

SENATE BILL No. 243

By Committee on Federal and State Affairs

3-25

1 AN ACT concerning alcoholic beverages; amending K.S.A. 2012 Supp.
2 41-306, 41-306a and 41-701 and repealing the existing sections.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2012 Supp. 41-306 is hereby amended to read as
6 follows: 41-306. A spirits distributor's license, shall allow:

7 (a) The wholesale purchase, importation and storage of spirits, but all
8 such spirits so purchased or imported which are manufactured in the
9 United States shall be purchased from the primary American source of
10 supply or from another licensed spirits distributor, except that a licensed
11 spirits distributor may purchase confiscated spirits at a sheriff's sale.

12 (b) The sale of spirits to:

13 (1) Spirits distributors licensed in this state;

14 (2) retailers licensed in this state, except that such distributor shall
15 sell a brand of spirits only to those retailers whose licensed premises are
16 located in the geographic territory within which such distributor is
17 authorized to sell such brand, as designated in the notice or notices filed
18 with the director pursuant to K.S.A. 41-410, and amendments thereto; ~~and~~

19 (3) *club and drinking establishments, public venues and caterers;*
20 *and*

21 ~~(3) (4)~~ such persons located outside such territory or outside this state
22 as permitted by law.

23 (c) The purchase of spirits in barrels, casks or other bulk containers
24 and the bottling thereof before resale, but all bottles or containers filled
25 with such spirits shall be sealed, labeled and otherwise made to comply
26 with all laws and rules and regulations governing the preparation and
27 bottling of spirits by manufacturers and with all federal rules, regulations
28 and laws.

29 (d) The storage and delivery to a retailer licensed under the Kansas
30 liquor control act or a retailer licensed under K.S.A. 41-2702, and
31 amendments thereto, on the distributor's licensed premises, of alcoholic
32 liquor or cereal malt beverage of another licensed distributor authorized by
33 law to sell such alcoholic liquor or cereal malt beverage to such retailer, in
34 accordance with an agreement entered into with such other distributor and
35 approved by the director.

36 ~~(e) The storage and delivery to a public venue licensed under the club~~

1 ~~and drinking establishment act of alcoholic liquor purchased by the public~~
 2 ~~venue licensee from a retailer authorized by law to sell such alcoholic~~
 3 ~~liquor to such public venue licensee.~~

4 Sec. 2. K.S.A. 2012 Supp. 41-306a is hereby amended to read as
 5 follows: 41-306a. A wine distributor's license shall allow:

6 (a) The wholesale purchase, importation and storage of wine, but all
 7 wine so purchased or imported which is manufactured in the United States
 8 shall be purchased from the primary American source of supply or from
 9 another licensed wine distributor, except that a licensed wine distributor
 10 may purchase confiscated wine at a sheriff's sale.

11 (b) The sale of wine to:

12 (1) Wine distributors licensed in this state;

13 (2) retailers licensed in this state, except that such distributor shall
 14 sell a brand of wine only to those retailers whose licensed premises are
 15 located in the geographic territory within which such distributor is
 16 authorized to sell such brand, as designated in the notice or notices filed
 17 with the director pursuant to K.S.A. 41-410, and amendments thereto; ~~and~~

18 (3) *club and drinking establishments, public venues and caterers;*
 19 *and*

20 ~~(3) (4)~~ such persons located outside such territory or outside this state
 21 as permitted by law.

22 ~~(e) The sale of wine, but only in barrels, casks and other bulk~~
 23 ~~containers, to:~~

24 ~~(1) Licensed eaterers; and~~

25 ~~(2) public venues, clubs and drinking establishments licensed in this~~
 26 ~~state, except that such distributor shall sell a brand of wine only to such~~
 27 ~~public venues, clubs and drinking establishments the licensed premises of~~
 28 ~~which are located in the geographic territory within which such distributor~~
 29 ~~is authorized to sell such brand, as designated in the notice or notices filed~~
 30 ~~with the director pursuant to K.S.A. 41-410, and amendments thereto.~~

31 ~~(d) (c)~~ The purchase of wine in barrels, casks or other bulk containers
 32 and the bottling thereof before resale, but all bottles or containers filled
 33 with such wine shall be sealed, labeled and otherwise made to comply with
 34 all laws and rules and regulations governing the preparation and bottling of
 35 wine by manufacturers and with all federal rules, regulations and laws.

