

HOUSE BILL No. 2137

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning alcoholic beverages; relating to the sale of cereal
2 malt beverages; authorizing certain licensees under the Kansas liquor
3 control act and the club and drinking establishment act to sell and serve
4 cereal malt beverages; amending K.S.A. 41-2604 and 41-2619 and
5 K.S.A. 2020 Supp. 41-308, 41-1201, 41-1202, 41-1203, 41-1204, 41-
6 2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-
7 2637, 41-2641, 41-2642, 41-2643, 41-2653, 41-2655, 41-2658 and 41-
8 2659 and repealing the existing sections.
9

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

11 Section 1. K.S.A. 2020 Supp. 41-308 is hereby amended to read as
12 follows: 41-308. (a) Except as provided in K.S.A. 2020 Supp. 41-308d,
13 and amendments thereto, a retailer's license shall allow the licensee to sell
14 and offer for sale at retail and deliver in the original package, as therein
15 prescribed, alcoholic liquor and cereal malt beverage for use or
16 consumption off and away from the premises specified in such license.

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

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

23 (2) sell and deliver alcoholic liquor and cereal malt beverage to a
24 caterer or to the licensed premises of a public venue, club or drinking
25 establishment, if such premises are in the county where the retailer's
26 premises are located or in an adjacent county, for resale by such public
27 venue, club, establishment or caterer; *and*

28 (3) *sell and deliver cereal malt beverage and beer containing not*
29 *more than 6% alcohol by volume to the licensed premises of a cereal malt*
30 *beverage retailer, as defined in K.S.A. 41-2701, and amendments thereto,*
31 *who is licensed for on-premises consumption, if such cereal malt beverage*
32 *premises are located in the same county, or an adjacent county to the*
33 *county where the retailer's premises are located, for resale by such cereal*
34 *malt beverage retailer.*

35 (c) A retailer may:

36 (1) Charge a delivery fee for delivery of alcoholic liquor and cereal

1 malt beverage to a public venue, club, drinking establishment or caterer
2 pursuant to subsection (b)(2);

3 (2) *charge a delivery fee for delivery of cereal malt beverage and*
4 *beer containing not more than 6% alcohol by volume to a cereal malt*
5 *beverage retailer pursuant to subsection (b)(3);*

6 (3) sell lottery tickets and shares to the public in accordance with the
7 Kansas lottery act, if the retailer is selected as a lottery retailer;

8 ~~(3)~~(4) include in the sale of alcoholic liquor and cereal malt beverage
9 any goods included by the manufacturer in packaging with the alcoholic
10 liquor or cereal malt beverage, subject to the approval of the director;

11 ~~(4)~~(5) distribute to the public, without charge, consumer advertising
12 specialties bearing advertising matter, subject to rules and regulations of
13 the secretary limiting the form and distribution of such specialties so that
14 they are not conditioned on or an inducement to the purchase of alcoholic
15 liquor or cereal malt beverage;

16 ~~(5)~~(6) store alcoholic liquor and cereal malt beverage in refrigerators,
17 cold storage units, ice boxes or other cooling devices, and the licensee may
18 sell such alcoholic liquor and cereal malt beverage to consumers in a
19 chilled condition; and

20 ~~(6)~~(7) sell any other good or service on the licensed premises, except
21 that the gross sales of other goods and services, excluding fees derived
22 from the sale of lottery tickets and revenues from sales of cigarettes and
23 tobacco products, shall not exceed 20% of the retailer's total gross sales.

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

27 Sec. 2. K.S.A. 2020 Supp. 41-1201 is hereby amended to read as
28 follows: 41-1201. (a) A temporary permit shall allow the permit holder to
29 offer for sale, sell and serve alcoholic liquor *or cereal malt beverage* for
30 consumption on licensed or unlicensed premises, or on premises that are
31 otherwise subject to a separate temporary permit, that may be open to the
32 public, subject to the terms of such permit. A temporary permit shall also
33 authorize the permit holder to sell, in accordance with rules and
34 regulations adopted by the secretary, alcoholic liquor at a charitable
35 auction, or one or more limited issue porcelain containers containing
36 alcoholic liquor.

37 (b) A temporary permit holder may charge a fee for entrance into the
38 premises described in the permit, or any portion thereof.

39 (c) The director may issue a temporary permit to any one or more
40 persons or organizations applying for such a permit, in accordance with
41 rules and regulations of the secretary. The permit shall be issued in the
42 names of the persons or organizations to which it is issued.

43 (d) Applications for temporary permits shall be required to be filed

1 with the director not less than 14 days before the event for which the
2 permit is sought, unless the director waives such requirement for good
3 cause. The application shall be upon a form prescribed by the director.
4 Each application shall be electronically submitted and accompanied by a
5 non-refundable permit fee of \$25 for each day for which the permit is
6 issued, and such fee shall be paid by a check or credit card in the full
7 amount thereof. All permit fees collected by the director pursuant to this
8 section shall be remitted to the state treasurer in accordance with the
9 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
10 each such remittance, the state treasurer shall deposit the entire amount in
11 the state treasury to the credit of the state general fund.

12 (e) Each application for a temporary permit shall specify the premises
13 for which they are issued, including a diagram of the premises covered by
14 the temporary permit. The diagram shall clearly show the boundaries of
15 the premises, entrances to and exits from the premises and the area in
16 which the service of alcoholic liquor *or cereal malt beverage* would take
17 place. A temporary permit shall be issued only for premises where the city,
18 county or township zoning code allows the use for which the permit is
19 issued. No temporary permit shall be issued for premises that are not
20 located in a county where the qualified electors of the county:

21 (1) (A) Approved, by a majority vote of those voting thereon, to
22 adopt the proposition amending section 10 of article 15 of the constitution
23 of the state of Kansas at the general election in November, 1986; or

24 (B) have approved a proposition to allow the sale of liquor by the
25 individual drink in public places within the county at an election pursuant
26 to K.S.A. 41-2646, and amendments thereto; and

27 (2) have not approved a proposition to prohibit such sales of alcoholic
28 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
29 and amendments thereto.

30 (f) (1) A temporary permit may be issued for the consumption of
31 alcoholic liquor *or cereal malt beverage* on a city, county or township
32 street, alley, road, sidewalk or highway for an event if: (A) Such street,
33 alley, road, sidewalk or highway is closed to motor vehicle traffic by the
34 governing body of such city, county or township for such event; (B) a
35 written request for such consumption and possession of such alcoholic
36 liquor *or cereal malt beverage* has been made to the local governing body;
37 and (C) the event has been approved by the governing body of such city,
38 county or township by ordinance or resolution.

39 The boundaries of any such event shall be clearly marked by signs, a
40 posted map or other means which reasonably identify the area in which
41 alcoholic liquor *or cereal malt beverage* may be possessed or consumed at
42 such event.

43 (2) Drinking establishments that are immediately adjacent to, or

1 located within the licensed premises of an event, for which a temporary
2 permit has been issued and the consumption of alcoholic liquor *or cereal*
3 *malt beverage* on public property has been approved, may request that the
4 drinking establishment's licensed premises be extended into and made a
5 part of the licensed premises of the event, for the duration of the temporary
6 permit issued for such event.

7 (3) Each licensee selling alcoholic liquor *or cereal malt beverage* for
8 consumption on the premises of an event for which a temporary permit has
9 been issued shall be liable for violations of all laws governing the sale and
10 consumption of alcoholic liquor *or cereal malt beverage*.

