

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2688

As Amended by Senate Committee on Federal
and State Affairs

Brief*

HB 2688, as amended, would require the board of county commissioners, the governing body of the city, or the Director of the Alcoholic Beverage Control Division (ABC) to issue a Cereal Malt Beverage (CMB) retailer's license to applicants who have already been issued a farm winery license and satisfy the requirements for such CMB retailer's license. Licensing authorities would not be able to deny a CMB retailer's license on the basis of zoning or other regulations or any city or county resolutions or ordinances.

The bill would also eliminate a provision requiring a recipient of a CMB retailer's license to be of good character and reputation in the community in which the person resides.

The bill would also amend related liquor licensing statutes to conform with the issuing requirement for farm wineries.

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of Representative Tarwater.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas Viticulture and Farm Winery Association and KC Wine Co., who stated the bill would allow farm wineries to sell beer to their customers. Written-only proponent testimony was provided by a representative of Bourgmont Winery.

Neutral testimony was provided by the Director of ABC, who made two technical suggestions.

No **opponent** testimony was provided.

A representative of the Kansas Wine and Spirits Wholesalers Association provided historical information to the House Committee during the hearing on the bill.

The House Committee amended the bill to:

- Remove language stating a CMB retailer's license shall not be issued to "a person who is not of good character and reputation in the community where the person resides";
- Add "the governing body of a city" as a licensing authority required to issue a CMB retailer's license to farm wineries;
- Specify that licensing authorities shall not deny a CMB retailer's license on the basis of zoning or other regulations or any city or county resolutions or ordinances; and
- Make technical and conforming amendments.

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, representatives of, Kansas Grape Growers and Winemakers Association, Kansas Viticulture and Farm Winery Association, and KC Wine Co. provided **proponent** testimony, stating the bill would afford farm wineries the ability to sell additional products to their customers.

Written-only opponent testimony was provided by a representative of Kansas Association of Counties, stating the bill, as amended, would restrict zoning enforcement on farm wineries.

Neutral testimony was provided by a representative of the Kansas League of Municipalities, stating an amendment added by the House Committee would allow CMB licenses to be issued without regard to zoning requirements or local ordinances.

The Senate Committee amended the bill to clarify language added by the House Committee allowing issuance of a farm winery or producer's license to an individual holding a retailer's license under the CMB Act.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Revenue indicates enactment of the bill would have no fiscal effect.

Farm winery; licenses; cereal malt beverage retailer license; Liquor Control Act