

Approved April 14, 1983
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~p.m.~~ on April 6, 1983 in room 254-E of the Capitol.

All members were present except: Senators Roitz and Winter, both of whom were excused.

Committee staff present: Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
Emalene Correll, Legislative Research
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee: Rep. Leary Johnson
Frances Kastner, Kansas Food Dealers Association
Dr. R. G. Rizza, Villarizza Vineyards, Halstead, Kansas
Thomas J. Kennedy, Director, Alcoholic Beverage Control
The Reverend Richard Taylor, Kansans for Life at its Best

Sub. for HB2551 - relating to licensure and regulation of manufacture and sales of wine by farm wineries.

The Chairman recognized Rep. Leary Johnson, who appeared in support of the Sub. for HB2551. Rep. Johnson's remarks are a part of the record, and are marked Attachment #1. Frances Kastner spoke as a proponent of the bill.

Dr. Rizza appeared next with his comments. He said that grape growing and wine-making is old in Kansas. He said it was quite prevalent in Kansas in 1880, and Kansas is ideal country for grape-growing. He named three varieties which do especially well in Kansas: Niagara, a white grape; Baco #1, a blue French-Hybrid; and Concord, a hybrid from the Concord grape.

General Kennedy was recognized by the Chairman, and he presented his remarks dated March 31, 1983, which had been prepared for the committee. They are attached and marked Attachment #2. HB2551 was initially introduced and its purpose concerned alcoholic liquor, relating to licensure and regulation of wineries, permitting certain sales of wine by those wineries and imposing taxes on the production and retail sale of wine by the wineries. The intent of the bill was to recognize the vital contribution of the agricultural industry to the economy of the state and such act would enhance the industry by encouraging the domestic production of native wines from fruits and vegetables grown in Kansas. Because the bill in its original form is too ambiguous and conflicts with many statutes, Substitute for HB2551 was introduced and that is the bill before the committee.

The Reverend Richard Taylor appeared before the committee in opposition to Sub. for HB2551, and his comments are a part of the record as Attachment #3. His remarks include copies of articles concerning a drive against alcoholism in France; crime in France, of which alcohol is cited as a major crime producer; and The KANSAS ISSUE which includes various articles dealing with alcoholism. The Reverend Taylor reiterated that alcohol is a drug and should be dealt with as a drug problem.

SCR1626 - relating to state operated lottery by constitutional amendment.

The Chairman asked the committee to consider SCR1626. Senator Morris moved that the resolution be reported favorably. 2d by Senator Vidricksen. Senator Francisco made a substitute motion that the time of the election be changed. 2d by Senator Gannon. Motion failed. A vote was taken on the original motion, and the motion carried. Senator Pomeroy asked to be recorded as voting "no."

The meeting adjourned at 12:00 noon.

its wine on its premises.
 It also permits the winery to serve free samples of
 (3) non-beverage users.
 (2) Licensed liquor distributors; and
 (1) Consumers for off-premise consumption:
 facture and sell wine to:
 ally this bill provides for licensure of wineries to manu-
 Wine production is currently legal in Kansas and basic-

grapes. One of these uses is the manufacturing of wine.
 one aspect of agriculture, the growing and utilization of
 need to expand new opportunities and markets for enhancing
 This gets us to the bill HB 2551. It recognizes the

also be realized by the State. It recognizes the
 improvement experienced in the agricultural sector will
 state". If we accept this premise we can assume that any

often been quoted that "as goes agriculture so goes the
 cifically, in the farming sector of our economy. It has
 find these conditions any different at home and more spe-

aware of the financial status of the State. We do not
 In these past few months you and I have become very
 back to farming.

ties and new markets in an attempt to bring prosperity
 purposes of these hearings was to explore new opportuni-
 future of agriculture in the state of Kansas. One of the
 had special hearings concerning the current state and the
 the session the House Agriculture and Livestock Committee
 Mr. Chairman, Members of the Committee, earlier in

By: Representative Leary J. Johnson

Subject: HB 2551

Leary J. Johnson

HOUSE OF REPRESENTATIVES



STATE OF KANSAS

8551
[Handwritten signatures]

Minutes of April 6, 198
 Attachment #1

[Faint, illegible text from the reverse side of the page]

Leary J. Johnson
March 30, 1983

If the winery sells only to consumers, it must qualify as a liquor retailer and pay retailer license fees and any local fee imposed on retailers by the city or township where the winery is located.

If the winery sells to distributors, it must qualify as both a manufacturer and a retailer and must pay the same license fee as a wine manufacturer.

The wine manufactured by a winery is subject to the gallonage tax (as is all liquor) and sales to consumers are subject to the liquor enforcement tax, as are other retail liquor sales.

It has been interesting to note that at one time this was a very flourishing industry in the state. Many acres of precious Kansas soil were devoted to raising this crop.

My purpose here today is not to promote consumption but rather encourage new ideas, new crops and new markets for agriculture. In closing let me relate the legislative intent expressed in the original bill.

The legislature of the state of Kansas, recognizes, by the passage of this act, the vital contribution of the agricultural industry to the economy of this state, and declares that the intent of this act is to enhance and expand such industry by authorizing and encouraging the domestic production of native wines from grapes, berries, fruits and vegetables grown in Kansas.

The legislature further recognized the vital contribution of the tourist industry to the economy of this state, and declares that the intent of this act is to enhance such industry by encouraging the planting and development of native vineyards, the construction of native wineries, and the production and sale of native wines so that tourists traveling through Kansas may visit vineyards, wineries and winecellars, and purchase Kansas domestic wines.

The legislature of the state of Kansas further recognizes the need for the expansion, diversification and development of Kansas economy, and declares that the intent

HR 2551
Leary, L. Johnson
March 30, 1983

of this act is to authorize and encourage the introduction of a new industry into this state which will provide new employment opportunities, additional income, and support for existing industries in this state.

The Chairman of the Committee on the
House has to report that it
report Sub (H.R. 2551) favorable
(action)

LEARY J. JOHNSON
LEGISLATIVE COUNSEL
LEGISLATIVE SERVICE CENTER
AND PARTS OF NEELY AND ROGERS COUNTIES
TOPEKA, KANSAS
WINTER 1981



TOPEKA

COMMITTEE ASSIGNMENTS
MEMBER ASSOCIATION AND INVESTOR
INSURANCE
TRANSPORTATION

HOUSE OF
REPRESENTATIVES

NOTES:

Bill

- a. 50,000 gallon limit
- b. max. 14% alcohol
- c. No max. on use of out of state products but can only use if not available in this state.
- d. hours of sale 6 A.M. to midnight, Mon-Sat. Noon to 6 P.M. Sun.

Utilization & Revenue

- a. 1.8 million gallons consumer in Kansas 1981.
- b. 9 million bottles - revenue 27 million.
- c. take 2050 acres to produce quantity.
- d. 1400 new jobs, over 1 1/2 million in wages.

tax revenue - monthly \$4M

Industry use - machinery, chemicals, bottles etc.

1.8 million gallons
9 million bottles
27 million revenue
\$ 27,000,000

Minutes of 4/6/83
Attachment A-1



Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

April 6, 1983

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VICE-PRESIDENT
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DIRECTOR OF GOVERNMENTAL AFFAIRS

FRANCES KASTNER

EXECUTIVE DIRECTOR
JIM SHEEHAN
SHAWNEE MISSION

SUBST. HB 2551

SENATE FEDERAL & STATE AFFAIRS COMMITTEE

Thank you, Mr. Chairman, and members of the committee for the opportunity to appear before you today.

I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. We represent retailers, distributors and wholesalers of food products throughout the state of Kansas.

We have always endorsed measures which give the consumer a greater choice of products available to them, and especially when those products are available to citizens of our border states.

The production of wines with products native to Kansas should make a good tourist attraction as well as promote growing grapes and berries which would be used in this new industry.

We believe in the free enterprise system, and in the concept of competition by offering as wide a variety of products for our customers to purchase as the laws permit.

We urge your favorable consideration of the Substitute for HB 2551, and I will be happy to answer any questions you may have.

Frances Kastner, Director
Governmental Affairs, KFPA

3310 SW 7th Street, # 2
Topeka, Kansas 66606
(913) 232-3310

Atch. 1a

MEMORANDUM

TO: Honorable Edward F. Reilly, Jr.
Chairman, Senate Federal and State Affairs Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: House Substitute Bill 2551

DATE: March 31, 1983

PURPOSE

House Substitute Bill 2551 is an act concerning alcoholic liquor; relating to licensure and regulation of certain wineries; permitting certain sales of wine by those wineries, imposing certain taxes on the production and retail sale of wine by those wineries; and amending K.S.A. 41-402, 41-304, 41-310, 41-312, 41-313, 41-316, 41-317, 41-319, 41-320, 41-501, 41-601, 41-602, 41-710, 41-714, 41-717, 41-718, 41-719, 41-803, 41-901, 41-1101, 79-4101, 79-4102, 79-4103, 79-4104 and 79-4107 and K.S.A. 1982 Supp. 41-311 and repealing the existing sections.

