

**SENATE BILL No. 70**

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning alcoholic beverages; relating to temporary permits;  
2 amending K.S.A. 2018 Supp. 41-308a, 41-719, 41-2601 ~~and~~, 41-2608,  
3 **41-2622, 41-2637, 41-2641 and 41-2642** and repealing the existing  
4 sections; also repealing K.S.A. 2018 Supp. 41-347 and 41-2645.

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

7 New Section 1. (a) A temporary permit shall allow the permit holder  
8 to offer for sale, sell and serve alcoholic liquor for consumption on  
9 licensed or unlicensed premises, or on premises that are otherwise subject  
10 to a separate temporary permit, that may be open to the public, subject to  
11 the terms of such permit. A temporary permit shall also authorize the  
12 permit holder to sell, in accordance with rules and regulations adopted by  
13 the secretary, alcoholic liquor at a charitable auction, or one or more  
14 limited issue porcelain containers containing alcoholic liquor.

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

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

21 (d) Applications for temporary permits shall be required to be filed  
22 with the director not less than 14 days before the event for which the  
23 permit is sought, unless the director waives such requirement for good  
24 cause. The application shall be upon a form prescribed by the director.  
25 Each application shall be electronically submitted and accompanied by a  
26 non-refundable permit fee of \$25 for each day for which the permit is  
27 issued, and such fee shall be paid by a check of a bank within this state or  
28 credit card in the full amount thereof. All permit fees collected by the  
29 director pursuant to this section shall be remitted to the state treasurer in  
30 accordance with the provisions of K.S.A. 75-4215, and amendments  
31 thereto. Upon receipt of each such remittance, the state treasurer shall  
32 deposit the entire amount in the state treasury to the credit of the state  
33 general fund.

34 (d) Each application for a temporary permit shall specify the premises  
35 for which they are issued, including a diagram of the premises covered by  
36 the temporary permit. The diagram shall clearly show the boundaries of

1 the premises, entrances to and exits from the premises and the area in  
2 which the service of alcoholic liquor would take place. A temporary permit  
3 shall be issued only for premises where the city, county or township  
4 zoning code allows the use for which the permit is issued. No temporary  
5 permit shall be issued for premises that are not located in a county where  
6 the qualified electors of the county:

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

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

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

16 (e) (1) A temporary permit may be issued for the consumption of  
17 alcoholic liquor on a city, county or township street, alley, road, sidewalk  
18 or highway for an event if: (A) Such street, alley, road, sidewalk or  
19 highway is closed to motor vehicle traffic by the governing body of such  
20 city, county or township for such event; (B) a written request for such  
21 consumption and possession of such alcoholic liquor has been made to the  
22 local governing body; and (C) the event has been approved by the  
23 governing body of such city, county or township by ordinance or  
24 resolution.

25 The boundaries of any such event shall be clearly marked by signs, a  
26 posted map or other means which reasonably identify the area in which  
27 alcoholic liquor may be possessed or consumed at such event.

28 (2) Drinking establishments that are immediately adjacent to, or  
29 located within the licensed premises of an event, for which a temporary  
30 permit has been issued and the consumption of alcoholic liquor on public  
31 property has been approved, may request that the drinking establishment's  
32 licensed premises be extended into and made a part of the licensed  
33 premises of the event, for the duration of the temporary permit issued for  
34 such event.

35 (3) Each licensee selling alcoholic liquor for consumption on the  
36 premises of an event for which a temporary permit has been issued shall be  
37 liable for violations of all laws governing the sale and consumption of  
38 alcoholic liquor.

39 (4) Each temporary permit holder selling alcoholic liquor for  
40 consumption on the permit premises shall be liable for all violations of  
41 laws governing the sale and consumption of alcoholic liquor that occur in  
42 areas covered by multiple temporary permits.

43 (f) (1) Except as otherwise provided in this subsection, a temporary

1 permit shall be issued for a period of time not to exceed three consecutive  
2 days, the dates and hours of which shall be specified in the permit. An  
3 applicant may not be issued more than four temporary permits in a  
4 calendar year.

5 (2) The director may issue a sufficient number of temporary permits  
6 as required by the state fair board, valid for the entire period of time of the  
7 Kansas state fair, which authorizes the sale of wine in its original,  
8 unopened container and the serving by the drink of wine or beer, or both,  
9 on the state fairgrounds on premises specified in the temporary permit, by  
10 a person who has entered into an agreement with the state fair board for  
11 that purpose subject to the conditions imposed by the state fair board.  
12 Nothing in this paragraph shall be construed to limit the number of  
13 temporary permits the director may issue for the sale of wine or beer, or  
14 both, on the state fairgrounds consistent with the requirements of the state  
15 fair board.

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

21 (g) An application for a temporary permit may be rejected by the  
22 director if:

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

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

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

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

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

1 (h) (1) A temporary permit holder may purchase and possess  
2 alcoholic liquor for resale for a period of three days prior to the first day of  
3 sale of such alcoholic liquor. A distributor may, without any further  
4 permission from the director, deliver such alcoholic liquor to the permit  
5 premises.

6 (2) If a licensee has sold alcoholic liquor to a temporary permit  
7 holder, and a distributor directly delivers such alcoholic liquor to such  
8 temporary permit holder, but such licensee's normal hours of operation  
9 make immediate payment to the distributor impossible, the licensee may  
10 pay the ~~distributor~~ **retailer and the retailer may pay the distributor** for  
11 such alcoholic liquor within 48 hours of the sale.

