

Article 15 - BEER AND CEREAL MALT BEVERAGE KEG REGISTRATION

(Last amended in 2003)

14-15-1. Definitions. As used in this article of regulations, the following words and phrases shall have the meanings ascribed to them in this regulation: (a) "Beer" means any beverage that contains more than 3.2 percent alcohol by weight and is obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water. This term shall include beer, ale, stout, lager beer, porter, and similar beverages containing more than 3.2 percent alcohol by weight.

(b) "Cereal malt beverage" means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute. This term shall not include any liquor that is more than 3.2 percent alcohol by weight.

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

(d) "Licensee" means any of the following:

(1) Any person or entity licensed to sell alcoholic liquor at retail pursuant to K.S.A. 41-308, and amendments thereto;

(2) any person or entity licensed to manufacture, store, and sell domestic beer pursuant to K.S.A. 41-308b, and amendments thereto; or

(3) any person or entity licensed to sell cereal malt beverages pursuant to K.S.A. 41-2703, and amendments thereto.

(Authorized by and implementing L. 2002, Ch. 44, § 5 and § 6; effective Feb. 7, 2003.)

14-15-2. Requirement to affix keg registration tags to certain containers of beer and cereal malt beverage; applicability and instructions. (a) Except as provided in subsection (b), each licensee selling beer or cereal malt beverages to consumers for consumption off the licensed premises shall affix a keg registration tag to each keg or container having a liquid capacity of four or more gallons, regardless of whether the keg or container is disposable or can be reused.

(b) Kegs or containers having a liquid capacity of four or more gallons that licensees sell to clubs, drinking establishments, hotel drinking establishments, and caterers shall not be required to be registered.

(c) Each licensee shall obtain keg registration tags by submitting a keg tag order form to the director. Keg registration tags shall be free of charge.

(d) Each licensee shall complete a keg registration form for each keg or container to which a keg registration tag is required to be affixed. Each keg registration form shall include the following:

(1) The date of purchase;

(2) the name of the licensee selling the keg or container;

(3) the purchaser's name;

(4) the purchaser's date of birth;

(5) the purchaser's residential street address, city, and state;

(6) the identifying number on the purchaser's driver's license, Kansas nondriver's identification card, or other official identification bearing the purchaser's photograph and signature;

(7) the purchaser's signature; and

(8) the smaller perforated portion of the keg registration tag, which bears the keg registration tag number that corresponds to the number on the keg registration tag affixed to the keg or container.

(e) A licensee may complete a single keg registration form for multiple tagged kegs or containers sold to a single purchaser. The smaller perforated portion of the keg registration tag for each keg or container shall be attached to the keg registration form.

(f) If a tagged keg or container purchased singly is returned to the licensee within six months after the date of sale with the keg registration tag affixed, the licensee shall either return the corresponding keg registration form to the purchaser or destroy the form.

(g)(1) If a tagged keg or container purchased singly is not returned to the licensee within six months after the date of sale, the licensee shall retain the corresponding keg registration form for six months after the date of sale and then shall destroy the form.

(2) If a tagged keg or container purchased singly is returned to the licensee without the keg registration tag affixed within six months after the date of sale, the licensee shall retain the corresponding keg registration form for six months after the date of sale and then shall destroy the form.

(h) Each keg registration form containing smaller perforated portions of multiple keg registration tags shall be returned to the purchaser or destroyed by the licensee if all of the kegs or containers are returned with the keg registration tags affixed within six months of the date of sale. If less than all of these kegs or containers are returned within six months after the date of sale, with or without the keg registration tags affixed, the licensee shall retain the keg registration form and then shall destroy the form after six months from the date of sale.

(i) Each licensee shall destroy the keg registration tag from each tagged keg or container that is returned.

(j) Untagged kegs or containers that are in the possession of anyone except a licensee or a club, drinking establishment, hotel drinking establishment, or caterer shall be presumed to be contraband and may be confiscated by any authorized officer or agent of the director or by any law enforcement official.

(Authorized by and implementing L. 2002, Ch. 44, § 5 and § 6; effective Feb. 7, 2003.)