



21st Century Enactments

2000

Retail liquor store licenses may be issued in any township having a population of more than 5,000 (previous law set the population at more than 11,000).

Consumption of alcoholic liquor authorized on community college property, subject to policies adopted by the community college board of trustees.

Procedures are established for "sting" operations in which a person under 21 years of age attempts to purchase alcoholic liquor or CMB in violation of the law.

Citations for violations of certain liquor laws must be delivered to the alleged violator at the time of the violation, and mailed to the licensee within 30 days.

2001

The Liquor Control Act is amended to delete the residency requirement for liquor and beer distributors.

CMB and alcoholic liquor statutes, as they apply to a minor in possession of such beverages or liquor, are combined into one law. The crimes of furnishing alcoholic liquor and CMB to minors are combined.

The residency requirements for the Director and all employees of the Division of Alcoholic Beverage Control is revised to require that these individuals be United States citizens and residents of Kansas.

The issuance of a license for liquor or CMB to a license applicant is prohibited if the applicant's spouse has been convicted of a felony or other crime which was committed during the time that the spouse held a license.

DUI laws are amended to increase criminal fines and penalties, to increase driver's license lengths of suspensions and reinstatement fees, to provide for lifetime driver's license revocations, to amend the zero tolerance laws regarding driver's license suspensions, and to amend the underage drinking and possession statute to require driver's license suspensions of 30 days for violations.

2002

The new Beer and Cereal Malt Beverage Keg Registration Act requires retailers to register all beer kegs having a capacity of four gallons or more with an identification number to establish the identity of the purchaser. Violations by retailers could result in fines and suspensions or revocation of their licenses. A class B misdemeanor crime is created for possession of an unregistered keg or removal or defacing of the identification number.

DUI fund expenditures by Kansas Department of Health and Environment are broadened to include laboratory enhancements and other purposes related to preservation of evidence, such as travel. Current DUI expenditures include blood or breath alcohol equipment and driving programs.

Procedural changes are made to the driving under the DUI law relating to offenders convicted of fourth and subsequent offenses.

The State Fair Board is authorized to allow the consumption of alcoholic liquor on nonfair days in conjunction with bona fide scheduled events involving 75 or more invited guests.

The Liquor Control Act is amended to delete the requirement that the Division of Alcoholic Beverage Control (ABC) issue permits for common carriers to transport liquor in Kansas, and to delete the requirement that common carriers submit duplicate bills of lading to the ABC.

The furnishing of alcoholic liquor to a minor law is amended to clarify that all cereal malt beverage and alcoholic liquor defendants are entitled to the defense that they had reasonable cause to believe the minor was 21 years old.

2003

DUI Impoundment of Vehicles;

SB 33 adds impoundment of a person's motor vehicle to the list of potential penalties for conviction of driving under the influence of alcohol or drugs or for the new crime created by the bill of unlawfully allowing a person to drive your vehicle when you know that person has had his or her driver's license suspended or revoked. A person convicted of driving under the influence is made responsible for payment of any associated expenses before the vehicle would be released after impoundment. Prior to ordering impoundment, a judge is required to consider whether impoundment would result in the loss of employment by the convicted person or a family member or whether the ability of these persons to attend school or obtain medical treatment would be impaired. The bill makes it unlawful for an owner of a motor vehicle to allow a person to drive the owner's vehicle when the owner knows the person is driving in violation of a restriction for test refusal, test failure, or alcohol or drug-related conviction. A violation is

punishable as an unclassified misdemeanor with a fine of not less than \$500 but no more than \$1,000. Impoundment, for up to a year, also could be ordered with an allowance for the retrieval of personal property in the vehicle.

2004

Social Host New Crime; Other Alcohol Issues

SB 197 creates the new crime of unlawfully hosting minors consuming alcoholic liquor or cereal malt beverages, increases the penalties for minors who violate the law on possession or consumption of alcoholic liquor or cereal malt beverages more than once, and allows certain liquor stores not located in a city or a township over 5,000 population to continue to be eligible for licensure. The bill establishes a new crime for a social host to knowingly permit consumption of alcoholic or cereal malt beverages by persons under 18, as a class B misdemeanor with a fine of \$200. The bill provides that for a second conviction of unlawful possession or consumption by a minor of alcohol or cereal malt beverage, the minor's driver's license will be suspended for 90 days, and for a third or subsequent conviction, the minor's driver's license will be suspended for one year. Under prior law, the suspension was for 30 days for any violation. The bill provides that any retail liquor license issued prior to the effective date of the bill for premises not located in an incorporated city or in a township having a population of more than 5,000 will continue to be valid and the premises will continue to be eligible for licensure if the board of county commissioners of the county in which the premises are located has adopted a resolution approving the issuance of the license. A certified copy of the resolution must accompany the application for a license.

2005

Alcoholic Liquor and Sunday Sales

SB 298 amends the Kansas Liquor Control Act to make the Act uniformly applicable to all cities and counties after November 15, 2005. The bill allows retail liquor stores in all cities unless an ordinance is adopted to prohibit such stores. The bill also prohibits sales of alcoholic liquor and cereal malt beverage (CMB) on Sundays unless a city ordinance or a resolution is adopted to allow such sales. A protest petition followed by an election could be held to reverse the city/county ordinance or resolution.