12 (3) Within three business days after the end of an event conducted  
13 pursuant to a temporary permit, the temporary permit holder may sell back  
14 to the ~~licensee~~ **retailer or farm winery** from whom alcoholic liquor was  
15 purchased any alcoholic liquor sold to the temporary permit holder for  
16 such event.

17 (4) Upon written permission from the director and after four business  
18 days after the end of an event conducted pursuant to a temporary permit,  
19 the temporary permit holder may sell back to the licensee from whom  
20 alcoholic liquor was purchased any alcoholic liquor sold to the temporary  
21 permit holder for such event.

22 (i) A temporary permit shall not be transferable or assignable.

23 (j) Each temporary permit holder shall not employ or use the services  
24 of any person:

25 (1) Who is under the age of 18 years to serve alcoholic liquor;

26 (2) who is under the age of 21 years to mix or dispense drinks  
27 containing alcoholic liquor;

28 (3) who is under the age of 21 and not supervised by the temporary  
29 permit holder or an employee who is at least 21 years of age;

30 (4) who has been convicted of a felony or of any crime involving a  
31 morals charge to dispense, mix or serve alcoholic liquor; or

32 (5) who has been convicted within the previous two years of a  
33 violation of any intoxicating liquor law of this state, any other state or the  
34 United States, to dispense, mix or serve alcoholic liquor.

35 New Sec. 2. (a) A temporary permit holder shall only purchase  
36 alcoholic liquor from a retailer or a farm winery and may receive delivery  
37 of such alcoholic liquor from a distributor.

38 (b) Temporary permit holders shall only purchase alcoholic liquor  
39 from a retailer who possesses a federal wholesaler's basic permit and who  
40 has a sign on display at the licensed premises that states that the licensee is  
41 a "Wholesale Liquor Dealer Under Federal Law." All alcoholic liquor  
42 purchased on any one day shall be removed from the licensed premises of  
43 the retailer or farm winery within 48 hours. Temporary permit holders

1 shall not warehouse any alcoholic liquor on the licensed premises of any  
2 retailer or farm winery for more than 48 hours.

3 (c) Each temporary permit holder, when purchasing alcoholic liquor  
4 from a retailer or farm winery, shall obtain and keep for at least one year  
5 from the date of purchase a sales receipt that contains the following  
6 information:

7 (1) The date of purchase;

8 (2) the name and address of the retailer or farm winery;

9 (3) the name and address of the temporary permit holder as it appears  
10 on the temporary permit;

11 (4) the brand, size, proof and amount of all alcoholic liquor  
12 purchased; and

13 (5) the subtotal of the cost of all alcoholic liquor purchased, and the  
14 total cost of such purchase, including enforcement tax.

15 (d) Each temporary permit holder shall be responsible for all  
16 violations of the club and drinking establishment act by the following  
17 people while on the permit premises:

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

21 (2) any individual dispensing, mixing or serving alcoholic liquor at an  
22 event.

23 (e) Except for a temporary permit holder who has obtained such  
24 permit for the sale of alcoholic liquor at a charitable auction or for the sale  
25 of one or more limited issue porcelain containers containing alcoholic  
26 liquor, no temporary permit holder shall sell alcoholic liquor for removal  
27 from or consumption off the licensed premises, except that alcoholic liquor  
28 may be removed to a drinking establishment that has extended its premises  
29 into the event area in accordance with K.S.A. 41-2608, and amendments  
30 thereto.

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

33 New Sec. 3. (a) All alcoholic liquor sold at an event covered by a  
34 temporary permit shall be dispensed only from original containers.

35 (b) An individual may carry an original container of alcoholic liquor  
36 onto the event premises with the approval of the temporary permit holder  
37 and under the following conditions:

38 (1) The temporary permit holder shall not store any such containers  
39 of alcoholic liquor on the event premises; and

40 (2) each individual carrying any such container onto the event  
41 premises shall remove such container when the individual exits the event  
42 premises.

43 New Sec. 4. Notwithstanding any other provisions of the Kansas

1 liquor control act or the club and drinking establishment act to the  
2 contrary, any person or entity who is issued a temporary permit may  
3 provide samples of wine, beer and distilled spirits on the permit premises  
4 as follows:

5 (a) All wine, beer and spirits sampled shall come from the inventory  
6 of the temporary permit holder. Except as provided by paragraph (2), a  
7 person other than the temporary permit holder, or such permit holder's  
8 agent or employee, may not dispense or participate in the dispensing of  
9 alcoholic beverages under this section.

10 (b) A supplier's permit holder, or such permit holder's agent or  
11 employee, may provide samples of wine, beer and distilled spirits on the  
12 permit premises, and may open, touch or pour such alcoholic liquor, make  
13 a presentation, or answer questions at such sampling events. Any alcoholic  
14 liquor sampled under this subsection must be purchased from a retailer or  
15 the temporary permit holder on whose premises the sampling event is held.

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

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

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

24 New Sec. 5. The provisions of beer and cereal malt beverage keg  
25 registration act, K.S.A. 41-2901 through 41-2906, and amendments  
26 thereto, shall not apply to retail sales of alcoholic liquor to temporary  
27 permit holders.