PERSPECTIVE

House Bill 2551, was introduced to provide that the legislature of the State of Kansas, recognizes, by the passage of this act, the vital contribution of the agricultural industry to the economy of this state, and declares that the intent of this act is to enhance and expand such industry by authorizing and encouraging the domestic production of native wines from grapes, berries, fruits and vegetables grown in Kansas.

The Legislature of the State of Kansas further recognizes the need for the expansion, diversification and development of the Kansas economy, and discloses that the intent of this act is to authorize and encourage the introduction of a new industry into this state which will provide new employment opportunities, additional income, and support for existing industries in this state.

COMMENT:

As to the purpose and intent of House Bill 2551, we agree with the proposal and concur that the intent of the bill has merit, however, it was our contention that this bill in its present form is too ambiguous and conflicts with many of the existing statutes which have not been amended or addressed in this proposal. House Substitute Bill 2551 was introduced and that is the bill before you today.

House Substitute Bill 2551, if enacted in its present form, provides that:

1. K.S.A. 41-102 be amended to provide that the following definitions be added:

- a. "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which, except as authorized by Section 3, is manufactured without rectification or fortification from agricultural products grown in this state."

COMMENT:

1. Rectification means changing the natural composition of any distilled spirit by blending with other spirits or substances and the product is subject to a rectification tax. Examples of rectified spirits are spirit blends and re-distilled spirits.

2. Fortification means the act of fortifying or strengthening.

- b. "Farm Winery" means a winery licensed by the director to manufacture, store and sell domestic table wine.
- c. "Sell at Retail" and "Sale at Retail" do not refer to or mean sales by a farm winery or by a club licensed pursuant to Article 26 of Chapter 41 of the Kansas Statutes Annotated.

COMMENT:

This provision appears to open the winery premises to the public for the purpose of selling or dispensing alcoholic beverages for consumption on the premises. See Enclosure #1 for discussion of issue.

2. K.S.A. 41-304 is amended to provide that in addition to the other classes of licenses issued by the director that a "Farm Winery License" shall also be issued.

COMMENT:

Recommend that in Section 2, K.S.A. 41-304 be amended to read as follows: "Licenses issued by the director shall be of the following classes":

- a. Manufacturer's license
- b. Farm winery manufacturer's license
- c. Alcoholic liquor distributor's license (except beer)
- d. Beer distributor's license
- e. Retailer's license
- f. Farm winery retailer's license
- g. Non-beverage user's license

This will provide for the farm winery licensee who sells as a manufacturer only to distributors under the provisions of the franchise law; and for the farm winery who sells as a retailer only to consumers.

3. New Section 3 provides that:

- a. A "farm winery license" shall allow the manufacture, storage and sale of domestic table wine in an amount not exceeding 50,000 gallons in any one license year. The license shall allow sales:
- (1) On the licensed premises of the winery, in the original unopened container to consumers for consumption off the licensed premises.
 - (2) To licensed distributors.
 - (3) To licensed non-beverage users.

A farm winery license shall also allow the licensee to serve, on the licensed premises, complimentary samples of the domestic table wines sold by the winery.

COMMENT:

The serving of complimentary samples is in violation of K.S.A. 41-719.

- b. The director may authorize a farm winery to use agricultural products grown outside this state for manufacturing the winery's domestic table wine if the farm winery files with the director an affidavit stating that the products to be imported are not available in this state.
- c. If a farm winery sells wine to any distributor, the farm winery shall be required to comply with all provisions of Article 4 (K.S.A. 41-401 through K.S.A. 41-412) of Chapter 41 of Kansas Statutes Annotated and of K.S.A. 41-701 through K.S.A. 41-705 and K.S.A. 41-709 and amendments thereto, in the same manner and subject to the same penalties as a manufacturer.

COMMENT:

This provides that the farm winery shall provide a bonded warehouse, maintain records, comply with withdrawal procedures, furnish an annual bond for the warehouse, file monthly reports required and comply with the territorial franchise laws of Kansas to mention a few of the provisions.

- d. A farm winery may sell wine to consumers on Monday through Saturday between 6:00 A.M. and Midnight and on Sunday between Noon and 6:00 P.M.

COMMENT:

K.S.A. 41-712 provides that no person shall sell at retail any alcoholic liquor on the first day of the week commonly called Sunday and before 9:00 A.M. or after 11:00 P.M. on any day when the sale is permitted. Therefore, subsection (d) is in violation of K.S.A. 41-712.

- e. A farm winery license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

COMMENT:

We would require this outlet to submit the proper diagram of the premises. In this particular case, it may be necessary to require the farm winery to clearly designate the retail area.

- f. No farm winery shall employ any person in connection with the manufacture, sale or sampling of wine if the person:
- (1) is less than 21 years of age; or
 - (2) has been convicted of a felony.

COMMENT:

NONE

4. K.S.A. 41-310 is amended to provide that:
- a. The annual license fee for a farm winery license shall be \$500, if the winery sells any wine to a distributor.

COMMENT:

- 1. This is the same license fee as that for a wine manufacturer who sells to a distributor.
- 2. Subsection (a) would imply that if a farm winery did not sell to distributors, they would not have to purchase a farm winery license for \$500.
- b. The annual fee for a farm winery license shall be \$100 if the winery sells only to consumers.

COMMENT:

1. The \$100 license fee is the same as that paid for by any retail liquor store licensee.
2. Subsection (b) would imply that the farm winery would not be required to purchase a manufacturer's license if the winery was manufacturing wine and selling it only at retail to consumers.
5. K.S.A. 41-311 (1982 Supp.) is amended to provide that:
 - a. A farm winery license issued for the purposes of selling direct to consumers must meet the same qualifications as an applicant for a retail liquor store licensee.
 - b. A farm winery license issued for the purposes of manufacturing wine to be sold only to distributors must meet the same qualifications as any other applicant for a corporate license.

COMMENT:

A distinction should be made between the license of a farm winery selling to consumers and a farm winery selling only to distributors.

Recommend licenses be identified as:

- a. Farm winery retailer's license
- b. Farm winery manufacturer's license
6. K.S.A. 41-312 is amended to provide that:
 - a. No person holding a manufacturer's or distributor's license shall be permitted to receive any retailer's or farm winery license to sell to consumers; and
 - b. No person holding a retailer's or farm winery license to sell to consumers shall be permitted to receive a manufacturer's or distributor's license or another retailers or farm winery license.

COMMENT:

If the licenses were identified, it would eliminate confusion. Recommend the following language change:

- a. No person holding a manufacturer's or distributor's license shall be permitted to receive any retailer's or farm winery retailer's license; and
- b. No person holding a retailer's or farm winery retailer's license shall be permitted to receive any manufacturer's or distributor's license or another retailer's or farm winery retailer's license.

NOTE: This eliminates a manufacturer or distributor from receiving a farm winery retailer's license and a farm winery retailer's license is limited to only one retail outlet.

7. K.S.A. 41-313 is amended to provide that no corporation either organized under the laws of this state, any other state, or a foreign country, shall be issued a manufacturer's distributor's or farm winery license unless such corporation has first registered with the secretary of state to do business in this state, appoint a citizen of the U.S. and resident of Kansas as its agent and filed a power of attorney with the director of ABC authorizing the agent to accept service of process from the director and to exercise full authority of the corporation for the conduct of business in the state.

COMMENT:

NONE

8. K.S.A. 41-316 is amended to include farm wineries.

COMMENT:

NONE

9. K.S.A. 41-317 is amended to provide that every applicant for a farm winery license shall file with the application for a license, a joint and several bond as follows:

(1) For a farm winery which sells any wine to a distributor, \$25,000.

(2) For a farm winery which sells only to consumers, \$2,000.

Bonds required shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fines and forfeitures which may be assessed against the licensee.

COMMENT:

NONE

10. K.S.A. 41-319 is amended to include a farm winery license. That is: within 30 days after an application is filed for a farm winery license to sell to consumers and within 20 days after an application is filed for a manufacturer's, distributor's or non-beverage user's license, the director shall enter an order either refusing or granting such license. If the director does not enter an order within the time prescribed, the license shall be deemed denied.

COMMENT:

NONE

11. K.S.A. 41-320 is amended to include farm wineries.

COMMENT:

NONE

12. K.S.A. 41-501 is amended to provide that:

a. Farm winery manufacturers shall pay gallonage tax.
 The gallonage tax on wine is:

- (1) Thirty cents (30¢) per gallon for wine containing fourteen percent (14%) or less alcohol by volume; and
- (2) Seventy-five cents (75¢) per gallon for wine containing more than fourteen percent (14%) by volume.

