

**SENATE BILL No. 203**

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning intoxicating liquor; dealing with club and drinking  
2 establishments; amending K.S.A. 2012 Supp. 41-2640 and repealing  
3 the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 41-2640 is hereby amended to read as  
7 follows: 41-2640. (a) No club, drinking establishment, caterer or holder of  
8 a temporary permit, nor any person acting as an employee or agent thereof,  
9 shall:

10 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in  
11 any form to any person;

12 (2) offer or serve to any person an individual drink at a price that is  
13 less than the acquisition cost of the individual drink to the licensee or  
14 permit holder;

15 (3) sell, offer to sell or serve to any person an unlimited number of  
16 individual drinks during any set period of time for a fixed price, except at  
17 private functions not open to the general public or to the general  
18 membership of a club;

19 (4) encourage or permit, on the licensed premises, any game or  
20 contest which involves drinking alcoholic liquor or cereal malt beverage or  
21 the awarding of individual drinks as prizes; or

22 (5) advertise or promote in any way, whether on or off the licensed  
23 premises, any of the practices prohibited under subsections (a)(1) through  
24 (4).

25 (b) No public venue, nor any person acting as an employee or agent  
26 thereof, shall:

27 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in  
28 any form to any person;

29 (2) offer or serve to any person a drink or original container of  
30 alcoholic liquor or cereal malt beverage at a price that is less than the  
31 acquisition cost of the drink or original container of alcoholic liquor or  
32 cereal malt beverage to the licensee;

33 (3) sell or serve alcoholic liquor in glass containers to customers in  
34 the general admission area;

35 (4) sell or serve more than two drinks per customer at any one time in  
36 the general admission area;

1 (5) encourage or permit, on the licensed premises, any game or  
2 contest which involves drinking alcoholic liquor or cereal malt beverage or  
3 the awarding of drinks as prizes; or

4 (6) advertise or promote in any way, whether on or off the licensed  
5 premises, any of the practices prohibited under subsections (b)(1) through  
6 (5).

7 (c) A public venue club, drinking establishment, caterer or holder of a  
8 temporary permit may:

9 (1) Offer free food or entertainment at any time;

10 (2) sell or deliver wine by the bottle or carafe;

11 (3) sell, offer to sell and serve individual drinks at different prices  
12 throughout any day; or

13 (4) sell or serve beer or cereal malt beverage in a pitcher capable of  
14 containing not more than 64 fluid ounces;

15 (5) *sell or serve margarita, sangria, daiquiri, mojito or other mixed*  
16 *alcoholic beverages as approved by the director in a pitcher containing*  
17 *not more than 64 fluid ounces; or*

18 (6) *offer customer self-service of alcoholic liquor, beer, cereal malt*  
19 *beverage or wine from automated devices on the licensee's premises so*  
20 *long as the licensee monitors and has the ability to control the*  
21 *consumption of such alcoholic liquor, beer, cereal malt beverage or wine*  
22 *from such automated devices; and such consumption is monitored by*  
23 *video surveillance under the real-time review of the licensee's*  
24 *management and the Kansas racing and gaming commission.*

25 (d) *A hotel of which the entire premises is licensed as a drinking*  
26 *establishment may, in accordance with rules and regulations adopted by*  
27 *the secretary, distribute to its guests coupons redeemable on the hotel*  
28 *premises for drinks containing alcoholic liquor. The hotel shall remit*  
29 *liquor drink tax in accordance with the provisions of the liquor drink tax*  
30 *act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink*  
31 *served based on a price which is not less than the acquisition cost of the*  
32 *drink.*

33 (e) *A hotel of which the entire premises is not licensed as a drinking*  
34 *establishment may, in accordance with rules and regulations adopted by*  
35 *the secretary, through an agreement with one or more clubs or drinking*  
36 *establishments, distribute to its guests coupons redeemable at such clubs*  
37 *or drinking establishments for drinks containing alcoholic liquor. Each*  
38 *club or drinking establishment redeeming coupons issued by a hotel shall*  
39 *collect from the hotel the agreed price, which shall be not less than the*  
40 *acquisition cost of the drink plus the liquor drink tax for each drink*  
41 *served. The club or drinking establishment shall collect and remit the*  
42 *liquor drink tax in accordance with the provisions of the liquor drink tax*  
43 *act, K.S.A. 79-41a01 et seq., and amendments thereto.*

1       ~~(d)~~ (f) Violation of any provision of this section is a misdemeanor  
2 punishable as provided by K.S.A. 41-2633, and amendments thereto.

3       ~~(e)~~ (g) Violation of any provision of this section shall be grounds for  
4 suspension or revocation of the licensee's license as provided by K.S.A.  
5 41-2609, and amendments thereto, and for imposition of a civil fine on the  
6 licensee or temporary permit holder as provided by K.S.A. 41-2633a, and  
7 amendments thereto.

8       ~~(f)~~ Every licensed club and drinking establishment shall make  
9 available at any time upon request a price list showing the club's or  
10 drinking establishment's current prices per individual drink for all  
11 individual drinks.

12       ***New Sec. 2. (a) If a person who has attained 18 years of age, or is***  
13 ***an emancipated minor, enters premises licensed pursuant to the Kansas***  
14 ***liquor control act or club and drinking establishment act where***  
15 ***alcoholic liquor or cereal malt beverages are sold and offers or presents***  
16 ***to a licensee or an agent or employee of the licensee written evidence of***  
17 ***age, that is fraudulent or false or that is not actually the person's own,***  
18 ***or otherwise misrepresents the person's age, for the purpose of inducing***  
19 ***the licensee or an agent or employee of the licensee to sell, give, serve or***  
20 ***furnish alcoholic beverages contrary to the law, shall be liable, in***  
21 ***addition to any criminal penalty provided by law, for damages of \$1,000***  
22 ***and, in addition, costs and reasonable attorney fees in a civil action***  
23 ***brought by the licensee.***

24       ***(b) A person who is of legal age for the consumption of alcoholic***  
25 ***liquor or cereal malt beverage who solicits another person or who***  
26 ***themselves purchases or receives alcoholic liquor from a licensee under***  
27 ***the liquor control act or the club and drinking establishment act, an***  
28 ***agent or employee of the licensee, or another person, for the purpose of***  
29 ***selling, giving, or serving it to a person under the age of 21 years shall***  
30 ***be liable to the licensee for damages in a civil action for a penalty of***  
31 ***\$1,000 and, in addition, costs and reasonable attorney fees.***

32       ***(c) It is a condition precedent to maintaining a civil action under***  
33 ***this section that the licensee send by first class mail to the defendant at***  
34 ***the defendant's last known address 15 days or more before the civil***  
35 ***action is commenced, a notice demanding the relief authorized. It is not***  
36 ***a condition precedent to maintaining an action under this section that***  
37 ***the person who allegedly violated subsection (a) or (b) was charged with***  
38 ***or convicted under any criminal statute or ordinance regarding***  
39 ***furnishing cereal malt beverages or alcoholic liquor to minors.***

40       ***(d) A person does not violate this section if the person performs an***  
41 ***act proscribed under this section at the request of law enforcement or***  
42 ***the alcoholic beverage control, and such enforcement officers***  
43 ***accompany, supervise or otherwise observe the person's act, and the***

1 *purpose of the act is to assist in the enforcement of and compliance with*  
2 *Kansas law.*

3       ~~Sec.-2.~~ 3. K.S.A. 2012 Supp. 41-2640 is hereby repealed.

4       ~~Sec.-3.~~ 4. This act shall take effect and be in force from and after its  
5 publication in the statute book.