

Alcoholic Beverage Control
109 SW 9th Street, 5th Floor
PO Box 3506
Topeka KS 66601-3506
Mark A. Burghart, Secretary



Phone: 785-296-7015
Fax: 785-296-7185
Kdor_abc.email@ks.gov
www.ksrevenue.org
Laura Kelly, Governor

MEMORANDUM

TO: Senator Mike Thompson, Chairman, Senate Federal and State Affairs Committee

FROM: Debbi Beavers, Director, Alcoholic Beverage Control Division. Email: debbi.beavers@ks.gov; Desk Phone 785-368-6290; Cell 785-260-1008.

DATE: March 6, 2023

SUBJECT: Neutral Testimony on Senate Bill 253

Mr. Chairman:

Thank you for the opportunity to testify, the ABC is neutral on this bill. The ABC has worked with industry members on the language in this bill, but we do have a few concerns, most of which are technical in nature.

- ABC requests clarification in New Section 1 to specifically authorize the ABC to impose a fine on a third-party delivery service permit holder, or to the permit. Sections 2, 3 and 4 mention the language in conjunction with licenses. The ABC does not believe that the language in Sections 2, 3 and 4 regarding fines is necessary because those existing acts (the Liquor Control Act, Club and Drinking Establishment Act, and Cereal Malt Beverage Act) already authorize \$1000 fines against licensees.
- Page 5, lines 6-7 state that the director may impose a civil fine on a retailer or a third-party delivery service for the same violation. The ABC requests this to be changed from “or” to “and”. By using the word “or,” ABC would be limited to one or the other, when it appears the intent of the language is to allow the citation of *both*. The same language exists in Sections 3 and 4 and should also be changed.
- New Section 2(f) refers to liquor by the drink and should be removed, since that section applies to retail liquor store licensees, who are not subject to laws regarding liquor by the drink.
- New Section 3(m) contains a reference to “K.S.A. 41-1601” which should be changed to K.S.A. 41-2601. Additionally, the definition states “Licensee means a club, drinking establishment and restaurant.” ABC believes that “and” should be changed to “or”. Further, the term “restaurant” is

already defined in the Club and Drinking Establishment Act to include a club or drinking establishment, so ABC is not certain it is even necessary in this instance.

- ABC would suggest that references to daycare should include “during business hours” if the daycare is located in a private residence.

Thank you, Mr. Chairman.