COMMENT:

A survey of states authorizing the manufacture of native or domestic wines indicate that the gallonage tax for native wines is generally less than it is for wines that are imported into the state. This survey reveals:

a. Missouri:	Light Wine (14% or less alcohol by volume)	<u>30¢</u>
	Fortified Wine (over 14% alcohol by volume)	<u>30¢</u>
	Native Wine (14% or less)	<u>30¢</u>
	Native Wine (Over 14%)	<u>30¢</u>
b. Georgia:	Light Wine	<u>\$1.51</u>
	Fortified Wine	<u>\$2.54</u>
	Native Wine (14% or less)	<u>41.64¢</u>
	Native Wine (over 14%)	<u>\$1.02</u>
c. Arkansas:	Light Wine	<u>75¢</u>
	Fortified Wine	<u>75¢</u>
	Native Wine (14% or less)	<u>5¢</u>
	Native Wine (over 14%)	<u>5¢</u>
d. South Carolina:	Light Wine	<u>90¢</u>
	Fortified Wine	<u>90¢</u>
	Native Wine (14% or less)	<u>5¢</u>
	Native Wine (over 14%)	<u>45¢</u>

e. Colorado: Light Wine	<u>27 3/4¢</u>
Fortified Wine	<u>27 3/4¢</u>
Native Wine (14% or less)	<u>2¢</u>
Native Wine (over 14%)	<u>2¢</u>

COMMENT:

It would be our recommendation based on the legislative intent as expressed in HB 2551, that gallonage tax for native wines, both light and fortified, in Kansas be reduced from that of imported wines to encourage the manufacturing of wines in Kansas.

Sales of wine to consumers by farm wineries selling at retail shall not be subject to the tax imposed by the Kansas retailer's sales tax act but shall be subject to the 4% enforcement tax provided by the Liquor Control Act.

COMMENT:

NONE

13. K.S.A. 41-601 is amended to include farm winery which sells any wine to a distributor at wholesale and provides for reports to be filed with the director.

COMMENT:

NONE

14. K.S.A. 41-602 is amended to include farm winery which sells any wine to a distributor, and provides that complete and accurate records will be maintained.

COMMENT:

NONE

15. K.S.A. 41-710 is amended to provide that the premises of a farm winery selling at retail to consumers shall meet requirements the same as a retail liquor store premises as to location, zoning conforming to building ordinances, etc.

COMMENT:

NONE

16. K.S.A. 41-714 is amended to include farm winerys. The provision of this section shall not be interpreted to prohibit the advertising of a farm winery, but no advertising of a farm winery shall advertise the sale of wines by the winery or the prices of those wines. Any advertising of a farm winery shall be subject to approval by the director.

COMMENT:

NONE

17. K.S.A. 41-717 is amended to provide that no farm winery shall sell to any consumer any alcoholic liquor on credit, etc.

COMMENT:

These are the same restrictions that are applicable to a retail liquor store licensee.

COMMENT:

NONE

18. K.S.A. 41-718 is amended to include farm winery as it pertains to filling or refilling any original package of alcoholic liquor.

COMMENT:

NONE

19. K.S.A. 41-719 is amended to provide that:

"No person shall drink or consume alcoholic liquor upon the public streets, alleys, roads or highways; in beer parlors, taverns, pool halls or places to which the general public has access, whether or not an admission or other fee is charged or collected; upon property owned by the state or any governmental subdivision thereof; or inside vehicles while upon the public streets, alleys; roads or highways."

The provision above shall not apply to the drinking or consumption of alcoholic liquor: "(5) Upon the licensed premises of a farm winery, but only if the alcoholic liquor is a complimentary sample of the wine produced by the winery."

COMMENT:

A Kansas farm winery, licensed and regulated under the Liquor Control Act, would be, in our opinion, an "Open Saloon" if it were to offer free samples of alcoholic liquor to the general public and clearly unconstitutional under Article 15, Section 10 of the Kansas Constitution. See Enclosure #1, attached for discussion of this issued by our attorney.

20. K.S.A. 41-803 is amended to exclude any farm winery serving samples of its wine if no charge is imposed for the samples from the "Open Saloon" provisions of the law.

COMMENT:

See Enclosure #1.

21. K.S.A. 41-901 is amended to include farm wineries.

COMMENT:

NONE

22. K.S.A. 41-1101 is amended to include farm wineries under the discrimination provisions of the Liquor Control Act.

COMMENT:

NONE

23. K.S.A. 79-4101 is amended to provide that farm wineries pay the 4% enforcement tax on sales to consumers.

COMMENT:

NONE

24. K.S.A. 79-4102 is amended to provide that farm wineries collect the 4% enforcement tax from consumers.

COMMENT:

NONE

25. K.S.A. 79-4103 is amended to provide that farm wineries remit the 4% enforcement tax as required by law.

COMMENT:

NONE

26. K.S.A. 79-4104 is amended to include farm wineries.

COMMENT:

NONE

27. K.S.A. 79-4107 is amended to include farm wineries.

COMMENT:

NONE

COMMENTS AND/OR RECOMMENDATIONS

1. As to the purpose and intent of this bill as outlined in HB 2551, we agree with the proposal and concur that the intent of the bill has merit.

2. (a) Recommend that K.S.A. 41-102 j(1) be amended to include "Farm Winery".

(b) Recommend that K.S.A. 41-102 j(2) be deleted.

COMMENT:

A "Farm Winery" is a manufacturer if the winery sells any wine to a distributor as provided for in Section 4 of this bill.

(c) Recommend K.S.A. 41-102(r)(2) be amended to delete "by a farm winery or". Samples cannot be consumed. See Enc. #1.

3. Recommend that in Section 2, K.S.A. 41-304 be amended to read as follows: "Licenses issued by the director shall be of the following classes":

- a. Manufacturer's license
- b. Farm winery manufacturer's license
- c. Alcoholic liquor distributor's license (except beer)
- d. Beer distributor's license
- e. Retailer's license
- f. Farm winery retailer's license
- g. Non-beverage user's license

COMMENT:

This will provide for the farm winery licensee who sells as a manufacturer only to distributors under the provisions of the franchise law; and for the farm winery who sells as a retailer only to consumers.

4. Recommend that new Section 3 be amended as follows:

a. Recommend that the following sentence in subsection (a) be deleted: "a farm winery license shall also allow the licensee to serve, on the licensed premises, complimentary samples of the domestic table wine sold by the winery". This is in violation of K.S.A. 41-719.

b. Recommend that subsection (d) be amended to read: "A farm winery retailer may sell wine to consumers, for off premise consumption, on Monday through Saturday between 9:00 A.M. and 11:00 P.M." Subsection (d) which states that "farm winery may sell wine to consumers on Monday through Saturday between 6:00 A.M. and Midnight and on Sunday between Noon and 6:00 P.M. is in violation of K.S.A. 41-712.

5. Section 5 which amends K.S.A. 41-311:

Recommend licenses be identified as:

- a. Farm winery retailer's license
- b. Farm winery manufacturer's license

6. Section 6 which amends K.S.A. 41-312:

Recommend the following language change:

- a. No person holding a manufacturer's or distributor's license shall be permitted to receive any retailer's or farm winery retailer's license; and
- b. No person holding a retailer's or farm winery retailer's license shall be permitted to receive any manufacturer's or distributor's license or another retailer's or farm winery retailer's license.

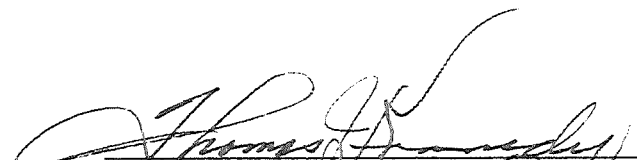
7. Section 12 which amends K.S.A. 41-501:

It would be our recommendation based on the legislative intent as expressed in HB 2551, that gallonage tax for native wines, both light and fortified, in Kansas be reduced from that of imported wines to encourage the manufacturing of wines in Kansas.

8. Section 19, which amends K.S.A. 41-719 and Section 20, which amends K.S.A. 41-803:

See Enclosure #1.

9. Recommend that Substitute House Bill 2551 be amended to include "Hard Cider". We have had inquiries about the production and sale of "Hard Cider" and this will clarify the Director's authority to license and collect the appropriate taxes similar to a Farm Winery.


THOMAS J. KENNEDY, DIRECTOR

ISSUE: Does the authorizing of domestic wineries to serve free samples on their premises violate the Kansas Constitution?

The proposed act concerning the Kansas farm wineries amends a number of existing provisions in the Liquor Control Act to authorize and regulate domestic Kansas farm wineries. The proposed act also contains a new provision that raises a possible conflict with the Kansas Constitution. New Sec. 3(a) provides in part, "A farm winery license shall also allow the licensee to serve, on the licensed premises, complimentary samples of the domestic table wines sold by the winery."

