

HOUSE BILL No. 2580

By Committee on Appropriations

3-29

AN ACT concerning alcoholic beverages; relating to the purchase or consumption thereof by minors; amending K.S.A. 41-727 and repealing the existing section.

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

Section 1. K.S.A. 41-727 is hereby amended to read as follows: 41-727. (a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a, 41-2610, 41-2652, 41-2704 and 41-2727, and amendments thereto, and subject to any rules and regulations adopted pursuant to such statutes, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

(b) *A properly administered preliminary screening breath test of a person under 21 years of age to determine the alcohol concentration of such person's breath shall be competent admissible evidence in any criminal action involving a violation of the provisions of this section.*

~~(c)~~ (c) Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200.

~~(d)~~ (d) Any person less than 18 years of age who violates this section is a juvenile offender under the Kansas juvenile justice code. Upon adjudication thereof and as a condition of disposition, the court shall require the offender to pay a fine of not less than \$200 nor more than \$500.

~~(e)~~ (e) In addition to any other penalty provided for a violation of this section, the court may order the offender to do either or both of the following:

(1) Perform 40 hours of public service; or

(2) attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

~~(f)~~ (f) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's

1 parent or legal guardian.
2 ~~(g)~~ (g) Any city ordinance or county resolution prohibiting the acts
3 prohibited by this section shall provide a minimum penalty which is not
4 less than the minimum penalty prescribed by this section.
5 ~~(g)~~ (h) This section shall be part of and supplemental to the Kansas
6 liquor control act.
7 Sec. 2. K.S.A. 41-727 is hereby repealed.
8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.

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