

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at
Chairperson

1:30 a.m./p.m. on February 10, 1986 in room 526S of the Capitol.

All members were present except:

Rep. Peterson-E
Rep. Hensley-E.

Committee staff present:

Lynda Hutfles, Secretary
Russ Mills, Research
Mary Torrence, Revisor's Office

Conferees appearing before the committee:

John Lamb, Alcoholic Beverage Control
John Gillan, ABC
Tuc Duncan, Wine & Spirits Wholesalers
Reverend Taylor, Kansans for Life at its Best
Chris Edmonds, Kansas Tavern Owners Association
Neal Whitaker, Kansas Beer Wholesalers Association

The meeting was called to order by Chairman Miller.

Representative Roenbaugh made a motion, seconded by Representative Goosen, to approve the minutes of the February 6 meeting. The motion carried.

John Lamb, ABC, gave a brief summary of the drinking age law and the enforcement problems they are having. He told the committee they were very pleased with the compliance of the college community. Seminars are being held across the state to help educate liquor store owners and private club managers on how to spot fake I.D.'s.

John Gillan, ABC agent and training officer, gave a slide presentation on fake I.D.'s and how they are being used. The use of expired driver's licenses is the biggest problem. Zip tone lettering and duplicate licenses are also used. He showed the committee copies of the 1985 I.D. Guide and a Manual of I.D. Cards.

There was discussion concerning a minor discovered in a club drinking. The owner was fined \$500. The owner took the minor to small claims court and the minor was ordered to repay the club owner. The minor has appealed to a higher court and a ruling is pending. The outcome of this case could mean a lot to the ABC and their enforcement.

HB2813 - Changes in happy hour law

John Lamb, ABC, gave testimony in support of the bill and distributed a survey of states with happy hour legislation. See attachment A. He stated there was compliance to the new law in 90% of the clubs; 5% are not violating the law intentionally; and the other 5% are in violation intentionally. Taverns do comply to a certain extent, but at a level lower than private clubs. Mr. Lamb suggested provisions which would prohibit clubs and taverns from selling alcoholic beverages below cost for promotion. He also suggested striking section 3 completely. He had no preference in line 36 to the word "day" or "week" as long as it is posted in a public place. Mr. Lamb said that the legislature needs to either strike the happy hour legislation which is difficult to enforce or make the technical corrections and clean-up necessary.

There was discussion of some of the obvious loopholes in the happy hour law and the snowballing effect it might have if these loopholes are not corrected.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,
room 526S, Statehouse, at 1:30 a.m./p.m. on February 10, 1986

Tuc Duncan, Wine & Spirits Wholesalers, expressed the concerns of the industry concerning happy hour legislation and told the committee they should encourage more education concerning excessive drinking. Mr. Duncan told the committee of some of the educational programs they have instituted in this area and distributed a poster with blood alcohol percentages and a book, "Let's Talk about Drinking".

Reverend Taylor, Kansans for Life at its Best, gave testimony in support of the bill. Education is a total failure when it comes to prevention. The drug the industry promotes puts to sleep the brain function that makes you think. Industry is the producer of the problem and their product is the problem. There is no compromise with dealers of this drug - they are going to sell it no matter what. See attachment B.

Chris Edmonds, Kansas Tavern Owners Association, gave testimony. He said they do not oppose the entire piece of legislation. Passage of the happy hour bill was a trade off. The bill is unfair to the industry, discriminates against on-premise industry. There has been a shift in consumption - down 24% on-premise and up 33% off-premise. The legislature needs to either ban all advertising of happy hours or eliminate the law. See attachment C.

There was discussion of the designated driver program discussed in Mr. Edmond's testimony. About 55 of the 4,000 taverns offer free soft drinks and coffee to the designated driver.

Mr. Edmonds was asked to provide the committee with the figures he had stated concerning beer sales and also documents and examples of quick food shops where beer is being sold below cost.

Hearings were concluded on HB2813.

HB2733 - Alcoholic beverage, minimum quantity

Tuc Duncan, Kansas Wine & Spirits, gave testimony in support of the bill which strikes the provision that you may not sell a container less than 200 milliliters. Mr. Duncan suggested that there be a minimum of 100-150 milliliter container. See attachment D.