11 (4) Each temporary permit holder selling alcoholic liquor *or cereal*
12 *malt beverage* for consumption on the permit premises shall be liable for
13 all violations of laws governing the sale and consumption of alcoholic
14 liquor *and cereal malt beverage* that occur in areas covered by multiple
15 temporary permits.

16 (g) (1) Except as otherwise provided in this subsection, a temporary
17 permit shall be issued for a period of time not to exceed three consecutive
18 days, the dates and hours of which shall be specified in the permit. An
19 applicant may not be issued more than four temporary permits in a
20 calendar year.

21 (2) The director may issue a sufficient number of temporary permits
22 as required by the state fair board, valid for the entire period of time of the
23 Kansas state fair, ~~which~~ *that* authorizes the sale of wine in its original,
24 unopened container and the serving by the drink of wine ~~or~~, beer, ~~or both~~
25 *cereal malt beverage, or any combination thereof*, on the state fairgrounds
26 on premises specified in the temporary permit, by a person who has
27 entered into an agreement with the state fair board for that purpose subject
28 to the conditions imposed by the state fair board. Nothing in this paragraph
29 shall be construed to limit the number of temporary permits the director
30 may issue for the sale of wine ~~or~~, beer, ~~or both~~ *cereal malt beverage, or*
31 *any combination thereof*, on the state fairgrounds consistent with the
32 requirements of the state fair board.

33 (3) For an event approved by the governing body of a city, county or
34 township pursuant to subsection (e)(1), the director may issue a temporary
35 permit, ~~which~~ *that* may, at the director's discretion, be valid for the entire
36 period of such event, but in no event shall such permit be issued for a
37 period of time that exceeds 30 consecutive days.

38 (h) An application for a temporary permit may be rejected by the
39 director if:

40 (1) The applicant has been granted four permits in the current
41 calendar year;

42 (2) the application was not filed with the director at least 14 days
43 prior to the event;

1 (3) the applicant, or any officer, director, partner, registered agent,
2 trustee, manager or owner of the applicant has previously owned or
3 operated any entity holding a temporary permit, club, drinking
4 establishment or caterer's license, had such permit or license surrendered,
5 and at the time such permit or license was surrendered had been ordered to
6 appear and show cause why the permit or license should not be revoked or
7 suspended;

8 (4) the applicant has designated an area for an event that was the
9 subject of the order to appear and show cause as set forth in paragraph (3),
10 and it appears that the new application for a temporary permit covering the
11 premises is an attempt to avoid any possible remedial action taken by the
12 director against the former permit or license holder; or

13 (5) the applicant has had a license or permit revoked under the club
14 and drinking establishment act, or has been convicted of a violation of the
15 Kansas liquor control act, the club and drinking establishment act, the
16 Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et
17 seq., and amendments thereto.

18 (i) (1) A temporary permit holder may purchase and possess alcoholic
19 liquor *or cereal malt beverage* for resale for a period of three days prior to
20 the first day of sale of such alcoholic liquor *or cereal malt beverage*. A
21 distributor may, without any further permission from the director, deliver
22 such alcoholic liquor *or cereal malt beverage* to the permit premises.

23 (2) If a licensee has sold alcoholic liquor *or cereal malt beverage* to a
24 temporary permit holder, and a distributor directly delivers such alcoholic
25 liquor *or cereal malt beverage* to such temporary permit holder, but such
26 licensee's normal hours of operation make immediate payment to the
27 distributor impossible, the licensee may pay the retailer and the retailer
28 may pay the distributor for such alcoholic liquor *or cereal malt beverage*
29 within 48 hours of the sale.

30 (3) Within three business days after the end of an event conducted
31 pursuant to a temporary permit, the temporary permit holder may sell back
32 to the retailer or farm winery from whom alcoholic liquor *or cereal malt*
33 *beverage* was purchased any alcoholic liquor *or cereal malt beverage* sold
34 to the temporary permit holder for such event.

35 (4) Upon written permission from the director and after four business
36 days after the end of an event conducted pursuant to a temporary permit,
37 the temporary permit holder may sell back to the licensee from whom
38 alcoholic liquor *or cereal malt beverage* was purchased any alcoholic
39 liquor *or cereal malt beverage* sold to the temporary permit holder for
40 such event.

41 (j) A temporary permit shall not be transferable or assignable.

42 (k) Each temporary permit holder shall not employ or use the services
43 of any person:

- 1 (1) Who is under the age of 18 years to serve alcoholic liquor *or*
- 2 *cereal malt beverage*;
- 3 (2) who is under the age of 21 years to mix or dispense drinks
- 4 containing alcoholic liquor *or cereal malt beverage*;
- 5 (3) who is under the age of 21 and not supervised by the temporary
- 6 permit holder or an employee who is at least 21 years of age;
- 7 (4) who has been convicted of a felony or of any crime involving a
- 8 morals charge to dispense, mix or serve alcoholic liquor *or cereal malt*
- 9 *beverage*; or
- 10 (5) who has been convicted within the previous two years of a
- 11 violation of any intoxicating liquor law of this state, any other state or the
- 12 United States; to dispense, mix or serve alcoholic liquor *or cereal malt*
- 13 *beverage*.
- 14 Sec. 3. K.S.A. 2020 Supp. 41-1202 is hereby amended to read as
- 15 follows: 41-1202. (a) A temporary permit holder shall only purchase
- 16 alcoholic liquor *or cereal malt beverage* from a retailer or a farm winery
- 17 and may receive delivery of such alcoholic liquor *or cereal malt beverage*
- 18 from a distributor.
- 19 (b) Temporary permit holders shall only purchase alcoholic liquor *or*
- 20 *cereal malt beverage* from a retailer who possesses a federal wholesaler's
- 21 basic permit and who has a sign on display at the licensed premises that
- 22 states that the licensee is a "Wholesale Liquor Dealer Under Federal Law."
- 23 All alcoholic liquor *or cereal malt beverage* purchased on any one day
- 24 shall be removed from the licensed premises of the retailer or farm winery
- 25 within 48 hours. Temporary permit holders shall not warehouse any
- 26 alcoholic liquor *or cereal malt beverage* on the licensed premises of any
- 27 retailer or farm winery for more than 48 hours.
- 28 (c) Each temporary permit holder, when purchasing alcoholic liquor *or*
- 29 *cereal malt beverage* from a retailer or farm winery, shall obtain and keep
- 30 for at least one year from the date of purchase a sales receipt that contains
- 31 the following information:
- 32 (1) The date of purchase;
- 33 (2) the name and address of the retailer or farm winery;
- 34 (3) the name and address of the temporary permit holder as it appears
- 35 on the temporary permit;
- 36 (4) the brand, size, proof and amount of all alcoholic liquor *or cereal*
- 37 *malt beverage* purchased; and
- 38 (5) the subtotal of the cost of all alcoholic liquor *or cereal malt*
- 39 *beverage* purchased, and the total cost of such purchase, including
- 40 enforcement tax.
- 41 (d) Each temporary permit holder shall be responsible for all
- 42 violations of the club and drinking establishment act by the following
- 43 people while on the permit premises:

1 (1) An employee of the temporary permit holder, or of any person
2 contracting with the temporary permit holder to provide services or food in
3 connection with an event; or

4 (2) any individual dispensing, mixing or serving alcoholic liquor *or*
5 *cereal malt beverage* at an event.

