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Nick Jordan, Secretary  
Dean Reynoldson, Director

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Senate Federal & State Affairs Committee  
SB 2223  
Testimony of  
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Director, Alcoholic Beverage Control

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Good morning Mr. Chairman and members of the committee. Thank you for the opportunity to provide written testimony on SB 2223. ABC is neutral on the intent of this bill but, because of the way the bill is put together, is opposed to the bill as it is written.

The intent of the bill, as originally expressed to ABC, was to allow brewers of homemade fermented beverages to have meetings that would allow them to sample each other's product, share recipes, have competitions, and talk about common experiences. However, this bill as written goes far beyond that. It allows for events with paid admission charges, undefined participants, and high potential of the general public consuming the product.

New section 1 of the bill apparently makes these homemade fermented beverages available *to members of the general public*. ABC believes that allowing members of the *general public* access to unregulated and untaxed alcoholic liquor is not consistent with agency mission: Promote, serve, and protect the health, safety, and welfare of Kansans by regulating the liquor industry. A product that is not subject to inspection, licensing or regulation may lack hygienic or sterile processes or environments, and may contain unknown ingredients.

Our first concern with Section 3 is the quantity imposition limit. The limits appear high considering the fermented beverage is intended for use in limited circumstances and not for sale. We also have concerns relating to the admission charges allowed on page 6 of the bill. Who pays those charges and what does "partially used to provide prizes" mean in relation to the language "but the aggregate admission charges may not be divided in any fashion among the producers"?

A simple solution for the home brewers would be to amend K.S.A. 41-104(b) to allow guests to participate in the producing and consumption of their product. "Guest" could be defined as "a person who is known to the host and receives a personal, as opposed to public, invitation to attend an event conducted by the host" or something similar. Nothing would require the group to get together only at "the maker's" or "host's" residence.

**41-104. Acts with regard to alcoholic liquor prohibited unless allowed by statute; exceptions.** No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, except that nothing contained in this act shall prevent:

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

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, ~~and the maker's family, and guests, and the maker receives no compensation for~~ producing or allowing consumption of the wine, cider or beer; ...

Thank you for considering our proposed amendment to this bill.