Neal Whitaker, Kansas Beer Wholesalers Association, gave testimony in support of the bill.

John Lamb, ABC, gave testimony in support of the bill, but was not opposed to amending the bill to place some floor on the size. He stated that as long as he was Director, he would not allow one ounce bottles (miniatures) in the state.

Hearings were concluded on HB2733.

The meeting was adjourned.

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MEMORANDUM

TO: Representative Robert H. Miller, Chairman
House Federal and State Affairs

FROM: JOHN A. LAMB, DIRECTOR, ABC DIVISION

RE: Happy Hour Survey

DATE: February 10, 1986

Arizona

Law enacted last session (August, 1985)

Major components of the statute include:

- no free drinks can be given away unless given by the person specified as the licensee;
- no more than 2 drinks can be served to 1 person at any time;
- no drinking contests are permitted;
- unlimited number of drinks may not served to any customer;
- "happy hours" are not prohibited - the focus is on the delivery of drinks, not the sale.

They feel the new law is generally working very well. This is partially because a common law "dram shop" liability is also being enforced.

Connecticut

Happy hour legislation is pending this session. The bill is no where near its final form.

Minnesota

Attempted to enact "happy hour" bans last session, but the legislation didn't pass. At this point, happy hours, free drinks, drinking contests, inducements, etc. are permitted.

Massachussetts

Law enacted last session (June, 1985)

Major components of the statute include:

- no free drinks;
- no sales of 2 drinks for the price of 1;
- prices are set from week to week, and must remain the same all week;
- a dram shop act is a part of the happy hour bill - it addresses a prohibition on the sale of alcohol to an

alcoholic or "known drunkard" (probably a hold-over from colonial common law.)

- "private" functions are excepted from this act (defined as a function for which the licensee offers a service, but doesn't solicit the business.)

They feel that their statute is enforceable and workable for the most part.

Wisconsin

Has no "happy hour" ban, but the City of Madison is considering one.

It is illegal to sell to intoxicated persons - an "anti-dram shop act" because liability doesn't attach unless the server has knowledge or should have knowledge that the consumer is intoxicated or is highly likely to become incapacitated.

Oklahoma

Law enacted last session.

Major focus of their act is to prohibit "inducements to stimulate consumption of alcohol":

- no 2 for 1s;
- set prices from week to week and must be posted;
- cannot sell an unlimited number of drinks for a fixed price;
- day prices must remain consistent with night prices;
- cannot increase the amount of alcohol in drinks (ie., sell one big drink instead of several smaller ones.);
- no games or contests;
- can give away complimentary drinks to groups, (ie., ladies' nights) but cannot discount drinks;
- may sell drinks at a reduced price to private parties.

They are having similar enforcement problems to the ones we're experiencing, but don't anticipate more legislation anytime soon.

Nebraska

Attempted a "happy hour" ban last session but it didn't pass. A "multiple drink rule" was enacted, which allows clubs to have happy hours. It regulates the number of drinks which can be served to one customer at a time (1 drink) and the amount of liquor which can be in that drink (1½oz.) They feel it has been an enforceable rule.

Colorado

Legislation has been proposed this session which would prohibit the giving away of free drinks. It would also allow clubs to sell only 1 reduced price drink per customer per visit. There also is common law created liability for "over-serving" an individual.

Indiana

Law became effective September, 1985.

Major components of the law include:

- No reduced price drinks;
- no sales of 2 drinks for the price of 1;
- no charging a single price for a required purchase of 2 drinks;
- provisions apply to private clubs but not to private functions.

The legislature will be examining this bill again this session. They are having enforcement problems similar to the ones we've experienced.

Respectfully submitted,



JOHN A. LAMB, DIRECTOR

Compiled by Julie Fletcher
Legal Intern

JAL:cjk

Hearing on HB 2813, February 10, 1986
House Federal & State Affairs Committee

Richard Taylor
KANSANS FOR LIFE AT ITS BEST!

