

SENATE BILL No. 446

By Committee on Ways and Means

3-20

1 AN ACT concerning alcoholic beverages; relating to the consumption of
2 alcoholic beverages in public; amending K.S.A. 2013 Supp. 41-719 and
3 41-2653 and repealing the existing sections.

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

6 New Section 1. (a) A city may by ordinance establish a designated
7 area located wholly within the boundaries of such city where alcoholic
8 liquor may be consumed on public streets, alleys, roads, sidewalks,
9 highways, parks and such other open public lands located within such
10 designated area.

11 (b) (1) No person shall remove any alcoholic liquor from inside the
12 boundaries of any designated area established pursuant to subsection (a).
13 The boundaries of such designated area shall be clearly marked by signs, a
14 posted map or other means which reasonably identify the designated area
15 in which alcoholic liquor may be possessed or consumed.

16 (2) No person shall possess or consume alcoholic liquor inside a
17 premises licensed under the club and drinking establishment act that was
18 not sold or provided by such licensee.

19 (3) No person shall possess or consume alcoholic liquor inside a
20 designated area that was not purchased or otherwise lawfully obtained
21 from a person holding a license issued under the Kansas liquor control act
22 or the club and drinking establishment act.

23 (4) No alcoholic liquor may be consumed inside vehicles located in
24 such designated area while on public streets, alleys, roads or highways.

25 (c) Notwithstanding the provisions of K.S.A. 41-2653, and
26 amendments thereto, in addition to the rights of a licensee pursuant to
27 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
28 thereto, a class A club license, class B club license or drinking
29 establishment license shall allow the licensee to allow legal patrons of the
30 club or drinking establishment to remove from the licensed premises one
31 or more opened containers of alcoholic liquor, provided each container of
32 alcoholic liquor shall have been purchased by a patron, and the licensee, or
33 the licensee's employee, shall provide the patron with a dated receipt for
34 the containers of alcoholic liquor.

35 (d) This section shall be part of and supplemental to the club and
36 drinking establishment act.

1 Sec. 2. K.S.A. 2013 Supp. 41-719 is hereby amended to read as
2 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
3 8-1599, and amendments thereto, no person shall drink or consume
4 alcoholic liquor on the public streets, alleys, roads or highways or inside
5 vehicles while on the public streets, alleys, roads or highways.

6 (2) (A) Alcoholic liquor may be consumed at a special event held on
7 public streets, alleys, roads, sidewalks or highways when a temporary
8 permit has been issued pursuant to K.S.A. 41-2645, and amendments
9 thereto, for such special event. Such special event must be approved, by
10 ordinance or resolution, by the local governing body of any city, county or
11 township where such special event is being held. No alcoholic liquor may
12 be consumed inside vehicles while on public streets, alleys, roads or
13 highways at any such special event.

14 ~~(B)~~ (B) No person shall remove any alcoholic liquor from inside the
15 boundaries of a special event as designated by the governing body of any
16 city, county or township. The boundaries of such special event shall be
17 clearly marked by signs, a posted map or other means which reasonably
18 identify the area in which alcoholic liquor may be possessed or consumed
19 at such special event.

20 ~~(C)~~ (C) No person shall possess or consume alcoholic liquor inside
21 the premises licensed as a special event that was not sold or provided by
22 the licensee holding the temporary permit for such special event.

23 (3) *Alcoholic liquor may be consumed on public streets, alleys, roads,*
24 *sidewalks or highways located within a designated area established*
25 *pursuant to section 1, and amendments thereto. The consumption of*
26 *alcoholic liquor in such designated area shall be in accordance with the*
27 *provisions of section 1, and amendments thereto.*

28 (b) No person shall drink or consume alcoholic liquor on private
29 property except:

30 (1) On premises where the sale of liquor by the individual drink is
31 authorized by the club and drinking establishment act;

32 (2) upon private property by a person occupying such property as an
33 owner or lessee of an owner and by the guests of such person, if no charge
34 is made for the serving or mixing of any drink or drinks of alcoholic liquor
35 or for any substance mixed with any alcoholic liquor and if no sale of
36 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
37 takes place;

38 (3) in a lodging room of any hotel, motel or boarding house by the
39 person occupying such room and by the guests of such person, if no charge
40 is made for the serving or mixing of any drink or drinks of alcoholic liquor
41 or for any substance mixed with any alcoholic liquor and if no sale of
42 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
43 takes place;

1 (4) in a private dining room of a hotel, motel or restaurant, if the
2 dining room is rented or made available on a special occasion to an
3 individual or organization for a private party and if no sale of alcoholic
4 liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;
5 or

6 (5) on the premises of a manufacturer, microbrewery, microdistillery
7 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or
8 K.S.A. 2013 Supp. 41-354, and amendments thereto.

9 (c) No person shall drink or consume alcoholic liquor on public
10 property except:

11 (1) On real property leased by a city to others under the provisions of
12 K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
13 property is actually being used for hotel or motel purposes or purposes
14 incidental thereto.

15 (2) In any state-owned or operated building or structure, and on the
16 surrounding premises, which is furnished to and occupied by any state
17 officer or employee as a residence.

18 (3) On premises licensed as a club or drinking establishment and
19 located on property owned or operated by an airport authority created
20 pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments
21 thereto, or established by a city.