6 (e) Except for a temporary permit holder who has obtained such
7 permit for the sale of alcoholic liquor at a charitable auction or for the sale
8 of one or more limited issue porcelain containers containing alcoholic
9 liquor, no temporary permit holder shall sell alcoholic liquor *or cereal*
10 *malt beverage* for removal from or consumption off the licensed premises,
11 except that alcoholic liquor *or cereal malt beverage* may be removed to a
12 drinking establishment that has extended its premises into the event area in
13 accordance with K.S.A. 41-2608, and amendments thereto.

14 (f) The boundary of any premises covered by a temporary permit
15 shall be marked by a line of demarcation.

16 Sec. 4. K.S.A. 2020 Supp. 41-1203 is hereby amended to read as
17 follows: 41-1203. (a) All alcoholic liquor *or cereal malt beverage* sold at
18 an event covered by a temporary permit shall be dispensed only from
19 original containers.

20 (b) An individual may carry an original container of alcoholic liquor
21 *or cereal malt beverage* onto the event premises with the approval of the
22 temporary permit holder and under the following conditions:

23 (1) The temporary permit holder shall not store any such containers
24 of alcoholic liquor *or cereal malt beverage* on the event premises; and

25 (2) each individual carrying any such container onto the event
26 premises shall remove such container when the individual exits the event
27 premises.

28 Sec. 5. K.S.A. 2020 Supp. 41-1204 is hereby amended to read as
29 follows: 41-1204. Notwithstanding any other provisions of the Kansas
30 liquor control act or the club and drinking establishment act to the
31 contrary, any person or entity who is issued a temporary permit may
32 provide samples of wine, beer, *cereal malt beverage* and distilled spirits on
33 the permit premises as follows:

34 (a) All wine, beer, *cereal malt beverage* and *distilled* spirits sampled
35 shall come from the inventory of the temporary permit holder. Except as
36 provided by ~~paragraph (2)~~ *subsection (b)*, a person other than the
37 temporary permit holder, or such permit holder's agent or employee, may
38 not dispense or participate in the dispensing of alcoholic ~~beverages~~ *liquor*
39 *or cereal malt beverage* under this section.

40 (b) A supplier's permit holder, or such permit holder's agent or
41 employee, may provide samples of wine, beer, *cereal malt beverage* and
42 distilled spirits on the permit premises, and may open, touch or pour such
43 alcoholic liquor *or cereal malt beverage*, make a presentation, or answer

1 questions at such sampling events. Any alcoholic liquor *or cereal malt*
 2 *beverage* sampled under this subsection must be purchased from a retailer
 3 or the temporary permit holder on whose premises the sampling event is
 4 held.

5 (c) No charge of any sort may be made for a sample serving.

6 (d) A person may be served more than one sample. Samples may not
 7 be served to a minor. No samples may be removed from the permit
 8 premises.

9 (e) The act of providing samples to consumers shall be exempt from
 10 the requirement of holding a Kansas food service dealer license from the
 11 department of agriculture under the provisions of chapter 65 of the Kansas
 12 Statutes Annotated, and amendments thereto.

13 Sec. 6. K.S.A. 2020 Supp. 41-2601 is hereby amended to read as
 14 follows: 41-2601. As used in the club and drinking establishment act:

15 (a) The following terms ~~shall have the meanings~~ *mean the same as*
 16 provided by K.S.A. 41-102, and amendments thereto:

- 17 (1) "Alcoholic liquor";
- 18 (2) "director";
- 19 (3) "original package";
- 20 (4) "person";
- 21 (5) "sale"; and
- 22 (6) "to sell."

23 (b) "Beneficial interest" shall not include any interest a person may
 24 have as owner, operator, lessee or franchise holder of a licensed hotel or
 25 motel on the premises of which a club or drinking establishment is located.

26 (c) "Caterer" means an individual, partnership or corporation ~~which~~
 27 *that* sells alcoholic liquor *or cereal malt beverage* by the individual drink,
 28 and provides services related to the serving thereof, on unlicensed
 29 premises ~~which that~~ *that* may be open to the public, but does not include a
 30 holder of a temporary permit, selling alcoholic liquor *or cereal malt*
 31 *beverage* in accordance with the terms of such permit.

32 (d) "Cereal malt beverage" ~~has the meaning~~ *means the same as*
 33 provided by K.S.A. 41-2701, and amendments thereto.

34 (e) "Class A club" means a premises ~~which that~~ *that* is owned or leased by
 35 a corporation, partnership, business trust or association and ~~which that~~ *is*
 36 operated thereby as a bona fide nonprofit social, fraternal or war veterans'
 37 club, as determined by the director, for the exclusive use of the corporate
 38 stockholders, partners, trust beneficiaries or associates (hereinafter referred
 39 to as members) and their families and guests accompanying them.

40 (f) "Class B club" means a premises operated for profit by a
 41 corporation, partnership or individual, to which members of such club may
 42 resort for the consumption of food or alcoholic beverages and for
 43 entertainment.

1 (g) "Club" means a class A or class B club.

2 (h) "Drinking establishment" means premises ~~which~~ *that* may be
3 open to the general public, where alcoholic liquor *or cereal malt beverage*
4 by the individual drink is sold. Drinking establishment includes a railway
5 car.

6 (i) "Food" means any raw, cooked or processed edible substance or
7 ingredient, other than alcoholic liquor or cereal malt beverage, used or
8 intended for use or for sale, in whole or in part, for human consumption.

9 (j) "Food service establishment" ~~has the meaning~~ *means the same as*
10 provided by K.S.A. 36-501, and amendments thereto.

11 (k) "Hotel" ~~has the meaning~~ *means the same as* provided by K.S.A.
12 36-501, and amendments thereto.

13 (l) "Individual drink" means a beverage containing alcoholic liquor or
14 cereal malt beverage served to an individual for consumption by such
15 individual or another individual, but which is not intended to be consumed
16 by two or more individuals. The term "individual drink" includes
17 beverages containing not more than:

18 (1) Eight ounces of wine;

19 (2) thirty-two ounces of beer or cereal malt beverage; or

20 (3) four ounces of a single spirit or a combination of spirits.

21 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or
22 wholly or partially refrigerated, access to the interior of which is restricted
23 by means of a locking device ~~which~~ *that* requires the use of a key,
24 magnetic card or similar device.

25 (n) "Minor" means a person under 21 years of age.

26 (o) "Morals charge" means a charge involving the sale of sexual
27 relations; procuring any person; soliciting of a child under 18 years of age
28 for any immoral act involving sex; possession or sale of narcotics,
29 marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal
30 cohabitation; adultery; bigamy; or a crime against nature.

31 (p) "Municipal corporation" means the governing body of any county
32 or city.

33 (q) "Public venue" means an arena, stadium, hall or theater, used
34 primarily for athletic or sporting events, live concerts, live theatrical
35 productions or similar seasonal entertainment events, not operated on a
36 daily basis, and containing:

37 (1) Not ~~less~~ *fewer* than 4,000 permanent seats; and

38 (2) not ~~less~~ *fewer* than two private suites, ~~which~~ *that* are enclosed or
39 semi-enclosed seating areas, having controlled access and separated from
40 the general admission areas by a permanent barrier.