Article 15, Section 10 of the Kansas Constitution states:

The legislature may provide for the prohibition of intoxicating liquors in certain areas. Subject to the foregoing, the legislature may regulate, license and tax the manufacture and sale of intoxicating liquors, and may regulate the possession and transportation of intoxicating liquors. The open saloon shall be and is hereby forever prohibited. (Emphasis added.)

Simply stated, the constitutional issue is: does the provision that would allow a farm winery to serve complimentary samples on the premises violate the Kansas Constitution's prohibition of the open saloon?

Article 15, Section 10 was added to the Kansas Constitution in its present form in 1948. While referring to the "open saloon," the Constitution does not define this term or otherwise provide a clear statement of what is meant by this term. The Kansas Legislature has defined the term "open saloon" in K.S.A. 41-803(b):

As used in this section, 'open saloon' means any place, public or private, where alcoholic liquor is sold or offered or kept for sale by the drink or in any quantity of less than two hundred (200) milliliters (6.8 fluid ounces) or sold or offered or kept for sale for consumption on the premises where sold, but does not include any club licensed pursuant to article 26 of chapter 41 of the Kansas Statutes Annotated.

This definition clearly excludes from the open saloon definition, private clubs. This interpretation of the term has been upheld by the courts.

Tri State Hotel Co. v. Londerholm, 195 Kan. 748 (1965).

In 1978 the legislature passed a law that amended the definition of "open saloon" to allow sales of liquor by the drink to the public at supper clubs. This statute was challenged in the courts. In State ex rel Schneider v. Kennedy, 225 Kan. 13 (1978), the Kansas Supreme Court dealt

directly with the issue of what constitutes an open saloon in Kansas. The Court began by citing State v. Nelson, 210 Kan. 439, 445 (1972). "It is the function and duty of this court to define constitutional provisions. The definition should achieve a consistency so that it shall not be taken to mean one thing at one time and another thing at another time." (225, Kan. 13, 22) The Court then asserted that it must determine "the scope and content of the open saloon prohibition," 225 Kan. 13, 22. The Court did so, stating: "We hold an open saloon is any establishment open to the public, without discrimination, where alcoholic beverages are dispensed or sold and served for consumption on the premises." (225 Kan. 13, 24). In reaching this holding the Court relied at least in part, on the legislative definition of open saloon as contained in K.S.A. 41-803 since 1949. In the Court's view, the legislative definition, promulgated within a year or so of the Constitutional Amendment itself, is an accurate reflection of what the voters in Kansas thought the phrase "open saloon" meant.

In Attorney General Opinion No. 79-22, addressed to The Honorable Franklin D. Gaines, the Court's definition is summarized in this way:

[T]he Court, in effect, has established three essential elements of an open saloon, all of which must be present for an establishment to be violative of the constitutional proscription. That is, an open saloon is an establishment: (1) which is open to the public, without discrimination; (2) wherein alcoholic beverages are dispensed or sold; and (3) wherein such alcoholic beverages are served for consumption on the premises of the establishment.

The key element in defining an open saloon in Kansas, as far as the Kennedy Court is concerned, is public access (225 Kan. 13, 25). Private clubs are legal in Kansas in spite of the open saloon prohibition because they are private; that is, not open to the general public.

The Attorney General's Opinion cited above, listed three elements that must be present to constitute an open saloon. All three of those elements are present if Kansas farm wineries are to be allowed to serve free samples. That is, the winery is open to the public, it is dispensing alcoholic beverages, ~~and~~ for consumption on the premises.

The requirement that the samples so dispensed be free, does not save this provision. As stated above, the key to being an open saloon is not

whether or not the alcoholic liquor is sold. The key is public access. Private clubs in Kansas, by requiring membership cards, applications, an application fee and a ten day waiting period, do not provide access to the general public and thus do not constitute open saloons under the Kansas Constitution.

A Kansas farm winery, licensed and regulated under the proposed act, would be an open saloon if it were to offer free samples of alcoholic liquor to the general public. The provision in the proposed act authorizing the dispensing of free samples is clearly unconstitutional under Article 15, Section 10 of the Kansas Constitution.

4/7/83

Minutes of 4/6/83
Attachment #3

Richard Taylor
KANSANS FOR LIFE AT ITS BEST!

The most alcoholic nation in the world is France - on wine. Government attempts to reduce wine drinking and related problems are always opposed by the powerful wine lobby which says, "Wine is good for you. The state must fight against the abuse of alcohol but encourage its use." This clipping from the New York Times of December 16, 1980 ended with the following paragraph.

"As long as so many grapes are grown, France is going to have a lot of wine, and as long as there is so much wine there are going to be alcoholics. No one seems to be able to figure out how to get the farmers of the Midi to stop making wine. The Government subsidies are too good."

A French government report said alcohol is a major crime producer. It pointed out, "We too often forget that our country holds the world record for alcoholic consumption per capita, and alcohol often leads to violence and agressiveness."

The California legislature is constantly helping their wine industry in many ways, one of which is by keeping the excise tax at one penny per gallon. Citizens of that state drink more wine per person than any other state, and related problems are also the greatest.

In the Kansas City Star Magazine, a Johnson County housewife told how she escaped from many long years of the hell of alcoholism. She said, "I remembered when I'd had my first drink. I was 14, and it was a happy occasion. My family was celebrating with friends and relatives. I remember the glass of amber wine that my father poured for me. I liked the way the wine made me feel. It transformed an unsure teen-ager into a sophisticated woman."

We find this information in DRUGS: A to Z, THE TELEVISION REPORT ON CBS. "One drug causes more human trouble than all other drugs combined. That drug is alcohol."

"In a comparison of what is known of alcohol and marijuana, alcohol proves to be the more dangerous drug; alcohol is addictive, which marijuana is not; alcohol produces aggressive behavior, which marijuana does not; alcohol kills and marijuana, as far as is known, does not." (Overdose)

Marijuana is a drug problem. Alcohol is our major drug problem.

I grew up on a Kansas farm. No one is more concerned for the Kansas farmer than I am. It would make just as much sense to exempt marijuana along with alcohol from our Controlled Substance Act so Kansas farmers could make a pile of money growing pot. That is no more absurd than promoting the production and consumption of wine. May you reject both.

Controlled Substance Act KSA 65-4102(e)

Respectfully,



Rev. Richard E. Taylor, Jr.

Please see page 4 of this Kansas Issue.

FRANCE OPENS DRIVE AGAINST ALCOHOLISM

Wine Lobby Is Expected to Resist

Plan for Big Price Increase —

Educational Effort Is Set

12-16-80

By FRANK J. PRIAL

Special to The New York Times

PARIS, Dec. 15 — Le clochard, the drunken vagrant of the Paris streets with his shapeless clothes, gritty beard and bottle of cheap wine, is a fixture in French humor. But while the alcoholic may be a joke in France, alcoholism is not.

In fact, so serious has the problem become that last year President Valéry Giscard d'Estaing named a group of specialists to study the problem and come up with ways to solve it.

Last week the Government announced a 35-point, 10-year plan to fight alcoholism. Most of its features come from recommendations by the committee, which was headed by Dr. Jean Bernard, a cancer specialist. Many of the programs envisioned can be undertaken without legislative approval.

But where legislation is concerned, the powerful wine and spirits lobby can be expected to exert enormous pressure. The lobby has successfully fought tough anti-alcoholism laws for a hundred years.

"Wine is good for you," trumpet lawmakers from the Midi, the huge wine-producing basin along the Mediterranean coast. Said Hervé Beledin, president of the Wines and Spirits Confederation: "The state must fight against the abuse of alcohol but encourage its use."

Drinking Starts in Cradle

In a country where drinking begins literally in the cradle, the dimensions of the problem are vast. Experts estimate that half of France's murders, a quarter of its suicides, a third of its automobile and motorcycle accidents and most of its cancers of the mouth and digestive tract are directly attributable to alcohol abuse.

The authorities estimate that 2 million of France's 50 million people are alcoholics and 3 million more are heavy drinkers. Almost a third of the hospital beds are occupied by people suffering from alcohol-induced ailments; in the psychiatric hospitals, the figure is 40 percent. Dr. Bernard says 70,000 people die of such ailments each year.

The Government pays out far more in social costs than it takes in from taxes on wine and liquor, and the Bernard report proposes that it spend even more. With an election coming up in April, President Giscard d'Estaing is expected to push through as many changes as possible in the shortest time.

But some of the report's recommendations are not feasible. A ban on advertising of alcoholic products would be fought every inch of the way by the wine and spirits interests. Similarly, efforts to step up enforcement of existing laws against alcoholism invariably meet with indifference. In a country where one person in 10 makes his living directly or indirectly from alcohol, anti-alcohol laws are not welcomed warmly.