If it could be done, ideal legislation would be a bill to permit persons to consume no more than one or two drinks in 24 hours and wait one hour per drink before driving. A drinker who always stops with two in 24 hours will not develop alcoholism.

A 12 ounce can of 3.2 beer or a 4 ounce glass of 12% wine or a mixed drink with a 1 ounce shot of 96 proof distilled spirits contains one-half ounce of absolute alcohol. Medical science has found that consuming more than one ounce of absolute alcohol a day puts a person at risk of physiological damage. The average person metabolizes one-half ounce of absolute alcohol an hour. Drivers who wait one hour per drink before driving are not seriously impaired.

If every drinker would stop with one or two drinks in 24 hours when they drink, and wait one hour per drink before driving, alcoholism would be prevented, highways would be safer, and this effort to prevent alcohol related suffering would no longer be needed.

House Bill No. 2813 is a step in the right direction.

There are those who claim law enforcement will be easier if consumption or sale of liquor by the drink is permitted on premises open to the public. The measure you passed last session and are trying to clean up today is proof that regulating those who deal in our most abused drug is very difficult.

Based on Missouri, Nebraska, and Colorado, licensed public liquor by the drink outlets in addition to licensed private liquor by the drink outlets will more than double the places selling liquor by the drink in Kansas.

There will be thousands of additional occasions and places where liquor will be consumed in public places because it is sold under temporary permits or given away.

Liquor by the drink in public places will make law enforcement easier???

ATTACHMENT B

H. F+SA
2/10/86

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**STATEMENT OF
CHRISTOPHER S. EDMONDS**

**ON BEHALF OF
THE KANSAS CLUB AND TAVERN ASSOCIATION**

**IN OPPOSITION TO
HOUSE BILL 2813**

**BEFORE THE HOUSE COMMITTEE ON
FEDERAL AND STATE AFFAIRS**

FEBRUARY 10, 1986

Mr. Chairman and members of the House Federal and State Affairs Committee:

I am Christopher S. Edmonds, Executive Director of the Kansas Club and Tavern Association, Incorporated. The KCTA represents the on-premise licensed beverage industry in the state of Kansas. We take this opportunity to inform you of our opposition to House Bill 2813, dealing with alcoholic beverages and practices with respect to the selling and serving of such beverages.

The Kansas Club and Tavern Association opposes House Bill 2813 for several philosophical and pragmatic reasons. Please allow me to elaborate the reasons for our opposition to such legislation.

PHILOSOPHICAL OBJECTIONS

The Kansas Club and Tavern Association opposes House bill 2813 on several philosophical grounds. Initially, KCTA feels that House Bill 2813 is an unfair restriction of the on-premise licensed beverage industry's right to free enterprise. Although the licensed beverage industry is **licensed** by the state due to the nature of the product at hand, the product is nonetheless a legal and capitalistic one. By regulating the method of service and the type of service, House Bill 2813 restricts the free-enterprise considerations of the on-premise beverage proprietor. Such legislation amounts to an unfair restriction on an otherwise legal trade.

We would also suggest that House Bill 2813 unfairly singles out the on-premise alcoholic beverage industry in a discriminatory manner. The passage of the so called "Happy Hour" Bill in the 1985 session only applied to private clubs and taverns - the on-premise alcoholic beverage industry. It did NOT effect the off-premise segment of the industry. Grocery stores, convenience stores, gas stations, and the like are still allowed to sell alcoholic beverages at any price they wish. Presently, the off-premise industry widely

ATTACHMENT C
H. F+SA
2/10/86

practices the sale of cereal malt beverage for a price less than the acquisition cost to the retailer. It seems that, should the alcoholic beverage industry be singled out for this restraint on its trade practices, that the entire retail segment of the industry should be treated the same. Not to do so is tantamount to practicing discrimination among our industry.

PRAGMATIC OBJECTIONS

The Kansas Club and Tavern Association also opposes House Bill 2813 on pragmatic grounds. The KCTA feels this legislation is unneeded, will be ineffective, and can cause serious economic and social repercussions on the state of Kansas.