41 (r) "Railway car" means a locomotive drawn conveyance used for the
42 transportation and accommodation of human passengers that is confined to
43 a fixed rail route and which derives from sales of food for consumption on

1 the railway car not less than 30% of its gross receipts from all sales of food
2 and beverages in a 12-month period.

3 (s) "Restaurant" means:

4 (1) In the case of a club, a licensed food service establishment ~~which~~
5 *that*, as determined by the director, derives from sales of food for
6 consumption on the licensed club premises not less than 50% of its gross
7 receipts from all sales of food and beverages on such premises in a 12-
8 month period;

9 (2) in the case of a drinking establishment subject to a food sales
10 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
11 food service establishment ~~which~~ *that*, as determined by the director,
12 derives from sales of food for consumption on the licensed drinking
13 establishment premises not less than 30% of its gross receipts from all
14 sales of food and beverages on such premises in a 12-month period; and

15 (3) in the case of a drinking establishment subject to no food sales
16 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
17 food service establishment.

18 (t) "RV resort" means premises where a place to park recreational
19 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered
20 for pay, primarily to transient guests, for overnight or longer use while
21 such recreational vehicles are used as sleeping or living accommodations.

22 (u) "Sample" means a serving of alcoholic liquor *or cereal malt*
23 *beverage* that contains not more than:

24 (1) One-half ounce of distilled spirits;

25 (2) one ounce of wine; or

26 (3) two ounces of beer or cereal malt beverage.

27 A sample of a mixed alcoholic beverage shall contain not more than $\frac{1}{2}$
28 ounce of distilled spirits.

29 (v) "Secretary" means the secretary of revenue.

30 (w) "Temporary permit" means a temporary permit issued pursuant to
31 K.S.A. 2020 Supp. 41-1201, and amendments thereto.

32 Sec. 7. K.S.A. 41-2604 is hereby amended to read as follows: 41-
33 2604. (a) Any person allowing consumption of alcoholic liquor *or cereal*
34 *malt beverage* in violation of this act on any property owned, leased or
35 otherwise under ~~his~~ *such person's* control shall thereby subject ~~himself~~
36 *such person* and the property on which ~~said~~ *such* illegal consumption takes
37 place to the penalties ~~hereinafter~~ provided *in this section*.

38 ~~(a)~~(b) The person allowing such consumption shall be guilty of a
39 misdemeanor and upon conviction thereof shall be subject to a fine not to
40 exceed ~~five hundred dollars (\$500)~~ \$500 or confinement in the county jail
41 not to exceed six ~~(6)~~ months, or both such fine and imprisonment.

42 ~~(b)~~(c) The property on which the violation takes place is declared to
43 be a public nuisance, and as such is subject to abatement as provided for

1 any other liquor nuisance in K.S.A. 41-805, *and amendments thereto*.

2 Sec. 8. K.S.A. 2020 Supp. 41-2608 is hereby amended to read as
3 follows: 41-2608. (a) Any public venue, club or drinking establishment
4 license issued pursuant to this act shall be for one particular premises
5 ~~which~~ *that* shall be stated in the application and in the license. Not more
6 than one premises licensed under the club and drinking establishment act
7 shall exist at a single legal address.

8 (b) No license shall be issued for a public venue, club or drinking
9 establishment unless the city, township or county zoning code allows a
10 club or drinking establishment at that location.

11 (c) The licensed premises of a license may be extend into a city,
12 county or township street, alley, road, sidewalk or highway if:

13 (1) Such street, alley, road, sidewalk or highway is closed to motor
14 vehicle traffic by the governing body of such city, county or township at
15 any time during which alcoholic liquor *or cereal malt beverage* is to be
16 sold or consumed; and

17 (2) such extension has been approved by the city, county or township
18 by ordinance or resolution that specifies the exact times during which
19 alcoholic liquor *or cereal malt beverage* may be sold or consumed on the
20 street, alley, road, sidewalk or highway.

21 Sec. 9. K.S.A. 2020 Supp. 41-2610 is hereby amended to read as
22 follows: 41-2610. It shall be unlawful for any licensee or holder of a
23 temporary permit under this act to:

24 (a) Employ any person under the age of 18 years in connection with
25 the serving of alcoholic liquor *or cereal malt beverage*.

26 (b) Employ knowingly or continue in employment any person in
27 connection with the dispensing or serving of alcoholic liquor *or cereal*
28 *malt beverage* or the mixing of drinks containing alcoholic liquor *or*
29 *cereal malt beverage* who has been adjudged guilty of a felony or of any
30 crime involving a morals charge in this or any other state, or of the United
31 States.

32 (c) Knowingly employ or continue to employ any person in
33 connection with the dispensing or serving of alcoholic liquor *or cereal*
34 *malt beverage*, or the mixing of drinks containing alcoholic liquor *or*
35 *cereal malt beverage*, who has been adjudged guilty of two or more
36 violations of K.S.A. 2020 Supp. 21-5607, and amendments thereto,
37 furnishing alcoholic liquor *or cereal malt beverage* to minors or a similar
38 law of any other state, or of the United States, pertaining to furnishing
39 alcoholic liquor *or cereal malt beverage* to minors within the immediately
40 preceding five years, or who has been adjudged guilty of three or more
41 violations of any intoxicating liquor law of this or any other state, or of the
42 United States, not involving the furnishing of alcoholic liquor *or cereal*
43 *malt beverage* to minors within the immediately preceding five years.

1 (d) In the case of a club, fail to maintain at the licensed premises a
2 current list of all members and their residence addresses or refuse to allow
3 the director, any of the director's authorized agents or any law enforcement
4 officer to inspect such list.

5 (e) Purchase alcoholic liquor *or cereal malt beverage* from any
6 person except from a person authorized by law to sell such alcoholic liquor
7 *or cereal malt beverage* to such licensee or permit holder.

8 (f) Permit any employee of the licensee or permit holder who is under
9 the age of 21 years to work on premises where alcoholic liquor *or cereal*
10 *malt beverage* is sold by such licensee or permit holder at any time when
11 not under the on-premises supervision of either the licensee or permit
12 holder, or an employee who is 21 years of age or over.

13 (g) Employ any person under 21 years of age in connection with the
14 mixing or dispensing of drinks containing alcoholic liquor *or cereal malt*
15 *beverage*.

16 Sec. 10. K.S.A. 2020 Supp. 41-2611 is hereby amended to read as
17 follows: 41-2611. The director may suspend, involuntarily cancel or
18 revoke any license issued pursuant to the club and drinking establishment
19 act for any one or more of the following reasons:

20 (a) The licensee has fraudulently obtained the license by giving false
21 information in the application therefor or any hearing thereon.

22 (b) The licensee has violated any of the provisions of this act or any
23 rules or regulations adopted hereunder.

24 (c) The licensee has become ineligible to obtain a license or permit
25 under this act.

26 (d) The licensee's manager or employee has been intoxicated while
27 on duty.

28 (e) The licensee, or its manager or employee, has permitted any
29 disorderly person to remain on premises where alcoholic liquor *or cereal*
30 *malt beverage* is sold by such licensee.

31 (f) There has been a violation of a provision of the laws of this state,
32 or of the United States, pertaining to the sale of intoxicating or alcoholic
33 ~~liquors~~ liquor *or cereal malt-beverages beverage*, or any crime involving a
34 morals charge, on premises where alcoholic liquor *or cereal malt beverage*
35 is sold by such licensee.