22 (4) On the state fair grounds on the day of any race held thereon
23 pursuant to the Kansas parimutuel racing act.

24 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
25 beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and
26 amendments thereto, and is consumed only for purposes of judging
27 competitions; (B) the alcoholic liquor is wine or beer and is sold and
28 consumed during the days of the Kansas state fair on premises leased by
29 the state fair board to a person who holds a temporary permit issued
30 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale
31 and serving of such wine or beer, or both; or (C) the alcoholic liquor is
32 consumed on nonfair days in conjunction with bona fide scheduled events
33 involving not less than 75 invited guests and the state fair board, in its
34 discretion, authorizes the consumption of the alcoholic liquor, subject to
35 any conditions or restrictions the board may require.

36 (6) In the state historical museum provided for by K.S.A. 76-2036,
37 and amendments thereto, on the surrounding premises and in any other
38 building on such premises, as authorized by rules and regulations of the
39 state historical society.

40 (7) On the premises of any state-owned historic site under the
41 jurisdiction and supervision of the state historical society, on the
42 surrounding premises and in any other building on such premises, as
43 authorized by rules and regulations of the state historical society.

1 (8) In a lake resort within the meaning of K.S.A. 32-867, and
2 amendments thereto, on state-owned or leased property.

3 (9) In the Hiram Price Dillon house or on its surrounding premises,
4 subject to limitations established in policies adopted by the legislative
5 coordinating council, as provided by K.S.A. 75-3682, and amendments
6 thereto.

7 (10) On the premises of any Kansas national guard regional training
8 center or armory, and any building on such premises, as authorized by
9 rules and regulations of the adjutant general and upon approval of the
10 Kansas military board.

11 (11) On the premises of any land or waters owned or managed by the
12 department of wildlife, parks and tourism, except as otherwise prohibited
13 by rules and regulations of the department adopted by the secretary
14 pursuant to K.S.A. 32-805, and amendments thereto.

15 *(12) On the premises of any public land located within a designated*
16 *area established pursuant to section 1, and amendments thereto, provided*
17 *the consumption of alcoholic liquor in such designated area shall be in*
18 *accordance with the provisions of section 1, and amendments thereto.*

19 ~~(12)~~ (13) On property exempted from this subsection (c) pursuant to
20 subsection (d), (e), (f), (g) or (h).

21 (d) Any city may exempt, by ordinance, from the provisions of
22 subsection (c) specified property the title of which is vested in such city.

23 (e) The board of county commissioners of any county may exempt,
24 by resolution, from the provisions of subsection (c) specified property the
25 title of which is vested in such county.

26 (f) The state board of regents may exempt from the provisions of
27 subsection (c) the Sternberg museum on the campus of Fort Hays state
28 university, or other specified property which is under the control of such
29 board and which is not used for classroom instruction, where alcoholic
30 liquor may be consumed in accordance with policies adopted by such
31 board.

32 (g) The board of regents of Washburn university may exempt from
33 the provisions of subsection (c) the Mulvane art center and the Bradbury
34 Thompson alumni center on the campus of Washburn university, and other
35 specified property the title of which is vested in such board and which is
36 not used for classroom instruction, where alcoholic liquor may be
37 consumed in accordance with policies adopted by such board.

38 (h) The board of trustees of a community college may exempt from
39 the provisions of subsection (c) specified property which is under the
40 control of such board and which is not used for classroom instruction,
41 where alcoholic liquor may be consumed in accordance with policies
42 adopted by such board.

43 (i) Violation of any provision of this section is a misdemeanor

1 punishable by a fine of not less than \$50 or more than \$200 or by
2 imprisonment for not more than six months, or both.

3 (j) For the purposes of this section, "special event" means a picnic,
4 bazaar, festival or other similar community gathering, which has been
5 approved by the local governing body of any city, county or township.

6 Sec. 3. K.S.A. 2013 Supp. 41-2653 is hereby amended to read as
7 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to
8 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
9 thereto, a class A club license, class B club license or drinking
10 establishment license shall allow the licensee to allow legal patrons of the
11 club or drinking establishment to remove from the licensed premises one
12 or more opened containers of alcoholic liquor, subject to the following
13 conditions:

14 (1) It must be legal for the licensee to sell the alcoholic liquor in its
15 original container;

16 (2) the alcoholic liquor must be in its original container;

17 (3) each container of alcoholic liquor must have been purchased by a
18 patron and the alcoholic liquor in each container must have been partially
19 consumed on the licensed premises;

20 (4) the licensee or the licensee's employee must provide the patron
21 with a dated receipt for the unfinished container or containers of alcoholic
22 liquor; and

23 (5) before the container of alcoholic liquor is removed from the
24 licensed premises, the licensee or the licensee's employee must securely
25 reseal each container, place the container in a tamper-proof, transparent
26 bag which is sealed in a manner that makes it visibly apparent if the bag is
27 subsequently tampered with or opened.

28 (b) *The provisions of this section shall not apply to any container of*
29 *alcoholic liquor purchased and consumed in a designated area established*
30 *pursuant to section 1, and amendments thereto.*

31 ~~(b)~~ (c) This section shall be part of and supplemental to the club and
32 drinking establishment act.

33 Sec. 4. K.S.A. 2013 Supp. 41-719 and 41-2653 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its
35 publication in the statute book.