

**SENATE BILL No. 483**

By Committee on Federal and State Affairs

3-5

1 AN ACT concerning farm wineries; relating to licensure; manufacture of  
2 domestic wine; eliminating a required percentage of Kansas-grown  
3 products utilized therein; amending K.S.A. 2019 Supp. 41-308a and  
4 repealing the existing section.

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

7 Section 1. K.S.A. 2019 Supp. 41-308a is hereby amended to read as  
8 follows: 41-308a. (a) A farm winery license shall allow:

9 (1) The manufacture of domestic table wine and domestic fortified  
10 wine in a quantity not exceeding 100,000 gallons per year and the storage  
11 thereof;

12 (2) the sale of wine, manufactured by the licensee, to licensed wine  
13 distributors, retailers, public venues, clubs, drinking establishments,  
14 holders of temporary permits as authorized by K.S.A. 2019 Supp. 41-1201,  
15 and amendments thereto, and caterers;

16 (3) the manufacture for and sale of wine to holders of producer  
17 licenses as authorized by K.S.A. 2019 Supp. 41-355, and amendments  
18 thereto. ~~Wine manufactured for a producer licensee shall be included in the~~  
19 ~~farm winery licensee's annual production for purposes of subsection (e).~~  
20 The label for any such wine manufactured by the farm winery licensee, as  
21 filed with the alcohol and tobacco tax and trade bureau of the United  
22 States department of the treasury, may be owned by either the farm winery  
23 or the producer licensee for whom the wine was manufactured;

24 (4) the sale, on the licensed premises and at special events monitored  
25 and regulated by the division of alcoholic beverage control in the original  
26 unopened container to consumers for consumption off the licensed  
27 premises, of wine manufactured by the licensee;

28 (5) the serving free of charge on the licensed premises and at special  
29 events, monitored and regulated by the division of alcoholic beverage  
30 control, of samples of wine manufactured by the licensee or imported  
31 under subsection ~~(e)~~(d), if the licensed premises are located in a county  
32 where the sale of alcoholic liquor is permitted by law in licensed drinking  
33 establishments;

34 (6) the sale of wine manufactured by the licensee for consumption on  
35 the licensed premises, provided, the licensed premises are located in a  
36 county where the sale of alcoholic liquor is permitted by law in licensed

1 drinking establishments. Wine sold pursuant to this paragraph shall not be  
2 subject to the provisions of the club and drinking establishment act, K.S.A.  
3 41-2601 et seq., and amendments thereto, and no drinking establishment  
4 license shall be required to make such sales;

5 (7) if the licensee is also licensed as a club or drinking establishment,  
6 the sale of domestic wine, domestic fortified wine and other alcoholic  
7 liquor for consumption on the licensed premises as authorized by the club  
8 and drinking establishment act;

9 (8) if the licensee is also licensed as a caterer, the sale of domestic  
10 wine, domestic fortified wine and other alcoholic liquor for consumption  
11 on the unlicensed premises as authorized by the club and drinking  
12 establishment act;

13 (9) the sale and shipping, in the original unopened container, to  
14 consumers outside this state of wine manufactured by the licensee,  
15 provided that the licensee complies with applicable laws and rules and  
16 regulations of the jurisdiction to which the wine is shipped; and

17 (10) the sale and shipping of wine within this state pursuant to a  
18 permit issued pursuant to K.S.A. 2019 Supp. 41-350, and amendments  
19 thereto.