36 (g) The licensee, or its managing officers or any employee, has
37 purchased and displayed, on premises where alcoholic liquor *or cereal*
38 *malt beverage* is sold by such licensee, a federal wagering occupational
39 stamp issued by the United States treasury department.

40 (h) The licensee, or its managing officers or any employee, has
41 purchased and displayed, on premises where alcoholic liquor *or cereal*
42 *malt beverage* is sold by such licensee, a federal coin operated gambling
43 device stamp for the premises issued by the United States treasury

1 department.

2 (i) The licensee holds a license as a class B club, drinking
3 establishment or caterer and has been found guilty of a violation of article
4 10 of chapter 44 of the Kansas Statutes Annotated, and amendments
5 thereto, under a decision or order of the Kansas human rights commission
6 ~~which~~ *that* has become final or such licensee has been found guilty of a
7 violation of K.S.A. 21-4003, prior to its repeal, or K.S.A. 2020 Supp. 21-
8 6102, and amendments thereto.

9 (j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior to
10 their repeal, or K.S.A. 2020 Supp. 21-6204, and amendments thereto, on
11 premises where alcoholic liquor *or cereal malt beverage* is sold by such
12 licensee.

13 Sec. 11. K.S.A. 2020 Supp. 41-2613 is hereby amended to read as
14 follows: 41-2613. The right of immediate entry to and inspection of any
15 premises licensed as a public venue, club or drinking establishment or any
16 premises where alcoholic liquor *or cereal malt beverage* is sold by a
17 holder of a temporary permit, or any premises subject to the control of any
18 licensee or temporary permit holder, by any duly authorized officer or
19 agent of the director, or by any law enforcement officer, shall be a
20 condition on which every license or temporary permit is issued, and the
21 application for, and acceptance of, any license or temporary permit shall
22 conclusively be deemed to be the consent of the applicant and licensee or
23 permit holder to such immediate entry and inspection. Such right of
24 immediate entry and inspection shall be at any time when the premises are
25 occupied and is not limited to hours when the club or drinking
26 establishment is open for business. Such consent shall not be revocable
27 during the term of the license or temporary permit. Refusal of such entry
28 shall be grounds for revocation of the license or temporary permit.

29 Sec. 12. K.S.A. 2020 Supp. 41-2614 is hereby amended to read as
30 follows: 41-2614. (a) Except as provided by subsection (c), no public
31 venue, club or drinking establishment shall allow the serving, mixing or
32 consumption of alcoholic liquor *or cereal malt beverage* on its premises
33 between the hours of 2:00 a.m. and 6:00 a.m. on any day.

34 (b) No caterer shall allow the serving, mixing or consumption of
35 alcoholic liquor *or cereal malt beverage* between the hours of 2:00 a.m.
36 and 6:00 a.m. on any day at an event catered by such caterer.

37 (c) A hotel of which the entire premises are licensed as a drinking
38 establishment or as a drinking establishment caterer may allow at any time
39 the serving, mixing and consumption of alcoholic liquor and cereal malt
40 beverage from a minibar in a guest room by guests registered to stay in
41 such room, and guests of guests registered to stay in such room.

42 Sec. 13. K.S.A. 41-2619 is hereby amended to read as follows: 41-
43 2619. The existence of any place for which a license or temporary permit

1 has not been issued pursuant to this act and which purports, or is held out
2 to the public or to any person by the proprietors or their agents or
3 employees, to be a place where alcoholic liquor *or cereal malt beverage* is
4 sold by the individual drink, shall be deemed to be sufficient probable
5 cause for any judge of the district court to issue a search warrant to any
6 law enforcement officer of the state or a subdivision of the state for the
7 purpose of searching such place for alcoholic liquor *or cereal malt*
8 *beverage* being sold, possessed or consumed in violation of this act, any
9 other law of the state or any ordinance of a municipal subdivision of the
10 state.

11 Sec. 14. K.S.A. 2020 Supp. 41-2623 is hereby amended to read as
12 follows: 41-2623. (a) No license shall be issued under the provisions of
13 this act to:

14 (1) Any person described in K.S.A. 41-311(a)(1), (2), (4), (5), (6),
15 (7), (8), (9), (12), (13) or (15), and amendments thereto, except that the
16 provisions of ~~subsection K.S.A. 41-311(a)(7) of such section, and~~
17 *amendments thereto*, shall not apply to nor prohibit the issuance of a
18 license for a class A club to an officer of a post home of a congressionally
19 chartered service or fraternal organization, or a benevolent association or
20 society thereof.

21 (2) A person who has had the person's license revoked for cause
22 under the provisions of this act.

23 (3) A person who has not been a resident of this state for a period of
24 at least one year immediately preceding the date of application.

25 (4) A person who has a beneficial interest in the manufacture,
26 preparation or wholesaling or the retail sale of alcoholic ~~liquors~~ *liquor or*
27 *cereal malt beverage* or a beneficial interest in any other club, drinking
28 establishment or caterer licensed hereunder, except that:

29 (A) A license for premises located in a hotel may be granted to a
30 person who has a beneficial interest in one or more other clubs or drinking
31 establishments licensed hereunder if such other clubs or establishments are
32 located in hotels.

33 (B) A license for a club or drinking establishment ~~which~~ *that* is a
34 restaurant may be issued to a person who has a beneficial interest in other
35 clubs or drinking establishments ~~which~~ *that* are restaurants.

36 (C) A caterer's license may be issued to a person who has a beneficial
37 interest in a club or drinking establishment and a license for a club or
38 drinking establishment may be issued to a person who has a beneficial
39 interest in a caterer.

40 (D) A license for a class A club may be granted to an organization of
41 which an officer, director or board member is a distributor or retailer
42 licensed under the liquor control act if such distributor or retailer sells no
43 alcoholic liquor to such club.

1 (E) Any person who has a beneficial interest in a microbrewery,
2 microdistillery or farm winery licensed pursuant to the Kansas liquor
3 control act may be issued any or all of the following: (1) Class B club
4 license; (2) drinking establishment license; and (3) caterer's license.

5 (5) A copartnership, unless all of the copartners are qualified to
6 obtain a license.

7 (6) A corporation, if any officer, manager or director thereof, or any
8 stockholder owning in the aggregate more than 5% of the common or
9 preferred stock of such corporation would be ineligible to receive a license
10 hereunder for any reason other than citizenship and residence
11 requirements.

12 (7) A corporation, if any officer, manager or director thereof, or any
13 stockholder owning in the aggregate more than 5% of the common or
14 preferred stock of such corporation, has been an officer, manager or
15 director, or a stockholder owning in the aggregate more than 5% of the
16 common or preferred stock, of a corporation ~~which~~ that:

17 (A) Has had a license revoked under the provisions of the club and
18 drinking establishment act; or

19 (B) has been convicted of a violation of the club and drinking
20 establishment act or the cereal malt beverage laws of this state.

21 (8) A corporation organized under the laws of any state other than this
22 state.

23 (9) A trust, if any grantor, beneficiary or trustee would be ineligible to
24 receive a license under this act for any reason, except that the provisions of
25 K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in
26 determining whether a beneficiary would be eligible for a license.