Six Gallons of Pure Alcohol

Still, the Government foresees a drop of 20 percent in the amount of pure alcohol consumed by each adult per year, now about 6 gallons. It is about 3 gallons in the United States.

Wine consumption is dropping in France, but it is still the highest in the world after Italy. In addition, sales of hard liquor have climbed steeply. In fact, it is not in the wine-drinking areas of France but in economically backward Brittany and in the grim industrial areas along the Belgian border that alcoholism is the most serious. And there they drink hard liquor and beer.

One of the principal weapons in the Government's anti-drinking armory is price increases. They will be achieved, according to Jacques Barrot, the Minister of Health and Social Security, through hefty increases in wine and liquor taxes. The revenue will be used to finance a major campaign to educate the public on the dangers of excessive drinking.

Given the ravages of inflation in other sectors of the economy, cheap wine is a genuine bargain at less than \$1 a liter. The use of nonalcoholic drinks will be promoted and money will be invested in research on nonalcoholic or low-alcoholic drinks. The use of sugar in fermentation to increase the alcoholic content of cheap wines will be more strictly regulated, the Government said.

Work With Younger Alcoholics

Textbooks will be rewritten to include up-to-date information about alcoholism, and the officials who run drug programs will be asked to work with younger alcoholics. Programs will be arranged in offices and factories to help alcoholics and warn potential alcoholics.

To reduce road deaths and accidents, the police will begin using a new breath analyzer that they think will remove more drinkers from the road and provide better evidence in court.

Anti-alcohol campaigns are hardly new here. Everyone remembers Prime Minister Pierre Mendès-France's effort in the 1950's to interest Frenchmen in milk. In 1978, Simone Veil, then the Minister of Health, chose to direct most of her energy to the fight against smoking. "Alcoholism is more important than smoking," she conceded, "but it is useless to direct a campaign against it until the orientation of our agriculture is modified."

As long as so many grapes are grown, France is going to have a lot of wine, and as long as there is so much wine there are going to be alcoholics. No one seems to be able to figure out how to get the farmers of the Midi to stop making wine. The Government subsidies are too good.

PARADE
MAGAZINE

FRENCH CRIME Last year President Giscard d'Estaing of France appointed a 10-man commission to study crime in his country. Several of them, including Minister of Justice Alain Peyrefitte, had themselves been victims of criminal acts.

In a popular 622-page report, "Responses à la Violence," the Peyrefitte committee reveals that crime in France now ranks as important a problem as unemployment and inflation. In 10 years crime has doubled, armed robberies against individuals have quintupled. About 60% of all violent crimes take place in Paris and the nation's five other urban areas; 69% are committed by the under-30 age group.

Alcohol is cited in the report as a major crime producer. "We too often forget," it points out, "that our country holds the world record for alcoholic consumption per capita, and alcohol often leads to violence and aggressiveness."

The committee says that to reduce crime:

- 1) A city should limit its population to 200,000.
- 2) Buildings should be limited to six stories.
- 3) There should be more bicycle paths.
- 4) Families should spend more time together.
- 5) The advertising of alcoholic products should be limited.

THE KANSAS ISSUE

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No. 2

Dry Leader on Mend After Cancer Surgery

The Rev. Richard E. Taylor of Topeka, head of Kansas United Dry Forces, began the long recovery last week from major surgery for a malignant growth on one of his vocal cords.

"These are the most difficult days I've ever experienced," the Rev. Mr. Taylor said in a telephone interview, his voice a soft whisper. "Each day is difficult. I remain very hopeful, but the battle is a rough one."

He underwent surgery May 1 at Barnes Hospital in St. Louis.

Dr. Joseph Ogura performed the three-hour surgery in which he removed the malignant growth on the vocal cord and restructured it by tying a piece of muscle across it to make a new vocal cord.

The Rev. Mr. Taylor praised Dr. Ogura, of the Washington University School of Medicine in St. Louis, and said Ogura is a leader in that type of surgery.

The minister returned May 17 from the hospital. He said he worked about three hours in his office Wednesday, Thursday and Friday.

"The doctors all say that by the end of the summer I should have a voice again," the Rev. Mr. Taylor said. "They say it will be a husky voice. They tell me I cannot have the volume I once had."

He indicated doctors are certain he will be heard at future speaking engagements with the help of a public address system.

He noted that a malignant vocal cord in a non-smoker is rare.

He said he lacks the physical reserve to carry on a full-time schedule, but that he intends to carry his organization's mes-

sages and questions to all candidates for political office through correspondence.

Immediately after the surgery, the Rev. Mr. Taylor said, he received flowers from Gov. and Mrs. Robert Docking and a host of long distance calls, cards and telegrams.

"I am thankful for the prayers of fellow Kansans and hope they will continue in prayer that God's healing power may restore the best possible voice," he said.

Doctors tell him the healing process probably will take months, he said.

He will return to St. Louis for a checkup June 15.

The American Cancer Society encourages persons to be non-smokers in order to prevent cancer. I have never been a smoker. I wish they could have told me that refusing to use something not needed would have given me 100% immunity to cancer - our number two health problem. Those would have been wonderful words of life.

Yet it can be said that refusing to use beverage alcohol, something not needed, does give 100% immunity to all the human misery caused by our number three health problem and number one drug problem.

Why do persons not listen to these wonderful words for life at its best?

All money spent on research in the area of alcoholism ought to be spent on cancer research. We have an answer for prevention and treatment of alcoholism - be a non-user of the drug. This is not the answer desired by those who make tremendous profits pushing the drug, but it is an answer. Until we have an answer for prevention of cancer, all alcoholism research funds should be spent in cancer research.

Deep appreciation is extended to all of you for your cards, phone calls, flowers, and encouragement given. Please continue to pray for God's healing power to restore the best possible voice. And because we often let it go unsaid, may I add that my wife has been a tower of strength through these difficult days.

This story carried by The Topeka Capital Journal on Sunday, May 26, 1974 still seems like a terrible dream and my desire is to wake up.

Cancer on a vocal chord is not common, and for a lifetime non-smoker is very rare. Yet it happened. All my ministry I have affirmed, "We know that in everything God works for good with those who love him". (Romans 8:28). When things happen that are beyond understanding, this is our faith.

It seems one of the talents God gave me was the ability to be a public speaker. Across Kansas many persons have said they appreciated the quality of my voice. My answer was always that God had given me this, I had nothing to do with it. I am thankful the gift was mine for these years, and with continued prayers hope a usable voice will be restored.

Rev. Dick Taylor

LESS ALCOHOL TAXES BENEFIT KANSAS!

Every person in business and industry (except those pushing alcohol) and every Chamber of Commerce ought to support our effort because of the economic benefits received from Kansas laws that keep our consumption of beverage alcohol at half the national average. Those who say we are losing taxes because less alcohol is sold need to remember that more money spent on alcohol means less money spent on other items on which taxes are also collected. The consumer in every case pays the taxes. To say liquor dealers in Kansas paid \$7.8 million in taxes in one year is like saying filling stations in Kansas paid \$84.1 million in taxes that year. (Kansas Tax Facts, 1971). In both cases it is just a matter of collecting taxes from the consumer on alcohol or gasoline purchased.

Less alcohol consumption means we lose nothing - the consumer dollars are spent for other items on which taxes are collected. We lose nothing and gain everything - greater worker productivity, reduced job absenteeism, safer highways, fewer alcoholics, less human misery.

Leaders in business and industry who understand this send us support. But almost all our support comes from individuals who desire to keep down the human misery caused by our most abused drug, plus some gifts from local churches.

Voluntary gifts are our only source of funds. If you have given during 1974, thank you. If not, does this effort deserve your support? Out total Budget divided by total contributions reveals the average gift is around \$10.00 once a year. Those who are able give more, others give less. Without your gift, we can not continue.

ASK THIS QUESTION

Drug alcohol pushers constantly tell us that Prohibition was a failure. When anyone says that, ask them "Would you please tell me how Repeal has succeeded in solving the alcohol problem?"

On every hand we read and hear of the nation's number one drug problem and number three health problem - alcohol.

Prohibition may not be the answer desired by Americans but 40 years of Repeal has proved to be a total disaster!

KNOW A PERSON WITH AN ALCOHOL PROBLEM?
ASK THEM TO READ PAGES 4 - 7.

This is the story of a Johnson County housewife. Those who believe that teaching youth to drink at an early age in their own home is the answer to our alcoholism problem will be surprised to find out how wrong such a position can be. Alcohol is a drug. It produces a pleasant drug effect. People become dependent on the drug because they desire the physical pleasure and release it brings. "DON'T BLAME THE ALCOHOLIC, BLAME THE ALCOHOL."