28 New Sec. 6. (a) The provisions of sections 1 through 5, and  
29 amendments thereto, shall be subject to the enforcement provisions of the  
30 Kansas liquor control act and the club and drinking establishment act and  
31 the rules and regulations adopted under such acts.

32 (b) The secretary of revenue may adopt rules and regulations for the  
33 administration and enforcement of sections 1 through 5, and amendments  
34 thereto.

35 (c) Those terms used in sections 1 through 5, and amendments  
36 thereto, that are defined in K.S.A. 41-102 or 41-2601, and amendments  
37 thereto, shall have the same meaning as such terms are defined in K.S.A.  
38 41-102 or 41-2601, and amendments thereto, as the case may be.

39 Sec. 7. K.S.A. 2018 Supp. 41-308a is hereby amended to read as  
40 follows: 41-308a. (a) A farm winery license shall allow:

41 (1) The manufacture of domestic table wine and domestic fortified  
42 wine in a quantity not exceeding 100,000 gallons per year and the storage  
43 thereof;

1 (2) the sale of wine, manufactured by the licensee, to licensed wine  
2 distributors, retailers, public venues, clubs, drinking establishments,  
3 holders of temporary permits as authorized by ~~K.S.A. 41-2645~~ *section 1*,  
4 and amendments thereto, and caterers;

5 (3) the sale, on the licensed premises and at special events monitored  
6 and regulated by the division of alcoholic beverage control in the original  
7 unopened container to consumers for consumption off the licensed  
8 premises, of wine manufactured by the licensee;

9 (4) the serving free of charge on the licensed premises and at special  
10 events, monitored and regulated by the division of alcoholic beverage  
11 control, of samples of wine manufactured by the licensee or imported  
12 under subsection (e), if the licensed premises are located in a county where  
13 the sale of alcoholic liquor is permitted by law in licensed drinking  
14 establishments;

15 (5) the sale of wine manufactured by the licensee for consumption on  
16 the licensed premises, provided, the licensed premises are located in a  
17 county where the sale of alcoholic liquor is permitted by law in licensed  
18 drinking establishments. Wine sold pursuant to this paragraph shall not be  
19 subject to the provisions of the club and drinking establishment act, K.S.A.  
20 41-2601 et seq., and amendments thereto, and no drinking establishment  
21 license shall be required to make such sales;

22 (6) if the licensee is also licensed as a club or drinking establishment,  
23 the sale of domestic wine, domestic fortified wine and other alcoholic  
24 liquor for consumption on the licensed premises as authorized by the club  
25 and drinking establishment act;

26 (7) if the licensee is also licensed as a caterer, the sale of domestic  
27 wine, domestic fortified wine and other alcoholic liquor for consumption  
28 on the unlicensed premises as authorized by the club and drinking  
29 establishment act;

30 (8) the sale and shipping, in the original unopened container, to  
31 consumers outside this state of wine manufactured by the licensee,  
32 provided that the licensee complies with applicable laws and rules and  
33 regulations of the jurisdiction to which the wine is shipped; and

34 (9) the sale and shipping of wine within this state pursuant to a permit  
35 issued pursuant to K.S.A. 2018 Supp. 41-350, and amendments thereto.

36 (b) Upon application and payment of the fee prescribed by K.S.A. 41-  
37 310, and amendments thereto, by a farm winery licensee, the director may  
38 issue not to exceed three winery outlet licenses to the farm winery  
39 licensee. A winery outlet license shall allow:

40 (1) The sale, on the licensed premises and at special events monitored  
41 and regulated by the division of alcoholic beverage control in the original  
42 unopened container to consumers for consumption off the licensed  
43 premises, of wine manufactured by the licensee;

1 (2) the serving on the licensed premises of samples of wine  
2 manufactured by the licensee or imported under subsection (e), if the  
3 premises are located in a county where the sale of alcoholic liquor is  
4 permitted by law in licensed drinking establishments; and

5 (3) the manufacture of domestic table wine and domestic fortified  
6 wine and the storage thereof; provided, that the aggregate quantity of wine  
7 produced by the farm winery licensee, including all winery outlets, shall  
8 not exceed 100,000 gallons per year.

9 (c) Not less than 30% of the products utilized in the manufacture of  
10 domestic table wine and domestic fortified wine by a farm winery shall be  
11 grown in Kansas except when a lesser proportion is authorized by the  
12 director based upon the director's findings and judgment. The production  
13 requirement of this subsection shall be determined based on the annual  
14 production of domestic table wine and domestic fortified wine by the farm  
15 winery.

16 (d) A farm winery or winery outlet may sell domestic wine and  
17 domestic fortified wine in the original unopened container to consumers  
18 for consumption off the licensed premises at any time between 6 a.m. and  
19 12 midnight on any day. If authorized by subsection (a), a farm winery  
20 may serve samples of wine manufactured by the licensee and wine  
21 imported under subsection (e) and serve and sell domestic wine, domestic  
22 fortified wine and other alcoholic liquor for consumption on the licensed  
23 premises at any time when a club or drinking establishment is authorized  
24 to serve and sell alcoholic liquor. If authorized by subsection (b), a winery  
25 outlet may serve samples of domestic wine, domestic fortified wine and  
26 wine imported under subsection (e) at any time when the winery outlet is  
27 authorized to sell domestic wine and domestic fortified wine.