20 (b) Upon application and payment of the fee prescribed by K.S.A. 41-  
21 310, and amendments thereto, by a farm winery licensee, the director may  
22 issue not to exceed three winery outlet licenses to the farm winery  
23 licensee. A winery outlet license shall allow:

24 (1) The sale, on the licensed premises and at special events monitored  
25 and regulated by the division of alcoholic beverage control in the original  
26 unopened container to consumers for consumption off the licensed  
27 premises, of wine manufactured by the licensee;

28 (2) the serving on the licensed premises of samples of wine  
29 manufactured by the licensee or imported under subsection ~~(e)~~(d), if the  
30 premises are located in a county where the sale of alcoholic liquor is  
31 permitted by law in licensed drinking establishments; and

32 (3) the manufacture of domestic table wine and domestic fortified  
33 wine and the storage thereof; provided, that the aggregate quantity of wine  
34 produced by the farm winery licensee, including all winery outlets, shall  
35 not exceed 100,000 gallons per year.

36 ~~(c) Not less than 30% of the products utilized in the manufacture of~~  
37 ~~domestic table wine and domestic fortified wine by a farm winery shall be~~  
38 ~~grown in Kansas except when a lesser proportion is authorized by the~~  
39 ~~director based upon the director's findings and judgment. The production~~  
40 ~~requirement of this subsection shall be determined based on the annual~~  
41 ~~production of domestic table wine and domestic fortified wine by the farm~~  
42 ~~winery.~~

43 ~~(d)~~—A farm winery or winery outlet may sell domestic wine and

1 domestic fortified wine in the original unopened container to consumers  
2 for consumption off the licensed premises at any time between 6 a.m. and  
3 12 midnight on any day. If authorized by subsection (a), a farm winery  
4 may serve samples of wine manufactured by the licensee and wine  
5 imported under subsection ~~(e)~~(d) and serve and sell domestic wine,  
6 domestic fortified wine and other alcoholic liquor for consumption on the  
7 licensed premises at any time when a club or drinking establishment is  
8 authorized to serve and sell alcoholic liquor. If authorized by subsection  
9 (b), a winery outlet may serve samples of domestic wine, domestic  
10 fortified wine and wine imported under subsection ~~(e)~~(d) at any time when  
11 the winery outlet is authorized to sell domestic wine and domestic fortified  
12 wine.

13 ~~(e)~~(d) The director may issue to the Kansas state fair or any bona fide  
14 group of grape growers or wine makers a permit to import into this state  
15 small quantities of wines. Such wine shall be used only for bona fide  
16 educational and scientific tasting programs and shall not be resold. Such  
17 wine shall not be subject to the tax imposed by K.S.A. 41-501, and  
18 amendments thereto. The permit shall identify specifically the brand and  
19 type of wine to be imported, the quantity to be imported, the tasting  
20 programs for which the wine is to be used and the times and locations of  
21 such programs. The secretary shall adopt rules and regulations governing  
22 the importation of wine pursuant to this subsection and the conduct of  
23 tasting programs for which such wine is imported.

24 ~~(f)~~(e) A farm winery license or winery outlet license shall apply only  
25 to the premises described in the application and in the license issued and  
26 only one location shall be described in the license.

27 ~~(g)~~(f) No farm winery or winery outlet shall:

28 (1) Employ any person under the age of 18 years in connection with  
29 the manufacture, sale or serving of any alcoholic liquor;

30 (2) permit any employee of the licensee who is under the age of 21  
31 years to work on the licensed premises at any time when not under the on-  
32 premise supervision of either the licensee or an employee of the licensee  
33 who is 21 years of age or ~~over~~ older;

34 (3) employ any person under 21 years of age in connection with  
35 mixing or dispensing alcoholic liquor; or

36 (4) employ any person in connection with the manufacture or sale of  
37 alcoholic liquor if the person has been convicted of a felony.

38 ~~(h)~~(g) Whenever a farm winery or winery outlet licensee is convicted  
39 of a violation of the Kansas liquor control act, the director may revoke the  
40 licensee's license and order forfeiture of all fees paid for the license, after a  
41 hearing before the director for that purpose in accordance with the  
42 provisions of the Kansas administrative procedure act.

43 ~~(i)~~(h) This section shall be a part of and supplemental to the Kansas

1 liquor control act.

2 Sec. 2. K.S.A. 2019 Supp. 41-308a is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.