

2020 Kansas Statutes

41-355. Producer's license; rights of licensee; maintenance of records. (a) Any person engaged in business as a vineyard with not less than 100 vines of sound, ripe grapes or other type of agricultural producer with an annual harvest of 1,000 pounds of other sound, ripe fruits or berries or 100 pounds of honey may apply to the director for and be issued up to two producer licenses.

(b) A producer license shall apply only to the premises described in the application and in the issued license.

(c) A producer license shall authorize the sale in the original, unopened container and the serving by the drink of wine on the premises specified in the license. A producer license also shall authorize the license holder to conduct wine tastings in accordance with K.S.A. 2020 Supp. 41-308d, and amendments thereto, on the premises specified in the license. All wine sold or served by the license holder shall be produced, in whole or in part, using sound, ripe grapes, fruits, berries or honey grown or produced by the license holder, shall be manufactured by a farm winery and shall be purchased by the license holder from such farm winery.

(d) Any wine not consumed on the premises shall be disposed of by the license holder or, prior to its removal from the property, securely re-sealed and placed in a tamper-proof, transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

(e) If the producer licensee is also licensed as a club or drinking establishment, the producer's license shall allow the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act. If the producer licensee is also licensed as a cereal malt beverage licensee, the producer's license shall allow the sale of cereal malt beverage and beer not exceeding 6% alcohol by volume for consumption on the licensed premises as authorized by the Kansas cereal malt beverage act.

(f) The officers, directors, shareholders or managers of a producer licensee shall meet the qualifications of K.S.A. 41-311(a), and amendments thereto.

(g) (1) Each producer licensee shall maintain records of all sales made under the license, including sales of agricultural products to a farm winery and sales to consumers, and maintain records of all purchases of wine manufactured by such farm winery, for at least three years after the date of the sale or purchase.

(2) The records required by this subsection shall be available for inspection by the director, any agent or employee of the director, the secretary or any law enforcement officer.

(3) Each record of a sale or purchase required by this subsection shall be maintained on the premises specified in the license for at least 90 days after such sale or purchase.

(4) Any record of a sale or purchase required by this subsection may be stored electronically and maintained off the premises specified in the license after 90 days have passed since such sale or purchase.

(h) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(i) (1) Nothing in this section shall be construed to prohibit a person from possessing alcoholic liquor or cereal malt beverage not purchased from the licensee on the premises licensed pursuant to this section.

(2) Nothing in this section shall prevent a licensee from adopting a policy prohibiting the possession of alcoholic liquor or cereal malt beverage not purchased from the licensee on the licensee's premises licensed pursuant to this section.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

History: L. 2015, ch. 82, § 25; L. 2019, ch. 57, § 17; May 2.