Many have asked for material to use in helping someone who has an alcohol problem. All my ministry I have used A.A. as an arm of my church to help persons with this special need. They have a fine record for rehabilitation. This article does an excellent job in presenting the philosophy and work of A.A. Keep it, file it away, and if you want copies to give to others, write and tell us how many. Read it again so you will better understand the problems an alcoholic faces, and let someone with an alcohol problem read it so they will know where and how to get help.

Because beverage alcohol is not needed by human beings, it would seem that persons who love their neighbor would refuse to use it, simply for the sake of those who have a problem with it. "I BECAME RESENTFUL THAT I WAS UNABLE TO PARTICIPATE FULLY IN THE FESTIVITIES." The best friend an alcoholic has is the person who refuses to push the drug.

This reprinted article, for personal reasons, is written anonymously. The author is a member of Alcoholics Anonymous, Northeast Johnson County Group, and works in cooperation with the National Council on Alcoholism, Kansas City Area.

U. S. NEWS & WORLD REPORT recently quoted Dr. Harry J. Johnson of Life Extension Institute in New York as saying persons would not become alcoholic if they limited themselves to no more than three drinks in 24 hours. (A drink being a can of beer, a glass of wine, a shot of whiskey) If a person can not hold this limit, it would seem the alternatives are quit completely or experience the living hell of alcoholism.

I QUIT!

TWO PERSONS TELL HOW AND WHY THEY STOPPED USING OUR MOST ABUSED DRUG,
FROM A NEWSPAPER EDITOR AND FROM A BIG CITY NEWSPAPER.

One day I stopped in Hill City to visit a moment with Bob Boyd and what he told me that day made so much sense I asked him to put it in writing so we could share it with others. Here it is. It would seem good if every minister in Kansas would read this from his pulpit, print it in a church mailing, have his youth read it, and keep it on file for future use. As many persons are thankful they have quit smoking, so may persons tell how thankful they are to have quit drinking.

Mr. Boyd is Co-editor of THE HILL CITY TIMES. As the son, nephew, and grandson of well known newspaper editors in Kansas, he is informed on the Kansas scene. Like all of us, he has struggled to find the best in life, making decisions, facing alternatives and reaping the results.

None of us is perfect, and he has never claimed to be something extra. But the depth of his character is revealed by the frank, candid, straightforward way he shares his past, present, and future in the following article. Our hearts are warmed by this man of truth.

Because he loves his state, the land and the people, this article is written so it may help others make a wise decision relative to the one drug that causes more human misery than all other drugs combined. Many social drinkers do not stop using alcohol until they have endured the living hell of alcoholism. Deep appreciation is extended to Mr. Boyd for permission to share his story with you as he shared it with me.

Reverend Dick Taylor

Sometime before the August Primary, we plan to mail you information on candidates. Along with all you have read and heard, may a candidates voting record and stand relative to pushing alcohol and promoting gambling help you decide how to vote.

I started drinking when a senior in high school to show off, be one of the boys, or just to give myself false courage at social functions. I continued through 4 years of college, 2½ years as an officer in the Air Force, and over 9 years as editor of the Hill City Times. I thought of myself as strictly a social drinker. I was mainly a beer drinker, almost exclusively. I guess in the last five years of drinking that is all I ever drank. I probably averaged 10-12 beers a week, and never more than 4 or 5 at one sitting.

I made a New Year's resolution on January 1, 1971 to never touch alcohol again. It was a wise decision, and every day I realize more and more that it was probably the best decision I ever made. As I look back, I am sure that alcohol had become a crutch, and now I stand straighter and taller without it. I think better and drive better. I have more self-confidence and I am happier. I just wish that I had never started social drinking or had quit sooner. Alcohol limits a person mentally and physically; and it can only get worse as you get older. There is no plateau in drinking alcohol. I heartily recommend that all social drinkers quit completely while it is easy to do. It was easy for me to quit; and it even took a year before I realized how social drinking had been holding me back ever since I started. You can't turn the clock back, but I sure would have been a better person, both mentally and physically, if I hadn't been a social drinker from age 17 to 35. I am very lucky I quit before it got hold of me like it has many of my friends and neighbors; but I am very unlucky that during 18 important years of my life, alcohol was a real drag on my physical and mental abilities. I will never know what I could have done if I had been a non-drinker. I can only look forward to life at its best in Kansas, and be thankful I am not a social drinker any more.

Bob Boyd, Hill City Times

Why do persons in Johnson County push for increased use of our most abused drug by working for sales by the drink to the public? When more persons drink, and when drinkers drink more, the result is more human and economic misery. Concerned persons desire to keep per capita consumption at the lowest level possible.

We are thankful a big city newspaper is concerned about the nation's number one drug problem and carried this article on October 7, 1973. Appreciation is extended to Mr. Ray Morgan and the staff for permission to reprint so another 73,000 homes will receive it. Here is the story from Star Magazine, The Weekly Supplement of The Sunday Kansas City Star.

How I Escaped The Hell Of Alcoholism

It was a sultry morning in August. I sat at my kitchen table in loneliness and despair. It was about 10:30 and I had just poured my fourth drink of the day.

In the eyes of the world I was a lucky woman. I had a good marriage. I had three beautiful children, a nice home and the material things I needed. Yet I realized I no longer wanted to live. I twisted the glass of bourbon and water and watched the rings dry on the table. They were nothing — just as I was nothing — not even a real person any more. I wanted to kill myself but didn't have the courage. I was obsessed by the drug alcohol.

I remembered when I'd had my first drink. I was 14, and it was a happy occasion. My family was celebrating with friends and relatives. I remember the glass of amber wine that my father poured for me. I liked the taste. I liked the way the wine made me feel. It transformed an unsure teen-ager into a sophisticated woman.

Drinking was a normal thing in the family I grew up in. My parents didn't often drink to excess, but there was always liquor in the house. Perhaps I did less than my share of drinking in my early dating years. I wasn't fond of beer. What drinking I did was an occasional Tom Collins.

After high school I dated mostly service men. It was World War II and my brother, who was stationed near by, often brought friends home. There was a good deal of liquor consumed, but for me, alcohol was still a special-occasion thing.

I did eventually cultivate a taste for beer, just to be more a part of my group. I had been out of high school about a year and was working in an office. I suppose that on the surface, I seemed no different from any other 19-year-old. However, there was one difference. I was

afraid. I had always had more than my share of anxieties, but in growing-up years, in the safety of school and family, I had been able to live with them. Now I was having a different kind of fear. In the office I was afraid of new faces, new situations. I was really afraid of just the events of everyday living.

My drinking began to change. I discovered what a tranquilizing effect alcohol had on me. After two or three beers or a little wine, I was no longer afraid. In fact, I sometimes became the life of the party.

It was during this year after high school that I met Paul. He was back from sea duty in the Navy. I liked his self-confidence. His sense of stability. We began to date. When I was with him I was happy. When we drank it was wine, champagne, sparkling Burgundy.

He gave me daffodils, sometimes roses. We fell in love. We dated for almost a year, became engaged on a lovely April day and set an August wedding date.

Even though I wanted to marry Paul, the months of our engagement had anxious moments, and I relied more on alcohol. Our wedding day arrived. My future in-laws had come to stay with my family the week of the wedding. I was more than a nervous bride — I was near panic at the thought of standing in church in front of all those people.

Dressed, except for my gown, I put on a robe and wandered into our kitchen. I was afraid to put my wedding gown on because I was wet with perspiration. Paul's father was in the kitchen and he must have realized how upset I had become. He put a comforting arm around my shoulders and said, "Come and sit down, Jeanie, and I'll fix you a drink . . . I think you need one . . ."

He mixed me a Tom Collins, and poured enough gin for two in it. My nerves steadied as I began to feel the warm glow of the alcohol. I went to the altar a calm and happy bride. A slight aroma of gin mingled with the floral scent of my bridal bouquet, but I wasn't afraid.

Paul and I spent the next four years as college students. He was going to school on the G.I. Bill and both of us worked to pay my tuition and our living expenses. We managed to get by, but there was no money left for drinking.

These were good years — but my fears of people, exams and my own sense of inadequacy kept me thin and nervous. I lived on coffee and cigarettes and blamed my trembling hands on the combination of school pressures, working and trying to run our tiny home.

We received our degrees. Paul found a job that was to take him from home much of the time. We were moved to another state, to a lonely location. Our associations were mostly with company personnel. Moves and intra-company friendships became a pattern in our lives. I began a period of social drinking, but I seldom drank enough to be intoxicated, because I wanted to make a good impression on Paul's superiors. He had ambition and talent. I played the part of company wife, and my fears of my inabilities to cope with life grew. I began to use alcohol for all the wrong reasons. It stilled my fears.

