 *(a) The possession and transportation of alcoholic liquor for the*  
25 *personal use of the possessor, the possessor's family and guests except*  
26 *that the provisions of K.S.A. 41-407, and amendments thereto, shall be*  
27 *applicable to all persons;*

28 *(b) the making of wine, cider or beer by a person from fruits,*  
29 *vegetables or grains, or the product thereof, by simple fermentation and*  
30 *without distillation, if it is made solely for the use of the maker and, the*  
31 *maker's family, guests and judges at a contest or competition of such*  
32 *beverages, provided, the maker receives no compensation for producing*  
33 *such beverages or for allowing the consumption thereof;*

34 *(c) any duly licensed practicing physician or dentist from*  
35 *possessing or using alcoholic liquor in the strict practice of the medical*  
36 *or dental profession;*

37 *(d) any hospital or other institution caring for sick and diseased*  
38 *persons, from possessing and using alcoholic liquor for the treatment of*  
39 *bona fide patients of such hospital or institution;*

40 *(e) any drugstore employing a licensed pharmacist from possessing*  
41 *and using alcoholic liquor in the compounding of prescriptions of duly*  
42 *licensed physicians;*

43 *(f) the possession and dispensation of wine by an authorized*

1 *representative of any church for the purpose of conducting any bona*  
2 *fide rite or religious ceremony conducted by such church;*

3 *(g) the sale of wine to a consumer in this state by a person which*  
4 *holds a valid license authorizing the manufacture of wine in this or*  
5 *another state and the shipment of such wine directly to such consumer,*  
6 *subject to the following: (1) The consumer must be at least 21 years of*  
7 *age; (2) the consumer must purchase the wine while physically present*  
8 *on the premises of the wine manufacturer; (3) the wine must be for the*  
9 *consumer's personal consumption and not for resale; and (4) the*  
10 *consumer shall comply with the provisions of K.S.A. 41-407, and*  
11 *amendments thereto, by payment of all applicable taxes within such time*  
12 *after purchase of the wine as prescribed by rules and regulations*  
13 *adopted by the secretary;*

14 *(h) the serving of complimentary alcoholic liquor or cereal malt*  
15 *beverages at fund raising activities of charitable organizations as*  
16 *defined by K.S.A. 17-1760, and amendments thereto, and as qualified*  
17 *pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to*  
18 *K.S.A. 25-4142 et seq., and amendments thereto. The serving of such*  
19 *alcoholic liquor at such fund raising activities shall not constitute a sale*  
20 *pursuant to this act, the club and drinking establishment act or article*  
21 *27 of chapter 41 of the Kansas Statutes Annotated, and amendments*  
22 *thereto. Any such fund raising activity shall not be required to obtain a*  
23 *license or a temporary permit pursuant to this act, the club and drinking*  
24 *establishment act or article 27 of chapter 41 of the Kansas Statutes*  
25 *Annotated, and amendments thereto; or*

26 *(i) the serving of complimentary alcoholic liquor or cereal malt*  
27 *beverage on the unlicensed premises of a business by the business owner*  
28 *or owner's agent at an event sponsored by a nonprofit organization*  
29 *promoting the arts and which has been approved by ordinance or*  
30 *resolution of the governing body of the city, county or township wherein*  
31 *the event will take place and whereby the director of the alcoholic*  
32 *beverage control has been notified thereof no less than 10 days in*  
33 *advance.*

34 *(j) For purposes of subsection (b), the term "guest" means a natural*  
35 *person who is known to the host and receives a personal invitation to an*  
36 *event conducted by the host. The term "guest" shall not mean a natural*  
37 *person who receives an invitation to an event conducted by the host when*  
38 *such invitation has been made available to the general public.*

39 **Sec. 2. K.S.A. 2013 Supp. 41-308b is hereby amended to read as**  
40 **follows: 41-308b. (a) A microbrewery license shall allow:**

41 **(1) The manufacture of not less than 100 nor more than ~~15,000~~**  
42 **30,000 barrels of domestic beer during the license calendar year and the**  
43 **storage thereof;**

1       (2) *the sale to beer distributors of beer, manufactured by the*  
2 *licensee;*

3       (3) *the sale, on the licensed premises in the original unopened*  
4 *container to consumers for consumption off the licensed premises, of*  
5 *beer manufactured by the licensee;*

6       (4) *the serving free of charge on the licensed premises and at*  
7 *special events, monitored and regulated by the division of alcoholic*  
8 *beverage control, of samples of beer manufactured by the licensee, if the*  
9 *premises are located in a county where the sale of alcoholic liquor is*  
10 *permitted by law in licensed drinking establishments;*

