



*Kansas
Licensed
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SB 253-Neutral Testimony with concerns/suggestions
Senate Federal & State Affairs Committee

Chairman Thompson, Vice-Chair Kloos, Ranking Member Faust-Goudeau and
Senators of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Assn., the men, and women, in the hospitality industry, who own, manage and work in Kansas bars, breweries, clubs, caterers, hotels and restaurants where beverage alcohol is served. These are the over 3000 places you frequent, enjoy and the tens of thousands of employees that are glad to serve you. Thank you for the opportunity to speak today.

We support delivery, unfortunately this bill has flaws that prohibit our support. This bill creates an uneven playing field for the liabilities and responsibilities of those delivering the product, versus those serving the product in our establishments. We ask you to amend this to equalize the responsibilities and the consequences at the point of sale. Generally, in alcohol sales, there are two points considered. The first is when the order is placed and the payment is taken (where legality of customer is established, i.e. age, condition etc.), then is when the product is served/delivered. An example would be if you placed an order for a sandwich and drink (wine, beer, mixed) and you were a legal individual, then a different server delivered the order, and left the beer to an illegal person (perhaps underage). That second server is guilty of a crime. They would be subject to a criminal charge individually. We do not see that level of responsibility and liability for individuals serving/delivering alcohol in this bill. That creates an unfair and tilted playing field. To be clear, we ask you to level the field and make the duties, responsibilities, and liabilities exactly the same. That could mean increasing them for delivery personnel or decreasing them for service personnel. This is an extremely serious issue of fairness and equal treatment under the law.

Also, it does not appear the same standards that apply to who you may legally serve, appear here in this bill for delivery. We suggest using the standards already in law and citing them would create the desired equal treatment and consistent enforcement.

We share some concerns that we have been led to believe others will express here today and out of respect for your time and the desire not to repeat

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testimony we will not delve deeply into those subjects. Instead let us list a few general topics.

- The requirements for delivery individual seem to preclude the possibility of urban area delivery by bicycle/walking service?
- The ABC can fine both the third-party delivery service and the DE or retail license holder for the same transaction. We would then need to sue the third party service to attempt to recoup losses for their action.
- Data mining and steering sales-It appears the third-party delivery service could be holding a lot of data on purchases, and could perhaps be persuaded for a fee to provide that data to a competing DE or retailer and route the sales a new direction or sell to other concerns/marketers?
- Equal inclusion of all licensees,
- Training and permitting/licensing issues.

We are neutral on SB 253 but with changes could and would like to support delivery - We ask this Committee to amend to address our concerns.

I am available for your questions. Thank you for your time.



Philip B. Bradley

"The difficulty in life is the choice," The Bending of the Bough,





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