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**Testimony to the House Federal and State Affairs Committee  
In Support of HB2035  
January 23, 2019**

Chairman Barker and Committee members:

Our associations support HB2035 and requested this bill to address an approaching issue with the ability of local law enforcement to report violations of the Cereal Malt Beverage Act to the Alcohol Beverage Control (ABC). Last year, HB2502 was signed into law giving the ABC certain authority to regulate under the Cereal Malt Beverage Act. In New Section 1 of HB2502 there is reference to KSA 41-106 as the mechanism for enforcement action by the ABC. In the existing KSA 41-106, subsection (b) contains the provisions for law enforcement to report violations they observe to the ABC for consideration of action. However, that statute contains a list of liquor acts law enforcement may report. That list does not include the Cereal Malt Beverage Act resulting in the ABC not being authorized to act on those violations reported by law enforcement. To fix this, we propose adding the Cereal Malt Beverage Act to the lists of Acts contained in the statute.

Taking this action will assure the ABC can consider appropriate action in response to violations of the Cereal Malt Beverage Act under the ABC authority observed by law enforcement officers. It will also assure the protections contained in subsection (b) for the licensees must be followed by law enforcement officers. These protections include notice at the time of violation and required contents of such notice.

We have proposed an effective date of publication in the Kansas Register because the CMB Act goes into effect April 1, 2019.

We urge you to move this bill forward favorably.

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