Initially, the Kansas Club and Tavern Association feels that such legislation is unneeded. There is no statistical evidence that indicates the "happy hour" is a problem. Quite to the contrary, the only study done dealing with the so-called "happy hour" problem was done at the University of Wisconsin in 1984. This study found, for a group of three North-Central states, that the time period regularly associated with the "happy hour" does not reveal an unusual high incidence of D.U.I. citations or convictions. Rather, the study suggests that there are between fifty and a hundred and fifty percent more D.U.I. citations written and convictions obtained during the time period of 9:00 p.m. to 11:00 p.m. than any other time period during the twenty-four hour day.

It is quite clear from this study that no problem exists with the "happy hour" time period. Rather, the highest incidence of D.U.I. citations is during a period where no proprietor discounts drinks and when no proprietor runs a special targeted to a certain time period.

The state of Kansas currently has a law that prohibits the serving of alcoholic beverages in an on-premise establishment where the owner, an employee of the owner, or an agent of the owner suspects that a person is intoxicated. THE SOLUTION TO THE PERCEIVED EXCESSIVE DRINKING PROBLEM SEEN IN PRIVATE CLUBS AND TAVERNS IS FOR LOCAL LAW ENFORCEMENT OFFICIALS AND THE ALCOHOLIC BEVERAGE CONTROL TO ENFORCE THE LAWS THAT PROHIBIT THE SALE OF ALCOHOLIC BEVERAGES TO AN INTOXICATED PERSON.

The Kansas Club and Tavern Association has taken steps within the industry to educate and inform the servers of alcoholic beverages as to the nature of the present law and how to identify intoxicated persons. Programs such as "T.A.M." (Techniques in Alcohol Management) and "T.I.P.S." (Training for Intervention Procedures for the Servers of Alcohol) are

examples of action the KCTA has taken to promote this knowledge and information.

We also feel that the passage of House Bill 2813 will be ineffective. As we have seen, certain taverns and private clubs will continue to circumvent legislation regardless of how it is written and what it has to offer. Taverns and clubs across the state feel that such legislation is unfair and hence, will ignore or attempt to ignore the intent of the legislation. Much more effective are industry regulations such as the prohibition of "all-you-can-drink" promotions that presently exist for members of the Kansas Club and Tavern Association. As we continue to educate and inform our members as to the perils of such activity, these promotions are being voluntarily curtailed. The only effective limitations upon the serving and dispensing of alcoholic beverages will come from within the industry when clubs and taverns are informed as to the nature of specials and inherently begin to believe that such specials are not productive for the business of such an establishment. No state, local, or federal regulation controlling the sales practices of alcoholic beverages will have any effect as long as tavern and club owners feel the state, locality, or federal government are acting outside of their jurisdiction and philosophical rights. Only, when the industry itself begins to adopt self-regulation will such regulations be effective. This is not only true in the alcoholic beverage industry but in any industry across the nation. A fine example is the National Association of Broadcasters. The NAB has self-regulations that have proven to be much more effective than any regulations the FCC, the FTC, or other federal agencies could impose upon the broadcasting spectrum. The same is true, we would suggest, with the on-premise alcoholic beverage industry.

Another very serious pragmatic objection the Kansas Club and Tavern Association has to House Bill 2813 deals with the economic repercussions of such legislation. At a moment in Kansas history when the promotion of progressive tenets, especially that of liquor by the drink, is at the forefront of our political system, it seems counter-productive to restrict the economic ability of the on-premise alcoholic beverage industry. If Kansas is sincere in promoting tourism, business, and industry such legislation is ill-advised. No state surrounding Kansas has such restrictions. The ability for an on-premise alcoholic beverage retailer to promote their business in a manner consistent with that of other states is very important in the attraction of tourism and industry to the state. Numerous studies would suggest that restrictions and confusion in social issues are the number one reason businesses refuse to locate in a given area. The confidence of business to the progressive nature of social legislation in the state of Kansas will have a profound impact on Kansas' future for economic development

and growth. To restrict social industries from competing with neighbors has potentially severe economic impacts.