36 ~~(e) (d)~~ The storage and delivery to a retailer licensed under the
 37 Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and
 38 amendments thereto, on the distributor's licensed premises, of alcoholic
 39 liquor or cereal malt beverage of another licensed distributor authorized by
 40 law to sell such alcoholic liquor or cereal malt beverage to such retailer, in
 41 accordance with an agreement entered into with such other distributor and
 42 approved by the director.

43 ~~(f) (e)~~ This section shall be part of and supplemental to the Kansas

1 liquor control act.

2 Sec. 3. K.S.A. 2012 Supp. 41-701 is hereby amended to read as
3 follows: 41-701. (a) Except as provided in subsection (d), no spirits
4 distributor shall sell or attempt to sell any spirits within this state except to:

5 (1) A licensed manufacturer, licensed nonbeverage user or licensed
6 spirits distributor; ~~or~~

7 (2) a licensed retailer, as authorized by K.S.A. 41-306, and
8 amendments thereto; *or*

9 (3) *club and drinking establishments, public venues and caterers.*

10 (b) Except as provided in subsection (d), no wine distributor shall sell
11 or attempt to sell any wine within this state except to:

12 (1) A licensed manufacturer, licensed nonbeverage user or licensed
13 wine distributor;

14 (2) a licensed caterer; *or*

15 (3) a retailer, public venue, club or drinking establishment, licensed in
16 this state, as authorized by K.S.A. 41-306a, and amendments thereto.

17 (c) Except as provided by subsection (d), no beer distributor shall sell
18 or attempt to sell any beer or cereal malt beverage within this state except
19 to:

20 (1) A licensed manufacturer, licensed nonbeverage user or licensed
21 beer distributor;

22 (2) a licensed caterer; *or*

23 (3) a retailer licensed under the Kansas liquor control act or under
24 K.S.A. 41-2702, and amendments thereto, or a club or drinking
25 establishment, licensed in this state, as authorized by K.S.A. 41-307, and
26 amendments thereto.

27 (d) (1) If any spirits distributor refuses to sell spirits which such
28 distributor is authorized to sell or refuses to provide any service in
29 connection therewith to any licensed retailer as authorized by K.S.A. 41-
30 306, and amendments thereto, it shall be lawful for any other licensed
31 spirits distributor to sell such spirits to such retailer.

32 (2) If any wine distributor refuses to sell wine which such distributor
33 is authorized to sell or refuses to furnish service in connection therewith to
34 any licensed retailer, as authorized by K.S.A. 41-306a, and amendments
35 thereto, it shall be lawful for any other licensed wine distributor to sell
36 such wine to such retailer.

37 (3) If any beer distributor refuses to sell beer or cereal malt beverage
38 which such distributor is authorized to sell or provide service in
39 connection therewith to any retailer licensed under this act or under K.S.A.
40 41-2702, and amendments thereto, as authorized by K.S.A. 41-307, and
41 amendments thereto, it shall be lawful for any other licensed beer
42 distributor to sell such beer or cereal malt beverage to such retailer.

43 (e) No manufacturer of alcoholic liquor or cereal malt beverage shall

1 sell or attempt to sell any alcoholic liquor or cereal malt beverage within
2 this state except to a licensed manufacturer, licensed distributor or licensed
3 nonbeverage user.

4 (f) No supplier, wholesaler, distributor, manufacturer or importer
5 shall by oral or written contract or agreement, expressly or impliedly fix,
6 maintain, coerce or control the resale price of alcoholic liquor, beer or
7 cereal malt beverage to be resold by such wholesaler, distributor,
8 manufacturer or importer.

9 (g) Any supplier, wholesaler, distributor or manufacturer violating the
10 provisions of this section shall be guilty of a misdemeanor and upon
11 conviction thereof shall be punished by a fine of not less than \$500 and not
12 more than \$1,000, to which may be added not to exceed six months'
13 imprisonment. In addition, any supplier, wholesaler, distributor,
14 manufacturer or importer violating the provisions of this section relating to
15 fixing, maintaining or controlling the resale price of alcoholic liquor, beer
16 or cereal malt beverage shall be liable in a civil action to treble the amount
17 of any damages awarded plus reasonable attorney fees for the damaged
18 party.

19 Sec. 4. K.S.A. 2012 Supp. 41-306, 41-306a and 41-701 are hereby
20 repealed.

21 Sec. 5. This act shall take effect and be in force from and after its
22 publication in the statute book.