28 (e) The director may issue to the Kansas state fair or any bona fide  
29 group of grape growers or wine makers a permit to import into this state  
30 small quantities of wines. Such wine shall be used only for bona fide  
31 educational and scientific tasting programs and shall not be resold. Such  
32 wine shall not be subject to the tax imposed by K.S.A. 41-501, and  
33 amendments thereto. The permit shall identify specifically the brand and  
34 type of wine to be imported, the quantity to be imported, the tasting  
35 programs for which the wine is to be used and the times and locations of  
36 such programs. The secretary shall adopt rules and regulations governing  
37 the importation of wine pursuant to this subsection and the conduct of  
38 tasting programs for which such wine is imported.

39 (f) A farm winery license or winery outlet license shall apply only to  
40 the premises described in the application and in the license issued and only  
41 one location shall be described in the license.

42 (g) No farm winery or winery outlet shall:

43 (1) Employ any person under the age of 18 years in connection with



1 the manufacture, sale or serving of any alcoholic liquor;

2 (2) permit any employee of the licensee who is under the age of 21  
3 years to work on the licensed premises at any time when not under the on-  
4 premise supervision of either the licensee or an employee of the licensee  
5 who is 21 years of age or over;

6 (3) employ any person under 21 years of age in connection with  
7 mixing or dispensing alcoholic liquor; or

8 (4) employ any person in connection with the manufacture or sale of  
9 alcoholic liquor if the person has been convicted of a felony.

10 (h) Whenever a farm winery or winery outlet licensee is convicted of  
11 a violation of the Kansas liquor control act, the director may revoke the  
12 licensee's license and order forfeiture of all fees paid for the license, after a  
13 hearing before the director for that purpose in accordance with the  
14 provisions of the Kansas administrative procedure act.

15 (i) This section shall be part of and supplemental to the Kansas liquor  
16 control act.

17 Sec. 8. K.S.A. 2018 Supp. 41-719 is hereby amended to read as  
18 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.  
19 8-1599, and amendments thereto, no person shall drink or consume  
20 alcoholic liquor on the public streets, alleys, roads or highways or inside  
21 vehicles while on the public streets, alleys, roads or highways.

22 (2) Alcoholic liquor may be consumed ~~at a special event or catered~~  
23 ~~event held~~ on public streets, alleys, roads, sidewalks or highways when:

24 (A) A temporary permit has been issued pursuant to ~~K.S.A. 41-2645~~  
25 ~~section 1~~, and amendments thereto, for such ~~special an event or when the~~;

26 (B) a caterer's licensee has provided the required notification ~~for a~~  
27 ~~catered event~~ pursuant to K.S.A. 41-2643, and amendments thereto. ~~Any~~  
28 ~~special event~~; or

29 (C) **a public venue, hotel, hotel caterer, drinking establishment**  
30 **caterer or drinking establishment licensee has been authorized to extend**  
31 **its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.**

32 (3) ~~Consumption of alcoholic liquor on public streets, alleys, roads,~~  
33 ~~sidewalks or highways must be approved, by ordinance or resolution, by~~  
34 ~~the local governing body of any city, county or township where such~~  
35 ~~special event is being held consumption will occur.~~ No alcoholic liquor  
36 may be consumed inside vehicles while on public streets, alleys, roads or  
37 highways at any ~~special event or catered event time~~.

38 ~~(3)(4)~~ No person shall remove any alcoholic liquor from inside the  
39 boundaries of ~~a special an event as designated by the governing body of~~  
40 ~~any city, county or township, or from the boundaries of the a catered event~~  
41 ~~or from the extended licensed premises of a public venue, hotel, hotel~~  
42 ~~caterer, drinking establishment caterer or drinking establishment.~~ **The**  
43 **boundaries of a special event** Such boundaries shall be clearly marked by

1 signs, a posted map or other means which reasonably identify the area in  
2 which alcoholic liquor may be possessed or consumed ~~at such special~~  
3 ~~event.~~

4 ~~(4) No person shall possess or consume alcoholic liquor inside the~~  
5 ~~premises licensed as a special event that was not sold or provided by the~~  
6 ~~licensee holding the temporary permit for such special event.~~

7 (b) Alcoholic liquor may be consumed within common consumption  
8 areas designated by a city or county on public streets, alleys, roads,  
9 sidewalks or highways pursuant to K.S.A. 2018 Supp. 41-2659, and  
10 amendments thereto, except that no alcoholic liquor may be consumed  
11 inside vehicles while on public streets, alleys, roads or highways within a  
12 common consumption area. Further, no person shall remove any alcoholic  
13 liquor from inside the boundaries of the common consumption area which  
14 shall be clearly designated by a physical barrier.

15 (c) No person shall drink or consume alcoholic liquor on private  
16 property except:

17 (1) On premises where the sale of liquor by the individual drink is  
18 authorized by the club and drinking establishment act;

19 (2) upon private property by a person occupying such property as an  
20 owner or lessee of an owner and by the guests of such person, if no charge  
21 is made for the serving or mixing of any drink or drinks of alcoholic liquor  
22 or for any substance mixed with any alcoholic liquor and if no sale of  
23 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,  
24 takes place;

25 (3) in a lodging room of any hotel, motel or boarding house by the  
26 person occupying such room and by the guests of such person, if no charge  
27 is made for the serving or mixing of any drink or drinks of alcoholic liquor  
28 or for any substance mixed with any alcoholic liquor and if no sale of  
29 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,  
30 takes place;

31 (4) in a private dining room of a hotel, motel or restaurant, if the  
32 dining room is rented or made available on a special occasion to an  
33 individual or organization for a private party and if no sale of alcoholic  
34 liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

35 (5) on the premises of a manufacturer, microbrewery, microdistillery  
36 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or  
37 K.S.A. 2018 Supp. 41-354, and amendments thereto;

38 (6) on the premises of an unlicensed business as authorized pursuant  
39 to subsection (j); or

40 (7) within a common consumption area established pursuant to  
41 K.S.A. 2018 Supp. 41-2659, and amendments thereto.