Not only, however, does such legislation have an adverse impact upon the future of economic development in the state, but such legislation also has a potentially severe economic impact on the on-premise alcoholic beverage industry. During the 1985 session, the Kansas legislature increased the legal drinking age, restricted the hours of which clubs could serve alcoholic beverages, and placed other restrictions upon both clubs and taverns in the state of Kansas. Such legislation pushed many taverns to the brink of bankruptcy and restricted the profits of private clubs to a great extent. Further restrictions could well spell the end of the modern day club and tavern as we know it in the state of Kansas. Respectively, I would suggest that at a time in the states history when we are attempting to promote progressive ideas and "catch up" in the race for social development, House Bill 2813 could spell a blow to the on-premise alcoholic beverage industry that would make liquor by the drink irrelevant. With all of the restrictions and regulations placed upon the on-premise alcoholic beverage industry, many club and tavern owners are beginning to "throw their arms up" and give up. The elimination of these small businesses could have a profound impact on local tax revenues and an even greater impact upon revenues that the state collects from the alcoholic beverage taxes that are administered at various levels. It is time the state of Kansas realize the importance of the small business owner that deals in the on-premise alcoholic beverage industry. Not to do so, could eliminate a very valuable source of revenue to the state of Kansas. A consistent policy must be developed to give direction to the licensed beverage industry.

Finally, a word about price posting. It is unrealistic to suggest that a private club shall display a price list showing the prices for all drinks during a given week. Due to the constant shift in the cost of alcohol from a retail liquor store and due to shifts in economics that are too numerous to explain, drink prices could potentially change every week. Changing a price board or making a new price board everytime on drink price changes will be an insurmountable burden for many club and tavern owners. To list the prices of the potential hundreds of drinks that one could ask for at the bar is unrealistic and something that should not be required in House Bill 2813. To do so will cause confusion, serious problems for law enforcement officials, and make criminals out of otherwise law abiding alcoholic beverage retailers. We would ask that, if this legislation is allowed to go to the floor, that the price posting requirements be removed.

SUGGESTIONS FOR ACTION

The Kansas Club and Tavern Association would suggest three alternatives to House Bill 2813.

The first alternative is to not take any action. Rather, wait for the recommendations of the Governor's Liquor Law Review Commission to determine the best solution to the perceived problem. After all, the present legislation has been on the books for less than a year and is not thoroughly tested for its ability to be enforced or to effectively control the situation. It is also possible for the Alcoholic Beverage Control to suggest, draft, and implement regulations to further clarify the meaning of the present sales restrictions.

The second suggestion, a suggestion from last years session, is to simply ban the advertising of the promotions in question. Such legislation would be much more effective and would be very enforceable. Even the Alcoholic Beverage Control director indicates that such legislation would be much more effective and much easier to enforce. There is no question that the specials that are controlled in this legislation are specials that draw people in due to advertising. If you wish enforceable legislation, the elimination of advertising for the promotions is the best and most practical way to act.

The third solution is to abolish the entire law. As indicated earlier, the state of Kansas has statutes that prohibit the sale of alcoholic beverages to an intoxicated person. If local and state law enforcement officials were to concentrate on enforcing this law, the problem - which is not a time sensitive problem - would be solved. This is the only effective way to deal with the problem. The sale of liquor to intoxicated persons should be prohibited and the KCTA supports the rigid enforcement of such legislation. We welcome local and state law enforcement officials into our establishment to help, to encourage, and to work on eliminating sales to intoxicated persons.

The fact of the matter is that an intoxicated person is not good for business. Such a person creates an unfriendly atmosphere in what otherwise is known as "the friendliest place in town." To enforce the present statutes prohibiting the sale of alcoholic beverages to an intoxicated person is the best, most effective solution to this perceived problem. Members of the Committee, we would ask you to seriously consider alternatives to House Bill 2813. Such legislation is philisophically unfair to the on-premise alcoholic beverage industry and could have severe economic repercussions to the Kansas economy and to those small businesses who operate in the alcoholic beverage industry. Also, it is quite clear that such legislation is unneeded and any such legislation to further restrict the sales practices would be totally ineffective as has been found in other

states. We thank you for the consideration of our proposal and will be happy to work with you in any way we possibly can.