The bill:

! Authorizes cities and counties to enact ordinances or resolutions which are not in conflict with the Liquor Control Act or the Cereal Malt Beverage Act after November 15, 2005. ! Authorizes any city to adopt an ordinance on or before February 15, 2006 to prohibit retail liquor stores within the city. The voters could have a protest petition to have an election on whether to permit such sales. A subsequent election may be held to reverse previous prohibition of such sales.

! Authorizes cities and counties to enact ordinances or resolutions to approve or disapprove the sale of alcoholic liquor and CMB on Sunday other than Easter

and the sale of liquor on Memorial Day, Independence Day, and Labor Day. These ordinances and resolutions are subject to protest petition followed by an election. If either ordinances or resolutions or if voters approve selling alcoholic liquor and CMB on Sunday and holidays, sales in those cities and counties would be prohibited only before 12:00 noon or after 8:00 p.m. on Sunday, on Thanksgiving Day, Christmas Day, and Easter, and before 9:00 a.m. or after 11:00 p.m. on any day where sales are permitted. Alcohol without liquid (AWOL) is prohibited by the bill. Farm wineries are allowed to increase ownership of winery outlets from two to three per person. Production is increased to 100,000 gallons and free sampling is permitted at special events.

7

Alcoholic Beverage Control Act

Sub. for HB 2501 amends the Liquor Control Act by allowing the Director of Alcoholic Beverage Control (ABC) to issue a microbrewery packaging and warehousing facility license to a microbrewery licensee at the cost of \$100.00. The license allows a microbrewery to transfer beer, manufactured by the licensee, for the purpose of packaging and storing, or both, from a microbrewery to the warehouse, or vice versa, or to a licensed beer wholesaler. The bill also allows the Director of ABC to issue, to the Kansas State Fair or any other *bona fide* group of brewers, a permit to import small quantities of beer, to be used only for educational and scientific tasting programs, and not be resold. Finally, the bill permits microbreweries to sell domestic beer on Sunday from 11:00 a.m. to 7:00 p.m.

2006

Shipment of Wine In and Out-of-State

SB 297 amends the Kansas Liquor Control Act by permitting wine or beer which is legally available in Kansas to be sold and consumed during the days of the Kansas State Fair pursuant to guidelines of the State Fair Board. The Director of Alcohol Beverage Control is permitted to waive the three-day temporary permit in lieu of one for the entire period of the State Fair. The bill allows direct shipment of wine from a wine manufacturer located within Kansas and an out-of-state winery directly to a consumer, if such consumer:

- ! Is 21 years of age or older;
- ! Purchases the wine while physically present on the premises of the wine manufacturer;
- ! Uses the wine for personal consumption only; and
- ! Pays all applicable taxes.

The bill allows both in-state farm wineries and out-of-state wineries manufacturing wine in quantity not exceeding 100,000 gallons to ship wine to licensed retailers in Kansas for delivery to persons over 21 years of age. The retailers are required to collect the enforcement tax and may charge up to \$5 to the purchaser for each delivery. The purchaser is responsible for payment of the

wine and shipping costs to the winery permit holder. The out-of-state license permit holder is required to report annually to the Director of Taxation the total amount of wine sold and shipped into Kansas and to remit annually to the Director of Revenue all gallonage tax on sales to residents of the state. The Director is authorized to perform audits of permit holders' records.

The bill allows an out-of-state large winery manufacturing wine in a quantity exceeding 100,000 gallons to ship wine to a licensed distributor who would deliver it to a retailer designated by the consumer. The consumer, a person over 21 years of age, is responsible for payment of the purchase price and all shipping costs. The large winery is responsible for collecting and remitting the gallonage tax to the Director of Taxation. The bill permits Kansas wineries to ship to other states in conformity with the other states' laws.

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(Wine Doggy Bag Bill) Drinking Establishments may permit legal patrons to remove one or more opened containers of alcoholic liquor from the licensed premises, if such containers are the original containers and securely resealed, placed in a tamper-proof transparent bag and contain a dated receipt for the unfinished container. Under Kansas statutes, establishments may only sell by-the-drink, except wine may be sold by-the-bottle or by-the-carafe. This is the only exception. If the motor vehicle is not equipped with a trunk, then the unfinished container must be placed behind the last upright seat or in an area not normally occupied by the driver or the passenger.

Flavored Malt Beverages

HB 2955 creates the Flavored Malt Beverage Act. The bill clarifies that flavored malt beverage products are to be classified and taxed as malt beverages. The bill also imposes a labeling requirement on flavored malt beverage products in compliance with federal rules and regulations. The bill amends the prior statute that defines cereal malt beverage to include "flavored malt beverage" within the definition.

2007

Liquor Licenses

SB30 allows a licensed farm winery or a person who holds an interest in a licensed farm winery to hold a class B club license, a drinking establishment license, and a caterer's license. The bill makes the statutes consistent so that a farm winery also may be a caterer. The bill also allows microbreweries to have more than one microbrewery license. The bill exempts specified charitable fund-raising activities from the requirement to have a liquor license or a temporary permit to serve alcohol at their events.