

# **Kansas Administrative Regulations**

## **Kansas Department of Revenue—Division of Alcoholic Beverage Control**

### **Article 14.—Manufacturers; Distributors; Nonbeverage Users; Farm Wineries; Microbreweries**

#### **14-14-2. Application for manufacturer's, distributor's, nonbeverage user's, farm winery and microbrewery license; contents, conditions and restrictions on issuance of license.**

(a) An annual license shall be issued to each applicant determined by the director to have satisfied the requirements of the liquor control act and this article of these regulations.

(b) Each application for a license shall be made upon forms prepared by the director and shall contain all information the director deems necessary. Any application which does not contain the required information may be returned to the applicant without the application being considered on its merits.

(c) Each applicant shall provide a description of the licensed premises. The description shall state the location of the licensed premises, the approximate dimensions of the licensed premises and shall include enough detail to identify the licensed premises. Each application for a distributor's license shall include a description of any warehouse situated on and constituting a part of the licensed premises.

(1) Subject to the prior approval of the director, the distributor's licensed premises may include:

(A) More than one structure if no more than 400 meters separate any two structures sought to be licensed by the distributor; or

(B) a temporary storage area used exclusively for storage of alcoholic liquor by the distributor which may be more than 100 meters from any other part of the licensed premises.

(2) The licensed premises shall not include:

(A) An inside entrance or opening which connects directly with any other place of business or with a residence; or

(B) any premises which is located within 200 feet of any public or parochial school, college or church, unless the premises were licensed at the time the school, college or church was established.

(d) For the purpose of determining qualification for a license under this regulation, any person who leases premises to any licensee upon terms which result in the lessor having a beneficial interest in the licensee's business, shall be deemed to be a partner in the licensee's business. A lessor shall be deemed to have a beneficial interest in a licensee's business if the lessor receives as rent, in whole or in part, a percentage of the licensee's gross receipts or profits from the sale of alcoholic liquor. Percentage rent provisions that exclude alcoholic liquor sales shall be subject to review and approval by the director.

(e) This regulation shall take effect on or after October 1, 1988.

(Authorized by K.S.A. 1987 Supp. 41-210; implementing K.S.A. 41-211, 41-711, K.S.A. 1987 Supp. 41-311, 41-316, 41-317, 41-401, 41-402, 41-710; effective, T-89-2, Jan. 7, 1988; effective Oct. 1, 1988.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*