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K • A • N • S • A • S
WINE & SPIRITS
WHOLESALE ASSOCIATION, INC.

MEMORANDUM

TO: House Committee on Federal and State Affairs

FROM: R.E. "Tuck" Duncan
Executive Secretary
Kansas Wine and Spirits Wholesalers Association

RE: HOUSE BILL 2733

The Kansas Wine and Spirits Wholesalers Association (KWSWA) supports HB 2733 and urges the Committee to recommend it favorably for passage.

This bill would provide greater flexibility in the approval of packages for sale in the state by the Director of the Alcoholic Beverage Control. The bill was recommended by the Interim Joint Committee on Rules and Regulations, is supported by the Director of the Alcoholic Beverage Control, and by all segments of the industry.

Recently the following regulation was approved as both a temporary and permanent regulation:

**Article 6.—CONTAINERS
AND LABELS**

14-6-2a. Capacities of containers. Alcoholic liquors shall be sold or offered for retail sale in this state in original containers of the following capacities: (a) Beer: 6 1/2, 7, 8, 10, 11, 11 1/2, 12, 15, 16, 17, 24, 25.6 or 40 fluid ounces; 1 quart; 1/2 gallon; 2 liters; 1 gallon; 5 liters; 2 1/2 gallons (tapper); 1/8 barrel; (37 1/8 gallons); 1/6 barrel (5 1/6 gallons); 1/4 barrel (7 3/4 gallons); 1/2 barrel (15 1/2 gallons); or 1 barrel (31 gallons).

(b) Wines: 4/5 pint or 375 milliliters; 1 pint (imports only); 4/5 quart or 750 milliliters; 1 quart or 1 liter; 1/2 gallon; 2/5 gallon or 1/5 liter; 1 gallon or 3 liters; or 4 liters through 18 liters. Any brand or type of wine may be permitted in 1/2 gallon; 2/5 gallon or 1.5 liters; 1 gallon or 3 liters; or 4 liters through 18 liters, provided they are measured in full liter quantities. Any brand or type of wine may be permitted in one of the following: the 1/2 gallon, 2/5 gallon or 1.5 liter size; or the 1 gallon or 3 liter size. Apertif wine, including vermouth, may be sold or offered for retail sale in this state in original containers having a capacity of 1 5/16 quart, if the gallonage tax is paid at the full quart rate per bottle.

(c) Alcoholic liquor other than beer and wine: 1/2 pint or 200 milliliters; 1/10 gallon or 375 milliliters; 1 pint or 500 milliliters; 4/5 quart or 750 milliliters; 1 quart or 1 liter; 1/2 gallon or 1.75 liter; or 1 gallon.

(1) Domestic whiskey, including bonded bourbon, bonded rye, straight bourbon, straight rye, all blends of neutral spirits, corn whiskey, alcohol, domestic and imported gin, vodka, tequila, and Canadian imported whiskey shall not be offered for sale in containers of 1/10 gallon.

(2) Domestic brandies, prepared cocktails, rum, American cordials, liqueurs and specialties, flavored gin, flavored vodka, flavored whiskey, and scotch whiskey shall not be offered for sale in containers of 1 pint size, but may be offered in containers of 500 milliliters size.

(3) Any brand or type of merchandise except as restricted in subsections (1) and (2) of this subsection (c) may be permitted in any one of the following: the 1/10 gallon, 375 milliliter, 1 pint, or 500 milliliters size.

(d) For tax approval purposes on containers offered for sale, a variance in content may be permitted within 2 fluid ounces or 59.14 milliliters from the approved sizes in subsections (a) through (c).

(1) Each supplier of spirits authorized to do business in the state of Kansas may post for sale both a 375ML size container and a 500ML size container for a particular product. Once a supplier of spirits ships to Kansas an item in a 375 ML container, that supplier is prohibited from shipping a 500ML container of that same item to a licensed Kansas distributor.

(2) Each licensed Kansas distributor shall, upon receipt of a particular item in the 375ML size containers, first deplete their inventories of 500ML size containers of that particular item. Upon depletion of a distributor's stock of 500ML size containers, the distributor may introduce the 375ML size containers of that particular item into the distributor's franchise territory.