11       (5) *if the licensee is also licensed as a club or drinking*  
12 *establishment, the sale of domestic beer and other alcoholic liquor for*  
13 *consumption on the licensed premises as authorized by the club and*  
14 *drinking establishment act; and*

15       (6) *if the licensee is also licensed as a caterer, the sale of domestic*  
16 *beer and other alcoholic liquor for consumption on unlicensed premises*  
17 *as authorized by the club and drinking establishment act.*

18       (b) *Upon application and payment of the fee prescribed by K.S.A.*  
19 *41-310, and amendments thereto, by a microbrewery licensee, the*  
20 *director may issue not to exceed one microbrewery packaging and*  
21 *warehousing facility license to the microbrewery licensee. A*  
22 *microbrewery packaging and warehousing facility license shall allow:*

23       (1) *The transfer, from the licensed premises of the microbrewery to*  
24 *the licensed premises of the microbrewery packaging and warehousing*  
25 *facility, of beer manufactured by the licensee, for the purpose of*  
26 *packaging or storage, or both; and*

27       (2) *the transfer, from the licensed premises of the microbrewery*  
28 *packaging and warehousing facility to the licensed premises of the*  
29 *microbrewery, of beer manufactured by the licensee; or*

30       (3) *the removal from the licensed premises of the microbrewery*  
31 *packaging and warehousing facility of beer manufactured by the*  
32 *licensee for the purpose of delivery to a licensed beer wholesaler.*

33       (c) *A microbrewery may sell domestic beer in the original unopened*  
34 *container to consumers for consumption off the licensed premises at any*  
35 *time between 6 a.m. and 12 midnight on any day except Sunday and*  
36 *between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a*  
37 *microbrewery may serve samples of domestic beer and serve and sell*  
38 *domestic beer and other alcoholic liquor for consumption on the*  
39 *licensed premises at any time when a club or drinking establishment is*  
40 *authorized to serve and sell alcoholic liquor.*

41       (d) *The director may issue to the Kansas state fair or any bona fide*  
42 *group of brewers a permit to import into this state small quantities of*  
43 *beer. Such beer shall be used only for bona fide educational and*

1 *scientific tasting programs and shall not be resold. Such beer shall not*  
2 *be subject to the tax imposed by K.S.A. 41-501, and amendments thereto.*  
3 *The permit shall identify specifically the brand and type of beer to be*  
4 *imported, the quantity to be imported, the tasting programs for which the*  
5 *beer is to be used and the times and locations of such programs. The*  
6 *secretary shall adopt rules and regulations governing the importation of*  
7 *beer pursuant to this subsection and the conduct of tasting programs for*  
8 *which such beer is imported.*

9 *(e) A microbrewery license or microbrewery packaging and*  
10 *warehousing facility license shall apply only to the premises described in*  
11 *the application and in the license issued and only one location shall be*  
12 *described in the license.*

13 *(f) No microbrewery shall:*

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

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

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

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

24 *(g) Whenever a microbrewery licensee is convicted of a violation of*  
25 *the Kansas liquor control act, the director may revoke the licensee's*  
26 *license and all fees paid for the license in accordance with the Kansas*  
27 *administrative procedure act.*

28 *Sec. 3. K.S.A. 2013 Supp. 41-308d is hereby amended to read as*  
29 *follows: 41-308d. (a) Notwithstanding any other provisions of the*  
30 *Kansas liquor control act to the contrary, any person or entity who is*  
31 *licensed to sell alcoholic liquor in the original package at retail may*  
32 *conduct wine, beer and distilled spirit tastings on the licensed premises,*  
33 *or adjacent premises, monitored and regulated by the division of*  
34 *alcoholic beverage control, as follows:*

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

40 *(2) The holder of a supplier's permit or Kansas farm winery license*  
41 *or such permit holder's or licensee's agent or employee may participate*  
42 *in and conduct product tastings of alcoholic beverages at a retail*  
43 *licensee's premises, or adjacent premises, monitored and regulated by*



1 *the division of alcoholic beverage control, and may open, touch, or pour*  
2 *alcoholic beverages, make a presentation, or answer questions at the*  
3 *tasting. Any alcoholic beverage tasted under this subsection must be*  
4 *purchased from the retailer on whose premises the tasting is held. The*  
5 *retailer may not require the purchase of more alcoholic beverages than*  
6 *are necessary for the tasting. This section does not authorize the*  
7 *supplier, farm winery licensee or its the supplier's or licensee's agent to*  
8 *withdraw or purchase an alcoholic beverage from the holder of a*  
9 *distributor's permit or provide an alcoholic beverage for tasting on a*  
10 *retailer's premises that is not purchased from the retailer.*

