SENATE BILL No. 221

By Committee on Federal and State Affairs

3-7

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

Section 1. K.S.A. 2019 Supp. 41-308 is hereby amended to read as follows: 41-308. (a) Except as provided in K.S.A. 2019 Supp. 41-308d, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor and cereal malt beverage for use or consumption off and away from the premises specified in such license.

(b) A retailer's license shall permit sale and delivery of alcoholic liquor and cereal malt beverage only on the licensed premises and shall not permit sale of alcoholic liquor and cereal malt beverage for resale in any form, except that a licensed retailer may:

(1) Sell alcoholic liquor and cereal malt beverage to a temporary permit holder for resale by such permit holder; and

(2) Sell and deliver alcoholic liquor and cereal malt beverage to a caterer or to the licensed premises of a public venue, club or drinking establishment, if such premises are in the county where the retailer's premises are located or in an adjacent county, for resale by such public venue, club, establishment or caterer.

(c) A retailer may:

(1) Charge a delivery fee for delivery of alcoholic liquor and cereal malt beverage to a public venue, club, drinking establishment or caterer pursuant to subsection (b);

(2) Sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the retailer is selected as a lottery retailer;

(3) Include in the sale of alcoholic liquor and cereal malt beverage any goods included by the manufacturer in packaging with the alcoholic liquor or cereal malt beverage, subject to the approval of the director;

(4) Distribute to the public, without charge, consumer advertising.
specialties bearing advertising matter, subject to rules and regulations of
the secretary limiting the form and distribution of such specialties so
that they are not conditioned on or an inducement to the purchase of
alcoholic liquor or cereal malt beverage;

(5) store alcoholic liquor and cereal malt beverage in refrigerators,
cold storage units, ice boxes or other cooling devices, and the licensee
may sell such alcoholic liquor and cereal malt beverage to consumers in
a chilled condition; and

(6) sell any other good or service on the licensed premises, except
that the gross sales of other goods and services, excluding fees derived
from the sale of lottery tickets and revenues from sales of cigarettes and
tobacco products, shall not exceed 20% of the retailer's total gross sales;
and

(7) sell containers of beer, domestic beer and cereal malt beverage,
as those terms are defined in K.S.A. 41-102, and amendments thereto, that
are sold on the licensed premises to consumers and served in refillable
and sealable containers for consumption off the licensed premises if such
containers:

(A) Contain between 32 and 64 fluid ounces; and

(B) have a label affixed that clearly indicates the licensee's name and
the type of alcoholic beverage contained in such container.

(d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt
beverage sold by a holder of a retail license shall be subject to the liquor
enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.

Section 1. Sec. 2. K.S.A.—2018 2019 Supp. 41-2653 is hereby
amended to read as follows: 41-2653. (a) In addition to the rights of a
licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642,
and amendments thereto, a class A club license, class B club license or
drinking establishment license shall allow the licensee to allow legal
patrons of the club or drinking establishment to remove alcoholic liquor
from the licensed premises in accordance with this section.

(b) A patron may remove one or more opened containers of alcoholic
liquor from the licensed premises, subject to the following conditions:

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

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

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

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

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

c) A patron may remove one or more containers of beer, domestic
beer and cereal malt beverage, as those terms are defined in K.S.A. 41-
102, and amendments thereto, that are sold on the licensed premises to
consumers and served in refillable and sealable containers for
consumption off the licensed premises if such containers:
(A) Contain between 32 and 64 fluid ounces; and
(B) have a label affixed that clearly indicates the licensee's name and
the type of alcoholic beverage contained in such container; and
(C) are not sold or removed from the premises after 11:00 p.m.

d) All alcoholic liquor, cereal malt beverage and nonalcoholic
malt beverage sold by a licensee shall be subject to the tax imposed by
K.S.A. 79-41a02, and amendments thereto.
(e) This section shall be part of and supplemental to the club and
drinking establishment act.

Sec. 2. K.S.A. 2018 Supp. 41-308 and 41-2653 is hereby
repealed.

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