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REVISOR of STATUTES

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MEMORANDUM

To: Chairman Brunk
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: February 17, 2015

Subject: HB 2191 – Alcoholic beverages; sampling by distributor licensees.

House Bill No. 2191 authorizes alcoholic liquor distributors to provide samples of their inventory to other distributors and retailers. The bill provides the following regulations on this type of sampling:

1. The samples may be served on the distributor's premises, or on the retailer's licensed premises, but no samples are to be provided in any area that is open to the public and where retail sales of alcoholic liquor are made to the public.
2. No samples are to be served to a minor.
3. The distributor is not permitted to sell the samples as drinks for consumption on the premises.
4. The samples are subject to the retail sales enforcement tax under K.S.A. 79-4101 et seq.
5. The samples are regulated in size by the definition of "sample" in the Club and Drinking Establishment Act, K.S.A. 41-2601, as follows: ½ ounce for spirits; 1 ounce for wine; and 2 ounces for beer or cereal malt beverage.

The bill amends these same provisions into each distributor licensee statute. Thus, K.S.A. 41-306 is amended for spirits distributors, K.S.A. 41-306a is amended for wine distributors, and K.S.A. 41-307 is amended for beer distributors.

Finally, HB 2191 amends K.S.A. 41-709 to strike subsection (b), which currently regulates distributor sampling. This amendment is to make K.S.A. 41-709 consistent with the other amendments in the bill.

If enacted the amendments would become effective on July 1, 2015.