11 *(3) No charge of any sort may be made for a sample serving.*

12 *(4) A person may be served more than one sample. Samples may*  
13 *not be served to a minor. No samples may be removed from the licensed*  
14 *premises.*

15 *(5) The act of providing samples to consumers shall be exempt from*  
16 *the requirement of holding a Kansas food service dealer license from the*  
17 *department of agriculture under the provisions of chapter 65 of the*  
18 *Kansas Statutes Annotated, and amendments thereto.*

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

22 *(c) The provisions of this section shall take effect and be in force*  
23 *from and after July 1, 2012.*

24 *(d) All rules and regulations adopted on and after July 1, 2012, and*  
25 *prior to July 1, 2013, to implement this section shall continue to be*  
26 *effective and shall be deemed to be duly adopted rules and regulations of*  
27 *the secretary until revised, amended, revoked or nullified pursuant to*  
28 *law.*

29 *(e) This section shall be a part of and supplemental to the Kansas*  
30 *liquor control act.*

31 *Sec. 4. K.S.A. 2013 Supp. 41-311 is hereby amended to read as*  
32 *follows: 41-311. (a) No license of any kind shall be issued pursuant to*  
33 *the liquor control act to a person:*

34 *(1) Who has not been is not a citizen of the United States for at least*  
35 *10 years, except that the spouse of a deceased retail licensee may receive*  
36 *and renew a retail license notwithstanding the provisions of this subsection*  
37 *(a)(1) if such spouse is otherwise qualified to hold a retail license and is a*  
38 *United States citizen or becomes a United States citizen within one year*  
39 *after the deceased licensee's death;*

40 *(2) who has been convicted of a felony under the laws of this state,*  
41 *any other state or the United States;*

42 *(3) who has had a license revoked for cause under the provisions of*  
43 *the liquor control act, the beer and cereal malt beverage keg registration*

1 *act or who has had any license issued under the cereal malt beverage*  
2 *laws of any state revoked for cause except that a license may be issued to*  
3 *a person whose license was revoked for the conviction of a misdemeanor*  
4 *at any time after the lapse of 10 years following the date of the*  
5 *revocation;*

6 (4) *who has been convicted of being the keeper or is keeping any*  
7 *property, whether real or personal, where sexual relations are being sold*  
8 *or offered for sale by a person who is 18 years of age or older or has*  
9 *forfeited bond to appear in court to answer charges of being a keeper of*  
10 *any property, whether real or personal, where sexual relations are being*  
11 *sold or offered for sale by a person who is 18 years of age or older;*

12 (5) *who has been convicted of being a proprietor of a gambling*  
13 *house, pandering or any other crime opposed to decency and morality or*  
14 *has forfeited bond to appear in court to answer charges for any of those*  
15 *crimes;*

16 (6) *who is not at least 21 years of age;*

17 (7) *who, other than as a member of the governing body of a city or*  
18 *county, appoints or supervises any law enforcement officer, who is a law*  
19 *enforcement official or who is an employee of the director;*

20 (8) *who intends to carry on the business authorized by the license*  
21 *as agent of another;*

22 (9) *who at the time of application for renewal of any license issued*  
23 *under this act would not be eligible for the license upon a first*  
24 *application, except as provided by subsection (a)(12);*

25 (10) *who is the holder of a valid and existing license issued under*  
26 *article 27 of chapter 41 of the Kansas Statutes Annotated, and*  
27 *amendments thereto, unless the person agrees to and does surrender the*  
28 *license to the officer issuing the same upon the issuance to the person of*  
29 *a license under this act, except that a retailer licensed pursuant to K.S.A.*  
30 *41-2702, and amendments thereto, shall be eligible to receive a retailer's*  
31 *license under the Kansas liquor control act;*

32 (11) *who does not own the premises for which a license is sought,*  
33 *or does not, at the time of application, have a written lease thereon;*

34 (12) *whose spouse would be ineligible to receive a license under*  
35 *this act for any reason other than citizenship, residence requirements or*  
36 *age, except that this subsection (a)(12) shall not apply in determining*  
37 *eligibility for a renewal license;*

38 (13) *whose spouse has been convicted of a felony or other crime*  
39 *which would disqualify a person from licensure under this section and*  
40 *such felony or other crime was committed during the time that the*  
41 *spouse held a license under this act; or*