During those years we had two beautiful children. In my pregnancies I drank almost nothing, but after each child was born I drank more than before. (Since then, I've found other women who have reduced their drinking in pregnancy).

I remember one occasion when I got really drunk. We were playing bridge with another couple. Betty and Dick were good friends. The evening began like any other, with

just a few beers. Then Dick asked if we had ever tried tequila, with lemon and salt as they drink it in Mexico. We hadn't, so he showed us the ritual of the salt on the wrist and squeeze of lemon followed by the straight tequila. I think that was a "first" for me — the first time I had drunk liquor straight and the first time I had become ill from drinking it. Paul and the other couple stopped after a couple of drinks, but I drank 'til the bottle was empty.

The next day I spent in bed. My husband called a doctor to settle my nerves and upset stomach. I blamed the quality of the tequila rather than the quantity. That was another "first" — the first excuse I had made blaming the wrong thing.

When our daughters were 5 and 3, Paul accepted a foreign assignment. I dreaded this move. I was afraid of flying over the ocean and I was afraid of trying to make new friends. I spent two months drinking myself to sleep and blaming the hangovers on nerves.

We settled in the American Colony and Paul invited his boss and his wife, with two other couples, for dinner. I wanted to make a good impression with an elegant dinner party. The afternoon was spent arranging flowers and preparing a gourmet meal. I also spent the afternoon sipping martinis to prepare myself. By the time our guests arrived, I was so drunk that I could do no more than put dinner on the table and light the candles. I excused myself and made it to our bedroom just before I passed out.

Paul was furious. I was so ashamed of myself that I dreaded ever seeing any of those people again. I knew I wasn't going to be able to get drunk like that again. It wasn't easy, but I set limits on myself and during that period seldom exceeded those limits.

After a couple of years we moved back to the states. Once again the pattern — the move and the increased drinking. My husband knew by then the extent of my problems. One morning when my hands shook so I could hardly pour his coffee, he confronted me:

"Jeanie, you've gone too far with this. You're not facing reality. This every-night drinking has to stop."

"That's not true," I protested. "I don't drink any more than most people we know."

"Yes, you do. And it has a different effect on you. Look at your hands. You can't even hold the coffee. It's a hangover every morning. And the kids! (Paul was shouting

now.) You pay no attention to them when you start drinking."

"Oh, I do! I love the children! Don't do this to me, Paul!"

"You're doing it to yourself, Jeanie." Then, he said more calmly:

"Why don't you try to get help? I think you should get some counseling. Maybe a psychiatrist could help."

I started to cry. "I'm not crazy," I sobbed, "I'm just nervous, and you're not helping at all."

After days of argument, we compromised. I refused his suggestion to see a psychiatrist, but I agreed to go to a regular medical doctor. I made inquiry and found a general practitioner who impressed me as a warm and understanding human being. I told him honestly about my drinking, but I said I still felt that if I could calm the nerves, the alcohol would be no problem.

The doctor gave me a physical examination, including a liver function test. He found me in good health, recommended I reduce my intake of alcohol, prescribed an anti-depressant and tranquilizers. He did mention that he knew a fine woman who was a member of Alcoholics Anonymous, whom he could introduce to me if the problem continued. I was shocked that he would think of me — a fine wife and mother — in the category of what I thought was the type of woman who would go to A.A.

Things got better for a while. We had our third child — a boy. Again I drank very little during pregnancy. There must have been something about the security I felt during pregnancies that kept me from needing those drinks so badly. Or, I could have been subconsciously protecting the child I carried.

After the birth of our son, it was right back to the booze.

I knew by this time that I couldn't live without alcohol. I also knew that if Paul realized this, he would take over the finances and I would have no money to buy liquor. I drank even more carefully, so I would not be cut off financially. But in so doing I became a recluse socially. I did just the things that were demanded of me — Girl Scout assistant leader, room mother at school. But I needed more drinks.

It took a final move to Johnson County, Kansas, for me to reach that despair that an alcoholic must reach before making a surrender. Our children adjusted well to life and school in the new surroundings. We found a nice home, joined a club where the family could play tennis and swim. The surface of my life must have seemed placid and

good, but inside I churned. The answer to my anguish was more booze. I took up bird-watching to pass the hours when the children were at school and Paul was at the office or out of town. I spent my hours with the four B's — binoculars, birds, bourbon and blackouts. By blackouts I mean I was able to go through the motions of doing things, but could not remember them the next day.

I moved the drinking back from 4 o'clock to 2 o'clock, to 11 to 9. It was always bourbon with a dash of water and some ice. I guess I felt the water made it O.K.

Inevitably, in the progression of alcoholism, the morning came when I walked into the kitchen at 6 a.m., reached into the cupboard and took down a bottle of vodka. Paul was in the shower and the children were asleep. I didn't even like vodka. But I needed it. My hands were shaking, and the muscles of my face would not behave. My body was crying for the one thing that would quiet me. I mixed one ounce of vodka with some grapefruit juice and drank it down. I rushed in, brushed my teeth, swished the mouthwash, showered and returned to the kitchen to prepare breakfast for my family. My husband and children never knew that I had taken that drink.

That started a morning routine for me. The ounce of vodka became two ounces and then three or four. Mornings of sneaking those drinks made the shaking even worse. The terrible feelings of remorse were tearing me apart. I hurt inside my soul.

I don't know how long that 6 a.m. drinking went on — perhaps four or five months. I do know that it brought me to that August morning — glass rings marring the kitchen tabletop, and that feeling of nothingness. Oh, God, I wanted to die. But I didn't have the guts to do it. I didn't know where to turn — my tolerance for alcohol was gone. I could no longer drink enough to stop the shaking and fear. I was numb and in despair.

There was a local shopper publication lying on the table. I was staring at a little box in the paper with two simple lines:

Do you have a drinking problem? Call A.A. 648-7682.

I reached for the telephone. Almost without conscious action I dialed. A voice answered — "648-7682."

"Is this Alcoholics Anonymous?"

"Yes, can we help you?"

It was a man's voice. The gentle,

kind quality of the voice gave me courage to answer.

"I think I have a drinking problem."

The man replied, and I can't remember exactly what he said. The main thing is I realized — I knew — I could trust that voice. He asked if he could send a couple of ladies to my home to talk to me. I told him yes.

It was a Magic Moment in my life. I had admitted I had a drinking problem and had reached out for help.

Another Magic Moment was to come later.

Within a half-hour, two beautifully kind women came to my home. I was in bermuda shorts, and I had made myself another drink. I didn't try to hide that drink. When I made that phone call I had given up pretense.

I don't remember much of what those two wonderful people (who are today two of my dearest friends) said to me, but I knew that they understood what nobody had known before — I had to drink to live.

These women told me they had been in the same Hell that I was in — had found a set of steps to take them out of that Hell.

That morning I went with them to the Johnson County A.A. Club. The people there were happy people — joking and laughing. I also found they were understanding and kind. I was so frightened — I shook and stammered — but I stayed and listened. I saw something in the eyes of the people in that club that I wanted — I saw life and hope.

That night two women took me to my first closed A.A. meeting. (A closed meeting is for the person with a drinking problem, whereas an open meeting welcomes anyone with merely an interest in alcoholism.) I was afraid to face anyone, so I resorted to my usual source of courage, the bottle. I wasn't drunk, but I had enough to enable me to hide my fear somewhat.

After the first closed meeting, the members of A.A. kept calling me several times a day. They took me to the club, and I kept trying to stop drinking, but couldn't.

I told my oldest daughter that I had called A.A., and her reaction was, "Why, Mother, why did you do that? You don't drink much more than most people." This shows how

much I had managed to conceal the extent of my problem.

My husband was still out of town. I called to tell him, too, of my decision. He offered to return home, but I wanted more time to try to work things out. I felt a sense of failure and shame.

I went to meetings every night for two weeks. Also I continued to drink. I think that was the worst period in my life. I wanted so desperately not to drink, but my body and mind were unable to function without it. This is the physical compulsion and the mental obsession I have seen so often since then, in my dealings with other alcoholics.

At that point, some of the women from A.A. had a little conference. Subject of the meeting was what to do about Jeanie. They suggested that I go into a local hospital and get "dried out." In a hospital I would be away from temptation, and the fears of withdrawal would be lessened. They felt that I would never get off the stuff otherwise, because each time I had to face other human beings (even the people who were trying so hard to help me) the fears would come back and I'd hit the bottle again.

My trust and faith in those women was by that time so complete I would have done anything they suggested. Since Paul and I had no relatives in town, two of the ladies took our children into their homes. One of the women came to take me to the hospital on a Monday morning. I was so frightened I fortified myself with several drinks. Even so, I was shaking so badly (from fear, not withdrawal) I could barely sign my name at the admitting office.

