

Kansas Administrative Regulations

Kansas Department of Revenue—Division of Alcoholic Beverage Control

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

14-14-1. Definitions.

As used in this article of these regulations, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them in this regulation:

(a) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being. Alcoholic liquor shall not include any cereal malt beverage.

(b) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water. The term beer includes beer, ale, stout, lager beer, porter and similar beverages having such an alcoholic content.

(c) "Beer distributor" means any person licensed pursuant to K.S.A. 1991 Supp. 41-307 to sell or offer for sale beer or cereal malt beverage to any person authorized by law to sell beer or cereal malt beverage at retail.

(d) "Beneficial interest" means any ownership interest by a person or that person's spouse in a business, corporation, partnership, trust, association or other form of business organization which exceeds 5% of the outstanding shares of that corporation or a similar holding in any other form of business organization.

(e) "Bona fide group of grape growers and wine makers" means any group that is an incorporated, non-profit organization of commercial grape growers or wine makers who are organized for the purpose of promoting grape growing and wine making within the state of Kansas.

(f) "Bulk wine" means wine that is sold to a club, either by a retailer or a distributor, in barrels, casks or bulk containers which individually exceed 20 liters.

(g) "Caterer" means a person licensed pursuant to Article 22 of these regulations.

(h) "Cereal malt beverage" means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any liquor which is more than 3.2% alcohol by weight.

(i) "Club" means the premises or person licensed pursuant to Articles 19 or 20 of these regulations.

(j) "Director" means the director of the division of alcoholic beverage control of the department of revenue.

(k) "Distributor" means any person licensed by the director as a "beer distributor," "spirits distributor" or "wine distributor."

(l) "Drinking establishment" means the premises or person licensed pursuant to Article 21 of these regulations.

(m) "Licensed premises" means those areas described in an application for a license which are under the control of the applicant and in which the applicant will conduct the licensed business.

(n) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler, person or other entity who fills or refills an original package or is engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage. A "manufacturer" shall also mean:

(1) A corporate subsidiary of any manufacturer which markets alcoholic liquor through a subsidiary; and

(2) an American distributor of alcoholic liquor manufactured, produced or bottled in a foreign country. A "manufacturer" shall not include a farm winery or a microbrewery.

(o) "Morals charge" means a charge made in an indictment, information or a complaint alleging crimes which involve:

(1) Prostitution;

(2) procuring any person;

(3) solicitation of a child under 18 years of age for any immoral act involving sex;

(4) possession or sale of narcotics, marijuana, amphetamines or barbiturates;

- (5) rape;
- (6) incest;
- (7) gambling;
- (8) adultery; or
- (9) bigamy.

(p) "Person" means any natural person, corporation, association trust or partnership.

(q) "Retailer" means a person licensed by the director to sell at retail, or offer for sale at retail, alcoholic liquor for consumption off the licensed premises of the retailer.

(r) "Small quantities of wines" means those quantities of wine that a grape grower or wine maker may import into the state to be used for bona fide educational and scientific tasting programs. A grape grower or wine maker may import up to 18 liters, or not more than .18 liters per participant, of each variety of wine manufactured for the Kansas state fair or any bona fide group of grape growers or wine makers.

(s) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution. The term "spirits" includes brandy, rum, whiskey, gin or other spirituous liquors, and liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(t) "Spirits distributor" means any person licensed pursuant to K.S.A. 1991 Supp. 41-306 to sell or offer for sale spirits to any person authorized by law to sell spirits at retail.

(u) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of a manufacturer, other than a salesperson.

(v) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies.

(w) "Wine distributor" means any person licensed pursuant to K.S.A. 1991 Supp. 41-306a, to sell or offer for sale wine to any person authorized by law to sell wine at retail. (Authorized by K.S.A. 1991 Supp. 41-210; implementing K.S.A. 1991 Supp. 41-102, 41-308a, as amended by 1992 HB 2719; effective, T-89-2, Jan. 7, 1988; effective Oct. 1, 1988; amended Jan. 2, 1989; amended, T-14-11-9-92, Nov. 9, 1992; amended Dec. 21, 1992.)

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