42 (14) *who does not provide any data or information required by*  
43 *K.S.A. 2013 Supp. 41-311b, and amendments thereto.*

1       ***(b) No retailer's license shall be issued to:***

2       ***(1) A person who is not a resident of this state;***

3       ***(2) a person who has not been a resident of this state for at least***  
4 ***four years immediately preceding the date of application;***

5       ***(3) a person who has a beneficial interest in a manufacturer,***  
6 ***distributor, farm winery or microbrewery licensed under this act, except***  
7 ***that the spouse of an applicant for a retailer's license may own and hold***  
8 ***a farm winery license, microbrewery license, or both, if the spouse does***  
9 ***not hold a retailer's license issued under this act;***

10       ***(4) a person who has a beneficial interest in any other retail***  
11 ***establishment licensed under this act, except that the spouse of a***  
12 ***licensee may own and hold a retailer's license for another retail***  
13 ***establishment;***

14       ***(5) a copartnership, unless all of the copartners are qualified to***  
15 ***obtain a license;***

16       ***(6) a corporation; or***

17       ***(7) a trust, if any grantor, beneficiary or trustee would be ineligible***  
18 ***to receive a license under this act for any reason, except that the***  
19 ***provisions of subsection (a)(6) shall not apply in determining whether a***  
20 ***beneficiary would be eligible for a license.***

21       ***(c) No manufacturer's license shall be issued to:***

22       ***(1) A corporation, if any officer or director thereof, or any***  
23 ***stockholder owning in the aggregate more than 25% of the stock of the***  
24 ***corporation would be ineligible to receive a manufacturer's license for***  
25 ***any reason other than citizenship and residence requirements;***

26       ***(2) a copartnership, unless all of the copartners shall have been***  
27 ***residents of this state for at least five years immediately preceding the***  
28 ***date of application and unless all the members of the copartnership***  
29 ***would be eligible to receive a manufacturer's license under this act;***

30       ***(3) a trust, if any grantor, beneficiary or trustee would be ineligible***  
31 ***to receive a license under this act for any reason, except that the***  
32 ***provisions of subsection (a)(6) shall not apply in determining whether a***  
33 ***beneficiary would be eligible for a license;***

34       ***(4) an individual who is not a resident of this state;***

35       ***(5) an individual who has not been a resident of this state for at***  
36 ***least five years immediately preceding the date of application; or***

37       ***(6) a person who has a beneficial interest in a distributor, retailer,***  
38 ***farm winery or microbrewery licensed under this act, except as provided***  
39 ***in K.S.A. 41-305, and amendments thereto.***

40       ***(d) No distributor's license shall be issued to:***

41       ***(1) A corporation, if any officer, director or stockholder of the***  
42 ***corporation would be ineligible to receive a distributor's license for any***  
43 ***reason. It shall be unlawful for any stockholder of a corporation***

1 *licensed as a distributor to transfer any stock in the corporation to any*  
2 *person who would be ineligible to receive a distributor's license for any*  
3 *reason, and any such transfer shall be null and void, except that: (A) If*  
4 *any stockholder owning stock in the corporation dies and an heir or*  
5 *devisee to whom stock of the corporation descends by descent and*  
6 *distribution or by will is ineligible to receive a distributor's license, the*  
7 *legal representatives of the deceased stockholder's estate and the*  
8 *ineligible heir or devisee shall have 14 months from the date of the death*  
9 *of the stockholder within which to sell the stock to a person eligible to*  
10 *receive a distributor's license, any such sale by a legal representative to*  
11 *be made in accordance with the provisions of the probate code; or (B) if*  
12 *the stock in any such corporation is the subject of any trust and any*  
13 *trustee or beneficiary of the trust who is 21 years of age or older is*  
14 *ineligible to receive a distributor's license, the trustee, within 14 months*  
15 *after the effective date of the trust, shall sell the stock to a person eligible*  
16 *to receive a distributor's license and hold and disburse the proceeds in*  
17 *accordance with the terms of the trust. If any legal representatives, heirs,*  
18 *devisees or trustees fail, refuse or neglect to sell any stock as required by*  
19 *this subsection, the stock shall revert to and become the property of the*  
20 *corporation, and the corporation shall pay to the legal representatives,*  
21 *heirs, devisees or trustees the book value of the stock. During the period*  
22 *of 14 months prescribed by this subsection, the corporation shall not be*  
23 *denied a distributor's license or have its distributor's license revoked if*  
24 *the corporation meets all of the other requirements necessary to have a*  
25 *distributor's license;*