42 (d) No person shall drink or consume alcoholic liquor on public  
43 property except:

1 (1) On real property leased by a city to others under the provisions of  
2 K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real  
3 property is actually being used for hotel or motel purposes or purposes  
4 incidental thereto.

5 (2) In any state-owned or operated building or structure, and on the  
6 surrounding premises, which is furnished to and occupied by any state  
7 officer or employee as a residence.

8 (3) On premises licensed as a club or drinking establishment and  
9 located on property owned or operated by an airport authority created  
10 pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments  
11 thereto, or established by a city.

12 (4) On the state fair grounds on the day of any race held thereon  
13 pursuant to the Kansas parimutuel racing act.

14 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic  
15 beer or wine or wine imported under K.S.A. 41-308a(e), and amendments  
16 thereto, and is consumed only for purposes of judging competitions; (B)  
17 the alcoholic liquor is wine or beer and is sold and consumed during the  
18 days of the Kansas state fair on premises leased by the state fair board to  
19 a person who holds a temporary permit issued pursuant to ~~K.S.A. 41-2645~~  
20 *section 1*, and amendments thereto, authorizing the sale and serving of  
21 such wine or beer, or both; or (C) the alcoholic liquor is consumed on  
22 nonfair days in conjunction with bona fide scheduled events involving not  
23 less than 75 invited guests and the state fair board, in its discretion,  
24 authorizes the consumption of the alcoholic liquor, subject to any  
25 conditions or restrictions the board may require.

26 (6) In the state historical museum provided for by K.S.A. 76-2036,  
27 and amendments thereto, on the surrounding premises and in any other  
28 building on such premises, as authorized by rules and regulations of the  
29 state historical society.

30 (7) On the premises of any state-owned historic site under the  
31 jurisdiction and supervision of the state historical society, on the  
32 surrounding premises and in any other building on such premises, as  
33 authorized by rules and regulations of the state historical society.

34 (8) In a lake resort within the meaning of K.S.A. 32-867, and  
35 amendments thereto, on state-owned or leased property.

36 (9) On the premises of any Kansas national guard regional training  
37 center or armory, and any building on such premises, as authorized by  
38 rules and regulations of the adjutant general and upon approval of the  
39 Kansas military board.

40 (10) On the premises of any land or waters owned or managed by the  
41 department of wildlife, parks and tourism, except as otherwise prohibited  
42 by rules and regulations of the department adopted by the secretary  
43 pursuant to K.S.A. 32-805, and amendments thereto.

1 (11) On property exempted from this subsection pursuant to  
2 subsection (e), (f), (g), (h) or (i).

3 (12) On the premises of the state capitol building or on its  
4 surrounding premises during an official state function of a nonpartisan  
5 nature that has been approved by the legislative coordinating council.

6 (13) On premises of a common consumption area established by  
7 K.S.A. 2018 Supp. 41-2659, and amendments thereto.

8 (e) Any city may exempt, by ordinance, from the provisions of  
9 subsection (d) specified property the title of which is vested in such city.

10 (f) The board of county commissioners of any county may exempt,  
11 by resolution, from the provisions of subsection (d) specified property the  
12 title of which is vested in such county.

13 (g) The state board of regents may exempt from the provisions of  
14 subsection (d) the Sternberg museum on the campus of Fort Hays state  
15 university, or other specified property which is under the control of such  
16 board and which is not used for classroom instruction, where alcoholic  
17 liquor may be consumed in accordance with policies adopted by such  
18 board.

19 (h) The board of regents of Washburn university may exempt from  
20 the provisions of subsection (d) the Mulvane art center and the Bradbury  
21 Thompson alumni center on the campus of Washburn university, and other  
22 specified property the title of which is vested in such board and which is  
23 not used for classroom instruction, where alcoholic liquor may be  
24 consumed in accordance with policies adopted by such board.

25 (i) The board of trustees of a community college may exempt from  
26 the provisions of subsection (d) specified property which is under the  
27 control of such board and which is not used for classroom instruction,  
28 where alcoholic liquor may be consumed in accordance with policies  
29 adopted by such board.

30 (j) (1) An unlicensed business may authorize patrons or guests of  
31 such business to consume alcoholic liquor on the premises of such  
32 business provided:

33 (A) Such alcoholic liquor is in the personal possession of the patron  
34 and is not sold, offered for sale or given away by the owner of such  
35 business or any employees thereof;

36 (B) possession and consumption of alcoholic liquor shall not be  
37 authorized between the hours of 12 a.m. and 9 a.m.;

38 (C) the business, or any owner thereof, shall not have had a license  
39 issued under either the Kansas liquor control act or the club and drinking  
40 establishment act revoked for any reason; and

41 (D) no charge of any sort may be made by the business for the  
42 privilege of possessing or consuming alcoholic liquor on the premises, or  
43 for mere entry onto the premises.