27 (b) No club or drinking establishment license shall be issued under
28 the provisions of the club and drinking establishment act to:

29 (1) A person who does not own the premises for which a license is
30 sought, or does not, at the time the application is submitted, have a written
31 lease thereon, except that an applicant seeking a license for a premises
32 ~~which~~ that is owned by a city or county, or is a stadium, arena, convention
33 center, theater, museum, amphitheater or other similar premises may
34 submit an executed agreement to provide alcoholic beverage services at
35 the premises listed in the application in lieu of a lease.

36 (2) A person who is not a resident of the county in which the
37 premises sought to be licensed are located.

38 Sec. 15. K.S.A. 2020 Supp. 41-2637 is hereby amended to read as
39 follows: 41-2637. (a) A license for a class A club shall allow the licensee
40 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*
41 *beverage* for consumption on the licensed premises by members and their
42 families, and guests accompanying them; and (2) serve samples of
43 alcoholic liquor *or cereal malt beverage* free of charge for consumption by

1 members and their families and guests accompanying them.

2 No charge of any sort may be made for a sample serving. Samples may
3 not be served to a minor. No samples may be removed from the licensed
4 premises. No consideration shall be requested or required for entry onto
5 the premises, participation in any event taking place on the premises or to
6 remain on the premises.

7 (b) (1) Subject to the provisions of subsection (b)(2), any two or more
8 class A or class B clubs may permit, by an agreement filed with and
9 approved by the director, the members of each such club to have access to
10 all other clubs ~~which~~ *that* are parties to such agreement. The privileges
11 extended to the visiting members of other clubs under such an agreement
12 shall be determined by the agreement and, if the agreement so provides,
13 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale
14 and serve, to any person who is a member of another club ~~which~~ *that* is a
15 party to such agreement, alcoholic liquor *or cereal malt beverage* for
16 consumption on the licensed premises by such person and such person's
17 family, and guests accompanying them.

18 (2) A class B club may enter into a reciprocal agreement authorized
19 by subsection (b)(1) only if the class B club is a restaurant.

20 (c) A licensee may store on its premises wine sold to a customer for
21 consumption at a later date on its premises in the unopened container. Such
22 wine must be kept separate from all other alcohol stock and in a secure
23 locked area separated by customer. Such wine shall not be removed from
24 the licensed premises in its unopened condition.

25 Sec. 16. K.S.A. 2020 Supp. 41-2641 is hereby amended to read as
26 follows: 41-2641. (a) A license for a class B club shall allow the licensee
27 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*
28 *beverage* for consumption on the licensed premises by members of such
29 club and guests accompanying them; and (2) serve samples of alcoholic
30 liquor *or cereal malt beverage* free of charge on the licensed premises for
31 consumption by such members and their families and guests
32 accompanying them.

33 No charge of any sort may be made for a sample serving. Samples may
34 not be served to a minor. No samples may be removed from the licensed
35 premises. Providing samples is prohibited for any licensee who charges a
36 cover charge or entry fee at any time during the business day. No
37 consideration shall be requested or required for entry onto the premises,
38 participation in any event taking place on the premises or to remain on the
39 premises.

40 (b) (1) Subject to the provisions of subsection (b)(2), any two or more
41 class A or class B clubs may permit, by an agreement filed with and
42 approved by the director, the members of each such club to have access to
43 all other clubs ~~which~~ *that* are parties to such agreement. The privileges

1 extended to the visiting members of other clubs under such an agreement
2 shall be determined by the agreement and, if the agreement so provides,
3 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale
4 and serve, to any person who is a member of another club ~~which~~ *that* is a
5 party to such agreement, alcoholic liquor *or cereal malt beverage* for
6 consumption on the licensed premises by such person and such person's
7 family, and guests accompanying them.

8 (2) A class B club may enter into a reciprocal agreement authorized
9 by subsection (b)(1) only if the class B club is a restaurant.

10 (c) Except as provided by subsection (d), an applicant for
11 membership in a class B club shall, before becoming a member of such
12 club:

13 (1) Be screened by the club for good moral character; and

14 (2) pay an annual membership fee of not less than \$10.

15 (d) Notwithstanding the membership fee requirement of subsection
16 (c):

17 (1) Any class B club located on the premises of a hotel or RV resort
18 may establish rules whereby a guest, who registered at the hotel or RV
19 resort and who is not a resident of the county in which the club is located,
20 may file application for temporary membership in such club. The
21 membership, if granted, shall be valid only for the period of time that the
22 guest is a bona fide registered guest at the hotel or RV resort and such
23 temporary membership shall not be subject to the fee requirement of this
24 section.

25 (2) Any class B club located on property ~~which~~ *that* is owned or
26 operated by a municipal airport authority and upon which consumption of
27 alcoholic liquor *or cereal malt beverage* is authorized by law may
28 establish rules whereby an air traveler who is a holder of a current airline
29 ticket may file application for temporary membership in such club for the
30 day such air traveler's ticket is valid, and such temporary membership shall
31 not be subject to the fee requirement of this section.

32 (3) Any class B club may establish rules whereby military personnel
33 of the armed forces of the United States on temporary duty and housed at
34 or near any military installation located within the exterior boundaries of
35 the state of Kansas may file application for temporary membership in such
36 club. The membership, if granted, shall be valid only for the period of the
37 training, not to exceed 20 weeks. Any person wishing to make application
38 for temporary membership in a class B club under this ~~subsection (d)(3)~~
39 *paragraph* shall present the temporary duty orders to the club. Temporary
40 membership issued under this ~~subsection (d)(3)~~ *paragraph* shall not be
41 subject to the fee requirements of this section.

42 (4) Any class B club may enter into a written agreement with a hotel
43 or RV resort whereby a guest who is registered at the hotel or RV resort

1 and who is not a resident of the county in which the club is located may
2 file application for temporary membership in such club. The temporary
3 membership, if granted, shall be valid only for the period of time that the
4 guest is a bona fide registered guest at the hotel or RV resort and shall not
5 be subject to the fee requirement of this section. A club may enter into a
6 written agreement with a hotel or RV resort pursuant to this provision only
7 if: (A) The hotel or RV resort is located in the same county as the club; (B)
8 there is no class B club located on the premises of the hotel or RV resort;
9 and (C) no other club has entered into a written agreement with the hotel
10 or RV resort pursuant to this section.

11 (5) Any class B club located in a racetrack facility where races with
12 parimutuel wagering are conducted under the Kansas parimutuel racing act
13 may establish rules whereby persons attending such races may file an
14 application for temporary membership in such club for the day such person
15 is attending such races, and such temporary membership shall not be
16 subject to the fee requirement of this section.

17 (e) A licensee may store on its premises wine sold to a customer for
18 consumption at a later date on its premises in the unopened container. Such
19 wine must be kept separate from all other alcohol stock and in a secure
20 locked area separated by customer. Such wine shall not be removed from
21 the licensed premises in its unopened condition.

22 Sec. 17. K.S.A. 2020 Supp. 41-2642 is hereby amended to read as
23 follows: 41-2642. (a) A license for a drinking establishment shall allow the
24 licensee to offer for sale, sell and serve alcoholic liquor *or cereal malt*
25 *beverage* for consumption on the licensed premises which may be open to
26 the public, and to serve samples of alcoholic liquor *or cereal malt*
27 *beverage* free of charge on licensed premises subject to the requirements
28 of subsection (c), but only if such premises are located in a county where
29 the qualified electors of the county:

30 (1) (A) Approved, by a majority vote of those voting thereon, the
31 proposition to amend section 10 of article 15 of the constitution of the state
32 of Kansas at the general election in November 1986; or (B) have approved
33 a proposition to allow sales of alcoholic liquor by the individual drink in
34 public places within the county at an election pursuant to K.S.A. 41-2646,
35 and amendments thereto; and

36 (2) have not approved a proposition to prohibit such sales of alcoholic
37 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
38 and amendments thereto.

