



REQUEST FOR AMENDMENT

HB 2482 – EXPANDING HOURS OF SALE OF LIQUOR BY THE DRINK

Whitney Damron
On Behalf of The
Kansas Grape Growers & Winemakers Association

Senate Committee on Commerce
February 14, 2018

Madam Chair Lynn and Members of the Senate Committee on Commerce:

Early in the session, I discussed the possibility of two minor amendments to the farm winery laws on behalf of the Kansas Grape Growers & Farm Winemakers Association with various representatives of the liquor industry and ABC.

The KGG&WA has represented the interests of farm wineries, vineyards and Kansas wine enthusiasts for 32 years. The Association has approximately 100 paid members, including 22 wineries and numerous vineyard owners, making it the largest Kansas winery organization in the State of Kansas.

There were already many alcohol-related bills in the legislative process and it was suggested amending a related bill might be more expedient than working yet another piece of alcohol-related legislation into the hearing process. Accordingly, I have visited with several legislators about the attached amendments and would respectfully ask the Committee to consider adding these to HB 2482 when the measure is worked.

The amendments would simply allow farm wineries to sell their products by the glass at licensed outlet locations and licensed special events, as they are currently allowed to do at their wineries.

We are also aware of a proposed amendment to allow farm wineries to be open on Sundays the same hours they are open on the other 6 days of the week and we support that amendment as well.

We believe these amendments to be noncontroversial in nature and would not jeopardize the viability of HB 2482. The KGG&WA is neutral on the underlying bill (HB 2482). We support its passage, but as currently written, it does not impact farm wineries.

On behalf of the Kansas Grape Growers and Winemakers Association, I thank you for your consideration of this request.

Whitney Damron

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Attachment

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Kansas Grape Growers & Winemakers Association Proposed Amendment to HB 2482:

Amendment to HB 2482 – Expanding hours of sale of liquor by the drink

Under current law, a farm winery can sell their own product by the glass at their winery, sell by the bottle for off-premise consumption and offer free samples.

Under current law, a farm winery can have as many as three additional outlet locations (stores) in the State, but the authority to sell by the glass does not extend to outlets. We believe this was an oversight when wineries were given authority to sell their products by the glass at their winery. Regardless, being able to sell by the glass at an outlet is a logical extension of authority.

Amendment No. 1:

Current Law:

K.S.A. 2017 Supp. 41-308(b)(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee.

New Language

Amendment language underlined (Mirrors K.S.A. 2017 Supp. 41-308a. (5)):

K.S.A. 2017 Supp. 41-308(b)(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee, and the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et. seq., and amendments thereto, and no drinking establishment license shall be required to make such sales.

Amendment No. 2:

The second issue involves allowing a farm winery to sell their own products at “special events.”

Under current law, if a farm winery hosts a “special event” they can file for a temporary permit through the ABC website with advance notice to ABC (e.g., ABC can object/seek additional information, etc. before the event is held). The special permit filing requires date and time of the event, location, map, etc.

(over)

Under current law, the farm winery can only sell by the bottle for off-premise consumption or offer free product samples at a "special event". This change would allow for the sale by the glass by farm wineries at special events.

Amendment (Amendatory language underlined):

K.S.A. 2017 Supp. 41-308a (5) the sale of wine manufactured by the licensee for consumption on the licensed premises and on special event premises, provided, the licensed and special event premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et. seq., and amendments thereto, and no drinking establishment license shall be required to make such sales.

Comment: Both of these amendments will help the Kansas farm wine industry grow and market their products. Currently, farm wineries are allowed to sell their products at their wineries by the glass. Allowing for similar authority at their licensed outlets and licensed special events would be a logical extension of this authority.

Information prepared by:

Whitney Damron
On behalf of the
Kansas Grape Growers & Winemakers Association
<http://kansasgrapesandwines.com/>

This is the 32nd year the KGG&WA has represented the interests of farm wineries, vineyards and Kansas wine enthusiasts. The Association has approximately 100 paid members, including 22 wineries and numerous vineyard owners, making it the largest Kansas winery organization in the State of Kansas.

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