1 (2) It shall be a violation of this section for any unlicensed business to  
2 authorize the possession or consumption of alcoholic liquor by a patron of  
3 such business when such authorization is not in accordance with the  
4 provisions of this subsection.

5 (3) For the purposes of this subsection, "patron" means a natural  
6 person who is a customer or guest of an unlicensed business.

7 (k) Violation of any provision of this section is a misdemeanor  
8 punishable by a fine of not less than \$50 or more than \$200 or by  
9 imprisonment for not more than six months, or both.

10 (l) For the purposes of this section: ~~(1) "Special event" means a~~  
11 ~~picnic, bazaar, festival or other similar community gathering, which has~~  
12 ~~been approved by the local governing body of any city, county or~~  
13 ~~township; and~~

14 ~~(2)~~, "common consumption area" has the *same* meaning as *that term*  
15 *is* defined in K.S.A. 2018 Supp. 41-2659, and amendments thereto.

16 Sec. 9. K.S.A. 2018 Supp. 41-2601 is hereby amended to read as  
17 follows: 41-2601. As used in the club and drinking establishment act:

18 (a) The following terms shall have the meanings provided by K.S.A.  
19 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3)  
20 "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

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

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

29 (d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-  
30 2701, and amendments thereto.

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

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

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

42 (h) "Drinking establishment" means premises which may be open to  
43 the general public, where alcoholic liquor by the individual drink is sold.

1 Drinking establishment includes a railway car.

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

5 (j) "Food service establishment" has the meaning provided by K.S.A.  
6 36-501, and amendments thereto.

7 (k) "Hotel" has the meaning provided by K.S.A. 36-501, and  
8 amendments thereto.

9 (l) "Individual drink" means a beverage containing alcoholic liquor or  
10 cereal malt beverage served to an individual for consumption by such  
11 individual or another individual, but which is not intended to be consumed  
12 by two or more individuals. The term "individual drink" includes  
13 beverages containing not more than: (1) Eight ounces of wine; (2) thirty-  
14 two ounces of beer or cereal malt beverage; or (3) four ounces of a single  
15 spirit or a combination of spirits.

16 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or  
17 wholly or partially refrigerated, access to the interior of which is restricted  
18 by means of a locking device which requires the use of a key, magnetic  
19 card or similar device.

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

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

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

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

32 (1) Not less than 4,000 permanent seats; and

33 (2) not less than two private suites, which are enclosed or semi-  
34 enclosed seating areas, having controlled access and separated from the  
35 general admission areas by a permanent barrier.

36 (r) "Railway car" means a locomotive drawn conveyance used for the  
37 transportation and accommodation of human passengers that is confined to  
38 a fixed rail route and which derives from sales of food for consumption on  
39 the railway car not less than 30% of its gross receipts from all sales of food  
40 and beverages in a 12-month period.

41 (s) "Restaurant" means:

42 (1) In the case of a club, a licensed food service establishment which,  
43 as determined by the director, derives from sales of food for consumption

1 on the licensed club premises not less than 50% of its gross receipts from  
2 all sales of food and beverages on such premises in a 12-month period;

3 (2) in the case of a drinking establishment subject to a food sales  
4 requirement under K.S.A. 41-2642, and amendments thereto, a licensed  
5 food service establishment which, as determined by the director, derives  
6 from sales of food for consumption on the licensed drinking establishment  
7 premises not less than 30% of its gross receipts from all sales of food and  
8 beverages on such premises in a 12-month period; and

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

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

16 (u) "Sample" means a serving of alcoholic liquor which contains ~~not~~  
17 ~~more than: (1) One-half ounce of Distilled spirits; (2) one ounce of wine;~~  
18 ~~or (3) two ounces of beer or cereal malt beverage. A sample of a mixed~~  
19 ~~alcoholic beverage shall contain not more than one-half ounce of distilled~~  
20 ~~spirits *may also be served.*~~

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

22 (w) "Temporary permit" means a temporary permit issued pursuant to  
23 ~~K.S.A. 41-2645 section 1~~, and amendments thereto.

24 Sec. 10. K.S.A. 2018 Supp. 41-2608 is hereby amended to read as  
25 follows: 41-2608. (a) Any public venue, club or drinking establishment  
26 license issued pursuant to this act shall be for one particular premises  
27 which shall be stated in the application and in the license. Not more than  
28 one premises licensed under the club and drinking establishment act shall  
29 exist at a single legal address.

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

33 (c) *The licensed premises of a license may be extend into a city,*  
34 *county or township street, alley, road, sidewalk or highway if: (1) Such*  
35 *street, alley, road, sidewalk or highway is closed to motor vehicle traffic*  
36 *by the governing body of such city, county or township at any time during*  
37 *which alcoholic liquor is to be sold or consumed; and (2) such extension*  
38 *has been approved by the city, county or township by ordinance or*  
39 *resolution that specifies the exact times during which alcoholic liquor may*  
40 *be sold or consumed on the street, alley, road, sidewalk or highway.*

41 **Sec. 11. K.S.A. 2018 Supp. 41-2622 is hereby amended to read as**  
42 **follows: 41-2622. (a) At the time application is made to the director for a**  
43 **license pursuant to the club and drinking establishment act, the**

1 *applicant shall pay the following license fee in the manner provided by*  
2 *K.S.A. 41-2606, and amendments thereto:*

3 *(1) For a class A club which is a bona fide nonprofit fraternal or*  
4 *war veterans' club, as defined by rules and regulations of the secretary,*  
5 *\$500;*

