



January 24, 2013

To: Senate Federal and State Affairs Committee
From: R.E. "Tuck" Duncan, General Counsel
RE: SB 36

The Kansas Wine & Spirits Wholesalers Association appears today to offer that if the committee takes action to allow sampling in on-premise establishments, that functionally it be structured in the same manner as provided for off-premise licensees.

To that end, the bill should be amended to provide (similar to KSA 41-308d.) as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a licensee's premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the licensee on whose premises the tasting is held. The licensee may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a licensee's premises that is not purchased from the licensee.

(3) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.

The providing of samples at special events (pg. 1, line 12 and p. 3 line 16) is undefined. This is language found in KSA 41-308a relating to farm wineries and KSA 41-354 relating to microdistilleries and was intended for samples of the products they produce at special events which occur on unlicensed premises, and as such may have no applicability here.

Thank you for your attention to and consideration of this matter.