

STATE OF KANSAS

ALCOHOLIC BEVERAGE CONTROL
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MEMORANDUM

TO: Sen. Bud Estes, Chairman, Senate 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

Mr. Chairman and members of the committee.

The Alcoholic Beverage Control (ABC) proposed two bills which were combined into HB 2476 in the House Federal and State Affairs Committee.

This bill amends K.S.A. 41-102 to add 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.

ABC receives 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 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.

ABC is aware of some instances that alcoholic candies or confections are being sold in Kansas by unlicensed businesses. If amended, these items would be subject to ABC regulation and would require a liquor license to be sold in Kansas.

The ABC proposed the amendment to K.S.A. 41-308b to codify current practice by Kansas microbreweries who sell and fill or refill containers with beer manufactured by the microbrewery. Current law requires the microbrewery to sell in the original unopened container. The refillable containers are commonly referred to as a “growler” and are typically 32 or 64 ounces. The 32 ounce size is sometimes referred to as a “howler”. ABC proposed the range in size of the refillable containers for flexibility.

The refillable container must be sealable and the licensee must affix a label to any container sold or refilled to indicate clearly the licensee name and the name and type of beer the container was filled with.

ABC frequently receives questions from microbrewery owners regarding the legality of refilling a container that was not purchased at their microbrewery. This language would provide clarification that it is permissible.

Thank you Mr. Chairman.