

HOUSE BILL No. 2277

By Committee on Local Government

2-6

1 AN ACT concerning alcoholic beverages; dealing with common
2 consumption areas; amending K.S.A. 2016 Supp. 41-2653 and
3 repealing the existing section.

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

6 Section 1. K.S.A. 2016 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) *If the licensed premises are located within a common*
15 *consumption area, any licensee may permit legal patrons to remove from*
16 *the licensed premises one or more opened containers of alcoholic liquor*
17 *during such times when alcoholic liquor may be consumed in the common*
18 *consumption area. No person shall remove any opened container of*
19 *alcoholic liquor from inside the boundaries of the common consumption*
20 *area; or*

21 (2) *if the licensed premise is not located within a common*
22 *consumption area:*

23 ~~(+)~~ (A) It must be legal for the licensee to sell the alcoholic liquor in
24 its original container;

25 ~~(2)~~ (B) the alcoholic liquor must be in its original container;

26 ~~(3)~~ (C) each container of alcoholic liquor must have been purchased
27 by a patron and the alcoholic liquor in each container must have been
28 partially consumed on the licensed premises;

29 ~~(4)~~ (D) the licensee or the licensee's employee must provide the
30 patron with a dated receipt for the unfinished container or containers of
31 alcoholic liquor; and

32 ~~(5)~~ (E) before the container of alcoholic liquor is removed from the
33 licensed premises, the licensee or the licensee's employee must securely
34 reseal each container, place the container in a tamper-proof, transparent
35 bag which is sealed in a manner that makes it visibly apparent if the bag is
36 subsequently tampered with or opened.

1 (b) *A city by ordinance or county by resolution may establish a*
2 *common consumption area within the limits of the city or within the*
3 *unincorporated portion of the county, as applicable, and authorize the*
4 *consumption of alcoholic liquor within the common consumption area.*
5 *The ordinance or resolution shall designate the boundaries of the common*
6 *consumption area and prescribe the times during which alcoholic liquor*
7 *may be consumed therein. Upon adoption of such ordinance or resolution,*
8 *the city or county shall notify the director of the establishment of a*
9 *common consumption area pursuant to this subsection and submit a copy*
10 *of the ordinance or resolution along with the notice.*

11 (c) *For the purposes of this section, a "common consumption area"*
12 *means a defined area within a building and any associated outdoor*
13 *seating areas or patios, and including the common areas located therein*
14 *that have has been established pursuant to subsection (b).*

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

17 Sec. 2. K.S.A. 2016 Supp. 41-2653 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.