6 *(2) for a class A club which is a bona fide nonprofit social club, as*  
7 *defined by rules and regulations of the secretary, and which has not*  
8 *more than 500 members, \$1,000;*

9 *(3) for a class A club which is a bona fide nonprofit social club, as*  
10 *defined by rules and regulations of the secretary, and which has more*  
11 *than 500 members, \$2,000;*

12 *(4) for a class B club, \$2,000;*

13 *(5) for a caterer, \$1,000;*

14 *(6) for a drinking establishment, \$2,000;*

15 *(7) for a hotel of which the entire premises are licensed as a*  
16 *drinking establishment, \$6,000;*

17 *(8) for a drinking establishment/~~caterer~~ establishment caterer,*  
18 *\$3,000;*

19 *(9) for a drinking establishment/~~caterer~~ establishment caterer, if the*  
20 *drinking establishment is a hotel of which the entire premises are*  
21 *licensed as a drinking establishment, \$7,000;*

22 *(10) for a public venue with a maximum capacity of not more than*  
23 *10,000 persons, \$5,000;*

24 *(11) for a public venue with a maximum capacity of not more than*  
25 *25,000 persons, \$7,500; and*

26 *(12) for a public venue with a maximum capacity exceeding 25,000*  
27 *persons, \$10,000.*

28 *(b) In addition to the fee provided by subsection (a), any city where*  
29 *the licensed premises of a club or drinking establishment are located or,*  
30 *if such licensed premises are not located in a city, the board of county*  
31 *commissioners of the county where the licensed premises are located*  
32 *may levy and collect a biennial occupation or license tax from the*  
33 *licensee in an amount equal to not less than \$200 nor more than \$500.*

34 *(c) In addition to the fee provided by subsection (a), any city where*  
35 *the licensed premises of a public venue is located or, if such licensed*  
36 *premises is not located in a city, the board of county commissioners of*  
37 *the county where the licensed premises is located may levy and collect a*  
38 *biennial occupation or license tax from the licensee in an amount not*  
39 *more than \$1,000.*

40 *(d) No occupational or excise tax or license fee other than that*  
41 *authorized by subsection (b) or (c) shall be levied by any city or county*  
42 *against or collected from a licensed public venue, club or drinking*  
43 *establishment.*



1       (e) *The director shall remit all moneys received under this section*  
2 *to the state treasurer in accordance with the provisions of K.S.A. 75-*  
3 *4215, and amendments thereto. Upon receipt of each such remittance,*  
4 *the state treasurer shall deposit the entire amount in the state treasury.*  
5 *Of each such deposit, 50% shall be credited to the state general fund,*  
6 *and the remaining 50% shall be credited to the other state fees fund of*  
7 *the Kansas department for aging and disability services. In addition to*  
8 *other purposes for which expenditures may be made from the other state*  
9 *fees fund of the Kansas department for aging and disability services,*  
10 *expenditures may be made by the secretary for aging and disability*  
11 *services for the purpose of implementing the powers and duties of the*  
12 *secretary under the provisions of K.S.A. 65-4006 and 65-4007, and*  
13 *amendments thereto.*

14       *Sec. 12. K.S.A. 2018 Supp. 41-2637 is hereby amended to read as*  
15 *follows: 41-2637. (a) A license for a class A club shall allow the licensee*  
16 *to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on*  
17 *the licensed premises by members and their families, and guests*  
18 *accompanying them; and (2) serve samples of alcoholic liquor free of*  
19 *charge for consumption by members and their families and guests*  
20 *accompanying them.*

21       *No charge of any sort may be made for a sample serving. A person*  
22 *may be served no more than five samples per visit. Samples may not be*  
23 *served to a minor. No samples may be removed from the licensed*  
24 *premises. No consideration shall be requested or required for entry onto*  
25 *the premises, participation in any event taking place on the premises or*  
26 *to remain on the premises.*

27       (b) (1) *Subject to the provisions of subsection (b)(2), any two or*  
28 *more class A or class B clubs may permit, by an agreement filed with*  
29 *and approved by the director, the members of each such club to have*  
30 *access to all other clubs which are parties to such agreement. The*  
31 *privileges extended to the visiting members of other clubs under such an*  
32 *agreement shall be determined by the agreement and, if the agreement*  
33 *so provides, any club which is a party to such agreement may sell, offer*  
34 *for sale and serve, to any person who is a member of another club which*  
35 *is a party to such agreement, alcoholic liquor for consumption on the*  
36 *licensed premises by such person and such person's family, and guests*  
37 *accompanying them.*

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

40       (c) *A licensee may store on its premises wine sold to a customer for*  
41 *consumption at a later date on its premises in the unopened container.*  
42 *Such wine must be kept separate from all other alcohol stock and in a*  
43 *secure locked area separated by customer. Such wine shall not be*

1 *removed from the licensed premises in its unopened condition.*

2 *Sec. 13. K.S.A. 2018 Supp. 41-2641 is hereby amended to read as*  
3 *follows: 41-2641. (a) A license for a class B club shall allow the licensee*  
4 *to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on*  
5 *the licensed premises by members of such club and guests*  
6 *accompanying them; and (2) serve samples of alcoholic liquor free of*  
7 *charge on the licensed premises for consumption by such members and*  
8 *their families and guests accompanying them.*

