AN ACT concerning alcoholic liquor; relating to common consumption areas; amending K.S.A. 2018 Supp. 41-2659 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2018 Supp. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor may be consumed therein. The ordinance or resolution shall require that any public street or roadway that lies within a common consumption area shall be blocked from motorized traffic during the hours in which alcohol is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of $100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
each such remittance, the state treasurer shall deposit the entire amount in
the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period
of not to exceed one year. A common consumption area permit shall not be
transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a
common consumption area may request that the licensee's licensed
premises participate in the common consumption area for the duration of
the common consumption area permit. Such a request shall be made upon
forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to
participate in the common consumption area may allow its legal patrons to
remove alcoholic liquor purchased from the licensee into the premises
described by the common consumption area permit. All alcoholic
beverages removed from a licensed premises in such fashion shall be
served in a container that displays the licensee's trade name or logo or
other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that
have requested and received permission to participate in a common
consumption area may offer for sale, sell and serve alcoholic liquor for
consumption from one non-contiguous service area within the common
consumption area, as designated and approved by the common
consumption area permit holder.

(f) (1) Each licensee within a common consumption area shall be
liable for violations of all liquor laws governing the sale and consumption
of alcoholic liquor that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for
violations that occur off the licensee's premises, but within the common
consumption area identified in the permit. No permit holder shall permit
any person to remove any open container of alcoholic liquor from the
boundaries of the common consumption area.

(g) For the purposes of this section, "common consumption area"
shall mean a defined indoor or outdoor area not otherwise subject to a
license issued pursuant to the Kansas liquor control act or the club and
drinking establishment act where the possession and consumption of
alcoholic liquor is allowed pursuant to a common consumption area
permit. The boundaries of any common consumption area must be clearly
marked using a physical barrier or any apparent line of demarcation.

(h) The secretary shall adopt rules and regulations to implement this
section.

(i) This section shall be a part of and supplemental to the club and
drinking establishment act.
Sec. 2. K.S.A. 2018 Supp. 41-2659 is hereby repealed.

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