I spent five days of shaking and near-convulsions — of sweats and nausea, of being sure I was going to die and afraid I wouldn't. I did not experience DT's, a condition common upon extreme withdrawal from alcohol, in which a person sees snakes, spiders or other things crawling about the bed. DT's and hallucinations can take many terrible forms, and remain vividly in an alcoholic's memory.

One of the women from A.A. spent that first terrifying night at my bedside. I asked her at the time how I could ever repay her. Her answer has stayed etched in my mind.

"Stay sober," she said, "and do this for someone else some day."

I know now that this was my second Magic Moment. I had not expected her reply. I'd thought of sending her flowers, for her kindness. But her words, "Stay sober, and do this for someone else some day," stuck with me. At this time, lying in the hospital bed, near convulsions in withdrawal, I made myself a vow I'd stay sober. I'd never go through this hell again. I accepted the reality of what the A.A. women had told me: If I were to remain alive and sane I could never drink again.

Since that time, I've spent many nights in hospitals, seeing others through that terrible first night of withdrawal. This can be the "turning point" in alcoholism. If the alcoholic merely goes through the drying-out process and avoids the gut decision to quit, he'll go back on the bottle. But when the vow is made and the drying-out process is complete, a high percentage of alcoholics look to a new and better life through A.A. and a Higher Power. It's a life in which, in a way, the alcoholic stays with the familiar things of booze and bars and hangovers and family crises, but as a sober alcoholic, sharing strength and hope with the alcoholic who's still drinking.

About 50 per cent of the people who make contact with A.A. are able to stop drinking right away, while 25 per cent or so go back to drinking for a period, but do return and stay sober.

The alcoholic who probably will never drink again is the one who attends meetings regularly (A.A. suggests at least two a week, and more in the beginning) and becomes involved in trying to help other alcoholics. The satisfactions in working with others are enormous — better, and more lasting, than the glow of self-confidence that comes with a martini, and I've had both.

Back to that hospital experience. I had a doctor who made the withdrawal easier with intravenous feedings which contained glucose, insulin and vitamins. I was also given some sedatives. I believe my fear of the unknown in the withdrawal was worse than the withdrawal itself.

My nerves were shot. During all this period, men and women from A.A. came in a stream to visit and

comfort me. About mid-week Paul returned. He was shocked at my condition. The husband of one of my new friends in A.A. took him to lunch and explained to him the disease of alcoholism (and it truly is a disease). He told Paul, "Don't blame the alcoholic, blame the alcohol." For that I was most grateful.

Out of the hospital I started rebuilding a life. That is the hope that A.A. had brought me. I attended meetings almost every night. At the suggestion of A.A., I prayed for help to a power greater than myself. In my own case, I prayed to God, as I understand him. For people who don't believe in God, the higher power can be the person they respect the most, or even the group of friends in A.A. The essential thing is to recognize a higher power and to pray.

Also I talked on the telephone. The telephone is the *lifeline* of the recovering alcoholic. We are told from the first, "Any time you want to drink, make a telephone call instead."

I've found I'm sometimes vulnerable in situations in which others are drinking and I feel different because of abstinence. Once, after about 10 good months without drinking, I found myself on vacation with my family, over 1,000 miles away from my sponsors. We had been visiting relatives, some of whom I had never met before, and as is the social custom of today, we were offered drinks everywhere we went. Paul, of course, drank some, and I became resentful that I was unable to participate fully in the festivities. After one long evening in which others were drinking and having a lot of sociability, I became angry and started to fix myself a drink. Instead I made a collect telephone call. It was 2 o'clock in the morning. A sleepy voice answered.

"Margie," I said, "it's Jeannie. I'm going to drink."

"Jeannie! What's the matter?"

"I'm furious with Paul. I'm mad at everyone. I'm sick of being different."

"Jeannie! You don't have to drink!"

"I'm going to."

"Jeannie! Have you prayed?"

"No."

We talked for an hour on the phone. I had a whopper of a telephone bill — but it was worth it. I

didn't take that drink. Margie called me back at 8 o'clock the next morning. I was still O.K.

Another time, my Higher Power was watching. Paul and I were with friends at a brunch before a Chiefs game. I'd been drinking tomato juice but the others were having Bloody Marys. Our host, not knowing of my problem, set a Bloody Mary before me. It had a squeeze of lime in it. Of course I knew better but I lifted the glass and considered taking that drink. If I had, I'd have had the whole damn thing to go through again. But just at that moment, a loud announcement was made, "All aboard! The bus is leaving!" I put down the drink and got on the bus. That's how close I came! The Higher Power saved me.

A.A. is a program of 12 steps, which, if followed absolutely, would create a perfect life. Since we are all imperfect humans, we climb these steps, doing just the best we can on each of them.

The first step is concerned with admitting that we are powerless over alcohol. The next 10 show us how to change our lives so we can live serenely without alcohol. Part of the teaching is just common sense. It is known that a person is more likely to drink if he is Hungry, Angry, Lonely or Tired. These form the initials H.A.L.T., and we try to avoid these conditions. Also we are taught that the root of alcoholism is most often in the emotions of fear and loneliness.

A.A. tells us that anyone can go without a drink for 24 hours, and so, I've gone through many 24-hour periods.

As a result of working on the first 11 steps, we move to the 12th step. It consists of carrying our message to other alcoholics, and practicing the principles of the A.A. program in all our affairs.

In 12th-step work I now go to all sorts of places — places I could never have gone before, because of fear. I go to lovely homes, dirty rooms in boarding houses, cubbyhole motel rooms. And I go with no fear. I feel a kinship with all the fearful, lonely women who sit with glass in hand. I go to the homes of those who drink alone, and to the ones who drink in bars and wake up in motel rooms, not even knowing how they got there.

In A.A. we do what a friend of

mine calls "soul talk." We share our experience, strength and hope with one another, and the key word is share. The real key, however, is love. We share a common problem with one another, and we learn to love. In learning this we also learn to love ourselves, and as our self-esteem rises, the need to drink goes, and the fears go, and the loneliness goes.

There are a few more admitted men alcoholics than women, but the women's percentage is increasing. We usually have mixed groups in our closed sessions, but in individual cases it has been found to be more successful when men work with men and women with women to help them achieve sobriety.

I'm involved with many people who are just becoming sober. Sometimes they're the most helpful of all. When someone calls A.A. for help, we often take a newer member along to talk with the person making the call for assistance. One of the first things a still-drinking alcoholic asks is, "How long have you been sober?" If I reply that I have several years of sobriety, a sort of wall develops, as if I'd been sober so long it would be impossible for me to understand. Then I might introduce my friend, and say, "She hasn't had a drink for almost a month."

"My God!" the alcoholic exclaims, and clutches my friend's arm, "how in th' hell did you do it?" They both benefit — and so do I.

My story is not dramatic — this is one reason one of my friends from the National Council on Alcoholism suggested that I tell it. Alcoholism is not always dramatic. It is a disease — progressive and incurable — but it can be arrested.

I write with the hope this may reach others, and they will seek the answer in their lives that I have experienced in mine. These last years have not always been easy, but today I have a good life with purpose and direction. I still watch the birds, but now I hear them sing. My fears have been overcome, slowly, *one day at a time*, and I feel that I have been reborn through the miracle of Alcoholics Anonymous.

(Reprinted from Star Magazine, The Weekly Supplement of The Sunday Kansas City Star)

Per capita use of cigarettes in Kansas is about the national average, according to a recent newspaper story. Per capita use of beverage alcohol in Kansas is about half the national average, according to the government report, ALCOHOL & HEALTH.

Why the difference? Cigarettes are pushed in Kansas the same as in other states. Beverage alcohol is not pushed in Kansas like in other states. Law makes the difference.

From
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Pushers of our most abused drug tell us that low per capita consumption in Kansas is not the result of law. They say it is because Kansas is more Christian than other states and people would not drink more even if the law were relaxed. If that were true, our use of cigarettes would be lower than the national average also. The truth is, Kansas law keeps availability and consumption down.

Kansans for life at its best, users and non-users of alcohol, are thankful for Kansas laws that keep down the human and economic misery caused by the number one drug problem today.

Other States	Kansas	
Yes	No	Wine and distilled spirits sold to the public by the drink in resturants, bars, public places, planes, trains, etc.
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	Package sales of wine and distilled spirits permitted.
Yes	No	18 minimun age for wine and distilled spirits.
Yes	No	Package sales of wine and distilled spirits permitted on Sunday.
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	Consumption of all forms of beverage alcohol permitted in private clubs.
Yes	No	Package wine and distilled spirits sold in places other than liquor stores, including grocery stores.
Yes	No	Cut rate prices permitted on wine and distilled spirits to increase sales and consumption.
Yes	No	Package sales permitted on holidays and election days.
Yes	No	Package sales permitted on credit.