

R.E. "Tuck" Duncan
Attorney at Law LLC
212 SW 8th Avenue, Suite 202
Topeka, Kansas 66603
tuckduncanlaw@yahoo.com
www.tuckduncanlaw.com

March 15, 2017

To: House Committee on Federal and State Affairs

From: R.E. "Tuck" Duncan

RE: HB2366 AN ACT concerning alcoholic beverages; relating to the beer and cereal malt beverage keg registration act; including hard cider in the provisions thereof

I appear here today in support of this bill requested by the Kansas Alcoholic Beverage Control. The Kansas Beer and Cereal Malt Beverage Keg Registration Act became effective July 1, 2002. All retail sales of beer or CMB in a container having a liquid capacity of four or more gallons must have affixed a state issued "tag". This means all retail liquor stores, CMB retailers, and microbreweries that sell beer or CMB in containers of four or more gallons to individual consumers must comply. Current law excepts from that requirement clubs, drinking establishments, hotel drinking establishments and caterers. This bill would add cider.

The underlying purpose of the law is to prevent adults from buying kegs for use by minors. When an unattended keg at a "sandbar party" is discovered, it can be traced. To my knowledge 29 states have similar laws regarding these individual transactions.

My sons operate the Kansas Wine & Beer Garden at the Kansas State Fair which holds a temporary permit, and in my capacity as an attorney I assist other organizations in securing temporary permits. Temporary permit holders buy their beer and cider kegs from retailers, and although for all practical purposes temporary permittees operate as an on-premise establishment they are currently required to affix the ABC "tags" on the kegs they purchase.

We are asking for the following amendment at page 10, lines 17-20:

(h) The provisions of this section shall not apply to sales of kegs by distributors or retailers to clubs, drinking establishments, hotel drinking establishments, temporary permit holders, and caterers licensed under the club and drinking establishment act.

The A.B.C. has been asked if they have any objection to this amendment and we were informed they do not object to adding temporary permits holders to list of those not required to affix the ABC "tag."

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