(3) Upon the filing of an affidavit by the supplier that the supplier has discontinued the distribution and sale of 375ML containers for an item in the state of Kansas, the supplier may, with authorization of the director and under such conditions as the director

deems necessary to maintain an orderly market, report and ship 500ML containers to licensed Kansas distributors.

(f) Alcoholic liquors may be sold or offered for retail sale in this state in original containers of capacities other than those specified in subsection (a) through (c) inclusive only upon written approval from the director.

(1) Any container that is smaller than 200ML shall not be approved.

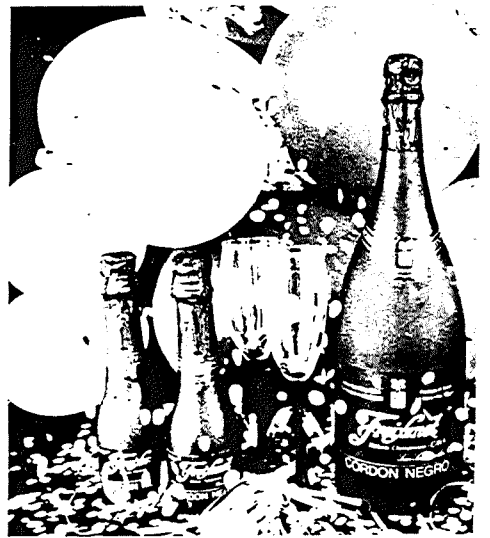
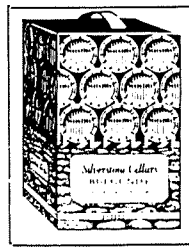
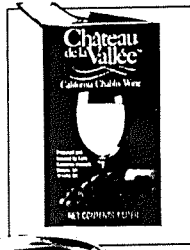
(2) Upon receipt of a request to approve a new container size, licensees and other interested parties shall be notified by the director that a request has been received, and that the request will be acted upon within 30 days after the date that public notice is given. The notice shall further state that any licensee or other interested party may submit written comments to the director either in favor of or opposed to an approval of the proposed size during the 30 day period. All comments submitted prior to approving or disapproving any new size shall be considered. Any party requesting approval for a new size, or any party that submitted written comments on a requested approval for a new size, who is aggrieved by a decision of the director may appeal such a decision through the appeal procedure set forth in K.S.A. 41-321 and 41-323. (Authorized by K.S.A. 41-211, as amended by L. 1985 ch. 170, sec. 3; implementing K.S.A. 41-211, as amended by L. 1985 ch. 170, sec. 3 and K.S.A. 41-1119; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

This regulation will govern the approval process for containers, and will ensure an orderly market under the control of the A.B.C. Director.

Attached hereto are illustrations of packages. As recently stated in one industry publication consumers expect new designs: "Did anyone in the '60s believe sodas would ever be sold in anything but glass bottles? Today Coke's hour-glass bottle is a collector's item. Before World War II, beer in aluminum cans was laughed at--this year the can industry celebrates the 50th anniversary of the beer can." In summary packaging is designed for today's customer, and approval of this bill will afford the A.B.C. the opportunity to respond in a timely manner.

Your favorable consideration of HB 2733 will be appreciated.

PACKAGING DESIGNED FOR TODAY'S CUSTOMER



The wisdom of buying the first imported wine that comes without a bottle.



Caraffa Doro wine is the first imported wine to come without a bottle. It is the only wine in the world that is sold in a box that is designed to protect the wine from light and air. The box is made of a special material that is completely opaque and airtight. This means that the wine is always in perfect condition when you open it. Caraffa Doro wine is also the only wine in the world that is sold in a box that is designed to be easy to carry. The box is made of a special material that is completely opaque and airtight. This means that the wine is always in perfect condition when you open it. Caraffa Doro wine is also the only wine in the world that is sold in a box that is designed to be easy to carry. The box is made of a special material that is completely opaque and airtight. This means that the wine is always in perfect condition when you open it.

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WINE & SPIRITS
WHOLESALE ASSOCIATION, INC.

