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As Amended by House Committee

Session of 2016

HOUSE BILL No. 2467

By Committee on Federal and State Affairs

I-14

1 AN ACT concerning alcoholic beverages; relating to microbreweries;
2 authorizing the production of hard cider; amending K.S.A. 2015 Supp.
3 41-102 and 41-308b and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 41-102 is hereby amended to read as
7 follows: 41-102. As used in this act, unless the context clearly requires
8 otherwise:

9 (a) "Alcohol" means the product of distillation of any fermented
10 liquid, whether rectified or diluted, whatever its origin, and includes
11 synthetic ethyl alcohol but does not include denatured alcohol or wood
12 alcohol.

13 (b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every
14 liquid or solid, patented or not, containing alcohol, spirits, wine or beer
15 and capable of being consumed as a beverage by a human being, but shall
16 not include any cereal malt beverage.

17 (c) "Beer" means a beverage, containing more than 3.2% alcohol by
18 weight, obtained by alcoholic fermentation of an infusion or concoction of
19 barley, or other grain, malt and hops in water and includes beer, ale, stout,
20 lager beer, porter and similar beverages having such alcoholic content.

21 (d) "Caterer" has the meaning provided by K.S.A. 41-2601, and
22 amendments thereto.

23 (e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-
24 2701, and amendments thereto.

25 (f) "Club" has the meaning provided by K.S.A. 41-2601, and
26 amendments thereto.

27 (g) "Director" means the director of alcoholic beverage control of the
28 department of revenue.

29 (h) "Distributor" means the person importing or causing to be
30 imported into the state, or purchasing or causing to be purchased within
31 the state, alcoholic liquor for sale or resale to retailers licensed under this
32 act or cereal malt beverage for sale or resale to retailers licensed under
33 K.S.A. 41-2702, and amendments thereto.

34 (i) "Domestic beer" means beer which contains not more than 10%
35 alcohol by weight and which is manufactured in this state.

36 (j) "Domestic fortified wine" means wine which contains more than

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Prepared by: Mike Heim
Office of Revisor of Statutes

1 and includes brandy, rum, whiskey, gin or other spirituous liquors, and
 2 such liquors when rectified, blended or otherwise mixed with alcohol or
 3 other substances.

4 ~~(ff)~~ *(gg)* "Supplier" means a manufacturer of alcoholic liquor or
 5 cereal malt beverage or an agent of such manufacturer, other than a
 6 salesperson.

7 ~~(gg)~~ *(hh)* "Temporary permit" has the meaning provided by K.S.A.
 8 41-2601, and amendments thereto.

9 ~~(hh)~~ *(ii)* "Wine" means any alcoholic beverage obtained by the
 10 normal alcoholic fermentation of the juice of sound, ripe grapes, fruits,
 11 berries or other agricultural products, including such beverages containing
 12 added alcohol or spirits or containing sugar added for the purpose of
 13 correcting natural deficiencies. **The term "wine" shall include hard**
 14 **cider and any other product that is commonly known as a subset of**
 15 **wine.**

16 Sec. 2. K.S.A. 2015 Supp. 41-308b is hereby amended to read as
 17 follows: 41-308b. (a) A microbrewery license shall allow:

18 (1) The manufacture of not less than 100 nor more than 30,000
 19 barrels of domestic beer during the calendar year and the storage thereof;

20 *(2) the manufacture in the aggregate of not more than 100,000*
 21 *gallons of hard cider during the calendar year and the storage thereof;*

22 ~~(2)~~ *(3)* the sale to beer distributors of beer *and the sale to wine*
 23 *distributors of hard cider*, manufactured by the licensee;

24 ~~(3)~~ *(4)* the sale, on the licensed premises in the original unopened
 25 container to consumers for consumption off the licensed premises, of beer
 26 *and hard cider* manufactured by the licensee;

27 ~~(4)~~ *(5)* the serving free of charge on the licensed premises and at
 28 special events, monitored and regulated by the division of alcoholic
 29 beverage control, of samples of beer *and hard cider* manufactured by the
 30 licensee, if the premises are located in a county where the sale of alcoholic
 31 liquor is permitted by law in licensed drinking establishments;

32 ~~(5)~~ *(6)* if the licensee is also licensed as a club or drinking
 33 establishment, the sale of domestic beer and other alcoholic liquor for
 34 consumption on the licensed premises as authorized by the club and
 35 drinking establishment act; and

36 ~~(6)~~ *(7)* if the licensee is also licensed as a caterer, the sale of domestic
 37 beer and other alcoholic liquor for consumption on unlicensed premises as
 38 authorized by the club and drinking establishment act.

39 (b) Upon application and payment of the fee prescribed by K.S.A. 41-
 40 310, and amendments thereto, by a microbrewery licensee, the director
 41 may issue not to exceed one microbrewery packaging and warehousing
 42 facility license to the microbrewery licensee. A microbrewery packaging
 43 and warehousing facility license shall allow:

Not less than 30% of the products utilized in the manufacture of hard
 cider by a microbrewery shall be grown in Kansas except when a
 lesser proportion is authorized by the director based upon the
 director's findings and judgment. The production requirement of this
 subsection shall be determined based on the annual production of
 domestic hard cider.

(c)