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Samuel M. Williams, Secretary  
Debbi Beavers, Director

Sam Brownback, Governor

## MEMORANDUM

**TO:** Rep. John Barker, Chairman, House Committee on Federal and State Affairs

**FROM:** Debbi Beavers, Director, Alcoholic Beverage Control Division

**DATE:** 23 January 2018

**SUBJECT:** Proponent Testimony on House Bill 2476

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Mr. Chairman and members of the committee.

The Alcoholic Beverage Control (ABC) proposed this legislation due to frequent inquiries and questions regarding the application of the liquor control act to various alcohol based food products such as: alcohol filled or infused candies, ice cream, syrups, popsicles and even cupcakes with a filled shot of alcoholic liquor embedded into the cupcake.

The bill defines the term “alcoholic candy” as meaning any candy or other confectionary product with an alcohol content greater than 0.5% alcohol by volume then adds the term alcoholic candy to the definition of alcoholic liquor.

As drafted, the ABC feels the term “alcoholic candy” is too narrow and respectfully requests the term “alcoholic candy” be amended to “alcoholic confectionery” or similar. The Merriam-Webster dictionary defines confectionary as sweet foods such as candy or pastry.

The bill also strikes the words “as a beverage” in the current definition of alcoholic liquor that prevented some of the confections listed above from being eligible for sale in Kansas because they were not capable of being consumed as a beverage.

Alcoholic confectionery products with an alcohol of greater than 0.5% alcohol by volume would be subject to ABC regulation and would require a liquor license to be sold in Kansas.

Thank you Mr. Chairman.