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

17 *(b) (1) Subject to the provisions of subsection (b)(2), any two or*  
18 *more class A or class B clubs may permit, by an agreement filed with*  
19 *and approved by the director, the members of each such club to have*  
20 *access to all other clubs which are parties to such agreement. The*  
21 *privileges extended to the visiting members of other clubs under such an*  
22 *agreement shall be determined by the agreement and, if the agreement*  
23 *so provides, any club which is a party to such agreement may sell, offer*  
24 *for sale and serve, to any person who is a member of another club which*  
25 *is a party to such agreement, alcoholic liquor for consumption on the*  
26 *licensed premises by such person and such person's family, and guests*  
27 *accompanying them.*

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

30 *(c) Except as provided by subsection (d), an applicant for*  
31 *membership in a class B club shall, before becoming a member of such*  
32 *club:*

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

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

35 *(d) Notwithstanding the membership fee requirement of subsection*  
36 *(c):*

37 *(1) Any class B club located on the premises of a hotel or RV resort*  
38 *may establish rules whereby a guest, who registered at the hotel or RV*  
39 *resort and who is not a resident of the county in which the club is*  
40 *located, may file application for temporary membership in such club.*  
41 *The membership, if granted, shall be valid only for the period of time*  
42 *that the guest is a bona fide registered guest at the hotel or RV resort*  
43 *and such temporary membership shall not be subject to the fee*

1 *requirement of this section.*

2 (2) *Any class B club located on property which is owned or*  
3 *operated by a municipal airport authority and upon which consumption*  
4 *of alcoholic liquor is authorized by law may establish rules whereby an*  
5 *air traveler who is a holder of a current airline ticket may file*  
6 *application for temporary membership in such club for the day such air*  
7 *traveler's ticket is valid, and such temporary membership shall not be*  
8 *subject to the fee requirement of this section.*

9 (3) *Any class B club may establish rules whereby military personnel*  
10 *of the armed forces of the United States on temporary duty and housed*  
11 *at or near any military installation located within the exterior*  
12 *boundaries of the state of Kansas may file application for temporary*  
13 *membership in such club. The membership, if granted, shall be valid*  
14 *only for the period of the training, not to exceed 20 weeks. Any person*  
15 *wishing to make application for temporary membership in a class B club*  
16 *under this subsection (d)(3) shall present the temporary duty orders to*  
17 *the club. Temporary membership issued under this subsection (d)(3)*  
18 *shall not be subject to the fee requirements of this section.*

19 (4) *Any class B club may enter into a written agreement with a*  
20 *hotel or RV resort whereby a guest who is registered at the hotel or RV*  
21 *resort and who is not a resident of the county in which the club is*  
22 *located may file application for temporary membership in such club.*  
23 *The temporary membership, if granted, shall be valid only for the period*  
24 *of time that the guest is a bona fide registered guest at the hotel or RV*  
25 *resort and shall not be subject to the fee requirement of this section. A*  
26 *club may enter into a written agreement with a hotel or RV resort*  
27 *pursuant to this provision only if: (A) The hotel or RV resort is located*  
28 *in the same county as the club; (B) there is no class B club located on*  
29 *the premises of the hotel or RV resort; and (C) no other club has entered*  
30 *into a written agreement with the hotel or RV resort pursuant to this*  
31 *section.*

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

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

43 *Sec. 14. K.S.A. 2018 Supp. 41-2642 is hereby amended to read as*

1 follows: 41-2642. (a) A license for a drinking establishment shall allow  
2 the licensee to offer for sale, sell and serve alcoholic liquor for  
3 consumption on the licensed premises which may be open to the public,  
4 and to serve samples of alcoholic liquor free of charge on licensed  
5 premises subject to the requirements of subsection (c), but only if such  
6 premises are located in a county where the qualified electors of the  
7 county:

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

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

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

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

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

30 (c) No charge of any sort may be made for a sample serving. ~~A~~  
31 ~~person may be served no more than five samples per visit. Samples may~~  
32 ~~not be served to a minor. No samples may be removed from the licensed~~  
33 ~~premises. Providing samples is prohibited for any licensee who charges~~  
34 ~~a cover charge or entry fee at any time during the business day. No~~  
35 ~~consideration shall be requested or required for entry onto the premises,~~  
36 ~~participation in any event taking place on the premises or to remain on~~  
37 ~~the premises.~~

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

42 (e) Notwithstanding any other provision of law to the contrary, any  
43 hotel of which the entire premises are licensed as a drinking

1 *establishment or as a drinking establishment/caterer may sell alcoholic*  
2 *liquor or cereal malt beverage by means of minibars located in guest*  
3 *rooms of such hotel, subject to the following:*

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

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

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

12 *(f) A drinking establishment may store on its premises wine sold to*  
13 *a customer for consumption at a later date on its premises in the*  
14 *unopened container. Such wine must be kept separate from all other*  
15 *alcohol stock and in a secure locked area separated by customer. Such*  
16 *wine shall not be removed from the licensed premises in its unopened*  
17 *condition.*

18 ~~Sec. 15.~~ K.S.A. 2018 Supp. 41-308a, 41-347, 41-719, 41-2601,  
19 41-2608, ~~41-2622, 41-2637, 41-2641, 41-2642~~ and 41-2645 are hereby  
20 repealed.

21 ~~Sec. 16.~~ This act shall take effect and be in force from and after  
22 its publication in the statute book.