26 *(2) a copartnership, unless all of the copartners are eligible to*  
27 *receive a distributor's license;*

28 *(3) a trust, if any grantor, beneficiary or trustee would be ineligible*  
29 *to receive a license under this act for any reason, except that the*  
30 *provisions of subsection (a)(6) shall not apply in determining whether a*  
31 *beneficiary would be eligible for a license; or*

32 *(4) a person who has a beneficial interest in a manufacturer,*  
33 *retailer, farm winery or microbrewery licensed under this act.*

34 *(e) No nonbeverage user's license shall be issued to a corporation,*  
35 *if any officer, manager or director of the corporation or any stockholder*  
36 *owning in the aggregate more than 25% of the stock of the corporation*  
37 *would be ineligible to receive a nonbeverage user's license for any*  
38 *reason other than citizenship and residence requirements.*

39 *(f) No microbrewery license, microdistillery license or farm winery*  
40 *license shall be issued to a:*

41 *(1) Person who is not a resident of this state;*

42 *(2) person who has not been a resident of this state for at least one*  
43 *year immediately preceding the date of application;*

1       (3) *person who has a beneficial interest in a manufacturer or*  
2 *distributor licensed under this act, except as provided in K.S.A. 41-305,*  
3 *and amendments thereto;*

4       (4) *person, copartnership or association which has a beneficial*  
5 *interest in any retailer licensed under this act or under K.S.A. 41-2702,*  
6 *and amendments thereto, except that the spouse of an applicant for a*  
7 *microbrewery or farm winery license may own and hold a retailer's*  
8 *license if the spouse does not hold a microbrewery or farm winery*  
9 *license issued under this act;*

10       (5) *copartnership, unless all of the copartners are qualified to*  
11 *obtain a license;*

12       (6) *corporation, unless stockholders owning in the aggregate 50%*  
13 *or more of the stock of the corporation would be eligible to receive such*  
14 *license and all other stockholders would be eligible to receive such*  
15 *license except for reason of citizenship or residency; or*

16       (7) *a trust, if any grantor, beneficiary or trustee would be ineligible*  
17 *to receive a license under this act for any reason, except that the*  
18 *provisions of subsection (a)(6) shall not apply in determining whether a*  
19 *beneficiary would be eligible for a license.*

20       (g) *The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),*  
21 *(f)(1), (f)(2) and K.S.A. 2013 Supp. 41-311b, and amendments thereto,*  
22 *shall not apply in determining eligibility for the 10<sup>th</sup>, or a subsequent,*  
23 *consecutive renewal of a license if the applicant has appointed a citizen*  
24 *of the United States who is a resident of Kansas as the applicant's agent*  
25 *and filed with the director a duly authenticated copy of a duly executed*  
26 *power of attorney, authorizing the agent to accept service of process*  
27 *from the director and the courts of this state and to exercise full*  
28 *authority, control and responsibility for the conduct of all business and*  
29 *transactions within the state relative to alcoholic liquor and the business*  
30 *licensed. The agent must be satisfactory to and approved by the director,*  
31 *except that the director shall not approve as an agent any person who:*

32       (1) *Has been convicted of a felony under the laws of this state, any*  
33 *other state or the United States;*

34       (2) *has had a license issued under the alcoholic liquor or cereal*  
35 *malt beverage laws of this or any other state revoked for cause, except*  
36 *that a person may be appointed as an agent if the person's license was*  
37 *revoked for the conviction of a misdemeanor and 10 years have lapsed*  
38 *since the date of the revocation;*

39       (3) *has been convicted of being the keeper or is keeping any*  
40 *property, whether real or personal, where sexual relations are being sold*  
41 *or offered for sale by a person who is 18 years of age or older or has*  
42 *forfeited bond to appear in court to answer charges of being a keeper of*  
43 *any property, whether real or personal, where sexual relations are being*

1 *sold or offered for sale by a person who is 18 years of age or older;*  
2 *(4) has been convicted of being a proprietor of a gambling house,*  
3 *pandering or any other crime opposed to decency and morality or has*  
4 *forfeited bond to appear in court to answer charges for any of those*  
5 *crimes; or*

6 *(5) is less than 21 years of age.*

7 ~~Sec. 3.~~ *Sec. 5.* K.S.A. ~~2012~~ 2013 Supp. ~~41-102 and~~ 41-104, *41-308b,*  
8 *41-308d and 41-311* are hereby repealed.

9 Sec. ~~4.~~ 6. This act shall take effect and be in force from and after its  
10 publication in the ~~statute book~~ *Kansas register.*