

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2331

As Amended by House Committee of the Whole

Brief*

HB 2331, as amended, would make changes to liquor laws concerning catered events, the Club and Drinking Establishment Act, restrictions on the locations of liquor retailers, microbreweries, microdistilleries, and farm wineries, and temporary permits for the sale of beer and wine on the state fairgrounds.

Catered Events

The bill would allow the consumption of alcoholic liquor at catered events held on public property. Existing law generally prohibits the consumption of alcoholic liquor on public property, but makes an exception for special events (events approved by local government of a city, county, or township) when a temporary permit has been issued by the Director of Alcoholic Beverage Control (ABC).

The language of this exception would be amended to also allow the consumption of alcoholic liquor at catered events on public property where the caterer has provided the required notice.

The bill also would change the notice required to be given by caterers to the ABC. Existing law, which requires a caterer to provide notice to ABC ten days before any event and provide notice to the chief of police or sheriff where the event occurs, would be changed to require electronic notification to ABC at least 48 hours before any event. The bill

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

would specify the electronic notice provided to ABC must include the time, location, and names of the contracting parties of the event. Caterers would be required to keep their records (agreements, receipts, employees assigned to the events, and records of alcohol purchased) for three years.

Club and Drinking Establishment Act: Exception

The bill would create a new exception to the provisions of the Club and Drinking Establishment Act, allowing any unlicensed business to authorize the possession and consumption of alcoholic liquor or cereal malt beverage (CMB) by patrons of such business on private property owned or leased by such business. Liquor or CMB possessed and consumed on the premises would be required to remain in the personal possession of the patron and could not be sold, offered for sale, or given away by the owner or employee of such business.

Location of Liquor Retailers, Microbreweries, Microdistilleries, and Farm Wineries

The bill would allow cities to pass ordinances allowing liquor retailers, microbreweries, microdistilleries, and farm wineries to locate within 200 feet of any public or parochial school or college or church in a core commercial district. Current law only allows those facilities to be within 200 feet of schools, colleges, or churches if the retailer, microbrewery, microdistillery, or farm winery was already in a location and a school or church chose to establish itself within 200 feet of that facility.

Temporary Permits: State Fair

The bill would specify that the Director of Alcoholic Beverage Control (ABC) may issue more than one temporary permit for the sale of wine or beer, or both, on the State Fairgrounds.

Background

At the hearing in the House Federal and State Affairs Committee, representatives from Beverage Association, Kansas Craft Brewers Association, Kansas Viticulture and Farm Winery Association, Artisan Distillers of Kansas, and the Kansas Restaurant and Hospitality Association appeared in support of the bill. The proponents testified the bill would allow caterers to host events on public property without the need for an additional permit, and indicated the change was good public policy because using trained caterers to serve alcohol on public property supported a well-regulated alcohol industry. There was no neutral or opponent testimony on the bill.

The House Committee amended the bill by adding the contents of Section 3 of 2015 HB 2223 (requiring caterers to provide electronic notice of events to ABC) and then further amended the bill by adding language requiring that caterers provide ABC with notice at least 48 hours in advance of any event.

The House Committee of the Whole amended the bill by adding the following provisions: authorizing any unlicensed business to allow the possession and consumption of alcoholic liquor or cereal malt beverage (CMB) by patrons of such business on private property owned or leased by such business; authorizing cities to pass ordinances allowing liquor retailers, microbreweries, microdistilleries, and farm wineries to locate within 200 feet of any public or parochial school or college or church in a core commercial district; and authorizing the Director of ABC to issue more than one temporary permit for the sale of wine or beer, or both, on the State Fairgrounds.

The fiscal note prepared by the Department of Revenue on the bill, as introduced, indicates the bill would have no fiscal effect on state revenues or expenditures.