39 (b) A drinking establishment shall be required to derive from sales of
40 food for consumption on the licensed premises not less than 30% of all the
41 establishment's gross receipts from sales of food and beverages on such
42 premises unless the licensed premises are located in a county where the
43 qualified electors of the county:

1 (1) Have approved, at an election pursuant to K.S.A. 41-2646, and
2 amendments thereto, a proposition to allow sales of alcoholic liquor by the
3 individual drink in public places within the county without a requirement
4 that any portion of their gross receipts be derived from the sale of food;
5 and

6 (2) have not approved a proposition to prohibit such sales of alcoholic
7 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
8 and amendments thereto.

9 (c) No charge of any sort may be made for a sample serving. Samples
10 may not be served to a minor. No samples may be removed from the
11 licensed premises. Providing samples is prohibited for any licensee who
12 charges a cover charge or entry fee at any time during the business day. No
13 consideration shall be requested or required for entry onto the premises,
14 participation in any event taking place on the premises or to remain on the
15 premises.

16 (d) A drinking establishment shall specify in the application for a
17 license or renewal of a license the premises to be licensed, which may
18 include all premises which are in close proximity and are under the control
19 of the applicant or licensee.

20 (e) Notwithstanding any other provision of law to the contrary, any
21 hotel of which the entire premises are licensed as a drinking establishment
22 or as a drinking establishment caterer may sell alcoholic liquor or cereal
23 malt beverage by means of minibars located in guest rooms of such hotel,
24 subject to the following:

25 (1) The key, magnetic card or other device required to attain access to
26 a minibar in a guest room shall be provided only to guests who are
27 registered to stay in such room and who are 21 or more years of age;

28 (2) containers or packages of spirits or wine sold by means of a
29 minibar shall hold not less than 50 nor more than 200 milliliters; and

30 (3) a minibar shall be restocked with alcoholic liquor or cereal malt
31 beverage only during hours when the hotel is permitted to sell alcoholic
32 liquor and cereal malt beverage as a drinking establishment.

33 (f) A drinking establishment may store on its premises wine sold to a
34 customer for consumption at a later date on its premises in the unopened
35 container. Such wine must be kept separate from all other alcohol stock
36 and in a secure locked area separated by customer. Such wine shall not be
37 removed from the licensed premises in its unopened condition.

38 Sec. 18. K.S.A. 2020 Supp. 41-2643 is hereby amended to read as
39 follows: 41-2643. (a) A caterer's license shall allow the licensee to offer for
40 sale, sell and serve alcoholic liquor *or cereal malt beverage* for
41 consumption on unlicensed premises, which may be open to the public, but
42 only if such premises are located in a county where the qualified electors
43 of the county:

1 (1) (A) Approved, by a majority vote of those voting thereon, the
2 proposition to amend section 10 of article 15 of the constitution of the state
3 of Kansas at the general election in November, 1986; or (B) have approved
4 a proposition to allow sales of alcoholic liquor by the individual drink in
5 public places within the county at an election pursuant to K.S.A. 41-2646,
6 and amendments thereto; and

7 (2) have not approved a proposition to prohibit such sales of alcoholic
8 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
9 and amendments thereto.

10 (b) A caterer shall be required to derive from sales of food at catered
11 events not less than 30% of the caterer's gross receipts from all sales of
12 food and beverages at catered events in a 12-month period unless the
13 caterer offers for sale, sells and serves alcoholic liquor *or cereal malt*
14 *beverage* only in counties where the qualified electors of the county:

15 (1) Have approved, at an election pursuant to K.S.A. 41-2646, and
16 amendments thereto, a proposition to allow sales of alcoholic liquor by the
17 individual drink in public places within the county without a requirement
18 that any portion of their gross receipts be derived from the sale of food;
19 and

20 (2) have not approved a proposition to prohibit such sales of alcoholic
21 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
22 and amendments thereto.

23 (c) Each caterer shall maintain the caterer's principal place of
24 business in a county in this state where the caterer is authorized by this
25 section to sell alcoholic liquor by the individual drink in a public place. All
26 records of the caterer relating to the caterer's licensed business and the
27 caterer's license shall be kept at such place of business. The caterer's
28 principal place of business shall be stated in the application for a caterer's
29 license and the caterer shall notify the director of any change in its location
30 within 10 days after such change.

31 (d) Except as otherwise provided herein, a caterer shall provide
32 electronic notification to the director at least 48 hours prior to any event at
33 which the caterer will sell alcoholic liquor *or cereal malt beverage* by the
34 individual drink. The director shall make the electronic notification
35 available to local law enforcement. Notice shall consist of the time,
36 location and the names of the contracting parties of the event. For events
37 where ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is served, a
38 licensee shall retain all documents for a period of three years for
39 inspection by the director. The documents retained shall include
40 agreements, receipts, employees assigned to the event and records of
41 ~~alcohol~~ *alcoholic liquor and cereal malt beverage* purchased. Notification
42 shall not be required for weddings, funerals, events sponsored by religious
43 institutions, or for business, industry or trade sponsored meetings,

1 including, but not limited to, awards presentations and retirement
2 celebrations.

3 (e) A caterer may rebate a portion of the caterer's receipts from the
4 sale of alcoholic liquor *or cereal malt beverage* at an event to the person or
5 organization contracting with the caterer to sell alcoholic liquor *or cereal*
6 *malt beverage* at such event.

7 Sec. 19. K.S.A. 2020 Supp. 41-2653 is hereby amended to read as
8 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to
9 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
10 thereto, a class A club license, class B club license or drinking
11 establishment license shall allow the licensee to allow legal patrons of the
12 club or drinking establishment to remove from the licensed premises one
13 or more opened containers of alcoholic liquor *or cereal malt beverage*,
14 subject to the following conditions:

15 (1) It must be legal for the licensee to sell the alcoholic liquor *or*
16 *cereal malt beverage* in its original container;

17 (2) the alcoholic liquor *or cereal malt beverage* must be in its original
18 container;

19 (3) each container of alcoholic liquor *or cereal malt beverage* must
20 have been purchased by a patron and the alcoholic liquor *or cereal malt*
21 *beverage* in each container must have been partially consumed on the
22 licensed premises;

23 (4) the licensee or the licensee's employee must provide the patron
24 with a dated receipt for the unfinished container or containers of alcoholic
25 liquor *or cereal malt beverage*; and

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

31 (b) (1) In addition to the rights of a licensee pursuant to provisions of
32 K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the
33 provisions of subsection (a), a class A club license, class B club license or
34 drinking establishment license shall allow the licensee to allow legal
35 patrons of the club or drinking establishment to remove from the licensed
36 premises one or more containers of alcoholic liquor that is not in the
37 original container, subject to the following conditions:

38 (A) It must be legal for the licensee to sell the alcoholic liquor;

39 (B) each container of alcoholic liquor must have been purchased by a
40 patron on the licensed premises;

41 (C) the licensee or the licensee's employee must provide the patron
42 with a dated receipt for the alcoholic liquor; and

43 (D) before the container of alcoholic liquor is removed from the

1 licensed premises, the licensee or the licensee's employee must place the
2 container in a transparent bag that is sealed in a manner that makes it
3 visibly apparent if the bag is subsequently tampered with or opened.

4 (2) The provisions of this subsection shall expire on January 26,
5 2021.

6 (c) This section shall be *a* part of and supplemental to the club and
7 drinking establishment act.

8 Sec. 20. K.S.A. 2020 Supp. 41-2655 is hereby amended to read as
9 follows: 41-2655. (a) A license for a public venue shall allow the licensee
10 to:

11 (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*
12 *beverage* by the individual drink for consumption on the licensed
13 premises;

14 (2) offer for sale, sell and serve unlimited drinks for a fixed price in
15 designated areas of the licensed premises;

16 (3) offer for sale and sell ~~all-inclusive~~ *all-inclusive* packages ~~which~~
17 *that* include unlimited drinks in designated areas of the licensed premises;

18 (4) offer for sale, sell and serve alcoholic liquor *or cereal malt*
19 *beverage* in the original container for consumption on the licensed
20 premises in private suites, ~~which~~ *that* are enclosed or semi-enclosed
21 seating areas, having controlled access and separated from the general
22 admission areas by a permanent barrier;

23 (5) store, in each private suite, ~~which~~ *that* is an enclosed or semi-
24 enclosed seating area, having controlled access and separated from the
25 general admission areas by a permanent barrier, alcoholic liquor *or cereal*
26 *malt beverage* sold in the original container to a customer in that private
27 suite; and

28 (6) with the approval of the retailer or distributor, return for a full
29 refund of the original purchase price unopened containers of alcoholic
30 liquor *or cereal malt beverage* to the retailer or distributor from whom
31 such items were purchased upon the conclusion of an event if the next
32 scheduled event for that premises is more than 90 days from the date of the
33 concluded event.

34 (b) An applicant or public venue licensee shall specify in the
35 application for a license, or renewal of a license, the premises to be
36 licensed. No public venue licensee may offer for sale, sell or serve any
37 alcoholic liquor *or cereal malt beverage* in any area not included in the
38 licensed premises.

39 (c) The term "designated areas" for purposes of this section ~~shall~~
40 ~~mean~~ *means* an area identified in the license application, which may
41 include suites, that has controlled access and is separated from the general
42 admission by a barrier.

43 ~~(d) The provisions of this section shall take effect and be in foree-~~

1 from and after July 1, 2012.

2 (e)(d) All rules and regulations adopted on and after July 1, 2012, and
3 prior to July 1, 2013, to implement this section shall continue to be
4 effective and shall be deemed to be duly adopted rules and regulations of
5 the secretary until revised, amended, revoked or nullified pursuant to law.

6 (f)(e) This section shall be a part of and supplemental to the club and
7 drinking establishment act.

8 Sec. 21. K.S.A. 2020 Supp. 41-2658 is hereby amended to read as
9 follows: 41-2658. (a) Alcoholic liquor *or cereal malt beverage* shall be
10 dispensed only from original containers, except any drinking establishment
11 licensee or its agent or employee, may dispense:

12 (1) Alcoholic liquor *or cereal malt beverage* from a machine or
13 container used to mix alcoholic liquor *or cereal malt beverage* with other
14 liquids or solids intended for human consumption;

15 (2) alcoholic liquor *or cereal malt beverage* from a machine or
16 container used to chill alcoholic liquor, ~~which~~ *or cereal malt beverage that*
17 may contain additional liquids or solids intended for human consumption;
18 or

19 (3) infused alcoholic liquor *or cereal malt beverage* from a container
20 used to infuse alcoholic liquor *or cereal malt beverage* with other
21 substances intended for human consumption.

22 (b) A drinking establishment licensee, or its agent or employee, shall
23 not refill any original container with any alcoholic liquor *or cereal malt*
24 *beverage* or any other substance.

25 (c) Any drinking establishment licensee, or its agent or employee,
26 may infuse alcoholic liquor *or cereal malt beverage* with spices, herbs,
27 fruits, vegetables, candy or other substances intended for human
28 consumption if no additional fermentation occurs during the process.

29 (d) As used in this section:

30 (1) "Dispense" means to portion out servings of alcoholic liquor *or*
31 *cereal malt beverage* for consumption. This term ~~shall include~~ *includes* the
32 pouring of drinks of alcoholic liquor *or cereal malt beverage* and opening
33 original containers of alcoholic liquor *or cereal malt beverage* by the
34 licensee or licensee's employee for consumption by customers, and shall
35 not include any self-dispensing by a customer.

36 (2) "Infuse" means to add flavor or scent to a liquid by steeping
37 additional ingredients in the liquid.

38 (e) This section shall be a part of and supplemental to the club and
39 drinking establishment act.

40 Sec. 22. K.S.A. 2020 Supp. 41-2659 is hereby amended to read as
41 follows: 41-2659. (a) (1) A city or a county may establish one or more
42 common consumption areas within the limits of the city or within the
43 unincorporated portion of the county, as applicable, by ordinance or

1 resolution, respectively, and authorize the possession and consumption of
2 alcoholic liquor *or cereal malt beverage* within the common consumption
3 area. The ordinance or resolution shall designate the boundaries of any
4 common consumption area and prescribe the times during which alcoholic
5 liquor *or cereal malt beverage* may be consumed therein. The ordinance or
6 resolution shall require that any public street or roadway that lies within a
7 common consumption area shall be blocked from motorized traffic during
8 the hours in which ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is
9 consumed.

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

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

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

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

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

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

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

40 (e) (1) Any licensee who has requested and received permission to
41 participate in the common consumption area may allow its legal patrons to
42 remove alcoholic liquor *or cereal malt beverage* purchased from the
43 licensee into the premises described by the common consumption area

1 permit. All alcoholic ~~beverages~~ *liquor and cereal malt beverage* removed
 2 from a licensed premises in such fashion shall be served in a container that
 3 displays the licensee's trade name or logo or other identifying mark that is
 4 unique to the licensee.

5 (2) In addition to their licensed premises, one or more licensees that
 6 have requested and received permission to participate in a common
 7 consumption area may offer for sale, sell and serve alcoholic liquor *or*
 8 *cereal malt beverage* for consumption from one non-contiguous service
 9 area within the common consumption area, as designated and approved by
 10 the common consumption area permit holder. The licensee shall
 11 prominently display a copy of its drinking establishment license and the
 12 approval of the common consumption area permit holder at its non-
 13 contiguous service area.

14 (f) (1) Each licensee within a common consumption area shall be
 15 liable for violations of all liquor laws governing the sale and consumption
 16 of alcoholic liquor *or cereal malt beverage* that occur on the licensee's
 17 premises.

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

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

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

33 (i) This section shall be a part of and supplemental to the club and
 34 drinking establishment act.

35 Sec. 23. K.S.A. 41-2604 and 41-2619 and K.S.A. 2020 Supp. 41-308,
 36 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-
 37 2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643,
 38 41-2653, 41-2655, 41-2658 and 41-2659 are hereby repealed.

39 Sec. 24. This act shall take effect and be in force from and after its
 40 publication in the statute book.