

SENATE BILL No. 569

By Committee on Federal and State Affairs

2-6

9 AN ACT concerning alcoholic beverages; requiring server education; re-
10 quiring server permits.

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

13 Section 1. Except as provided in this section, as used in sections 2
14 through 9, and amendments thereto:

15 (a) Words and phrases shall have the meaning ascribed thereto by
16 K.S.A. 41-201 and 41-2601, and amendments thereto.

17 (b) "Licensee" means a person holding a license or permit under the
18 liquor control act or the club and drinking establishment act.

19 (c) "Server permit" or "permit" means an alcoholic beverage server
20 permit issued pursuant to this act.

21 Sec. 2. (a) No licensee shall participate in any manner in the sale of
22 alcoholic liquor in the original package for consumption off the premises
23 or mix, sell or serve any alcoholic liquor or cereal malt beverage for con-
24 sumption on the premises unless such licensee has a valid server permit.
25 A licensee shall not permit any employee of such licensee to participate
26 in any manner in the sale of alcoholic liquor in the original package for
27 consumption off the premises or to mix, sell or serve any alcoholic liquor
28 or cereal malt beverage for consumption on the premises unless such
29 employee has a valid server permit.

30 (b) No person shall participate in any manner in the sale of alcoholic
31 liquor in the original package for consumption off the premises or mix,
32 sell or serve alcoholic liquor or cereal malt beverage for consumption on
33 the premises unless such person has a valid server permit.

34 (c) A person holding a server permit shall make the permit available
35 at any time while on duty for immediate inspection by any agent of the
36 director or by any other law enforcement officer.

37 Sec. 3. (a) An applicant for a server permit shall:

38 (1) Be at least 18 years of age;

39 (2) not have had a server permit revoked or be under suspension;

40 (3) authorize a criminal records check to be conducted by the Kansas
41 bureau of investigation and the release of the information to the instruc-
42 tor, subject to applicable laws, rules and regulations regarding disclosure
43 of such records;

- 1 (4) submit evidence of successful completion of an approved alco-
2 holic beverage server education program and examination; and
- 3 (5) submit any other information required by the director.
- 4 (b) The applicant shall pay the cost of conducting the background
5 check required by subsection (a).
- 6 (c) The application for a server permit shall be submitted in the man-
7 ner provided by rules and regulations adopted by the director and shall
8 be accompanied by a fee of \$35.
- 9 (d) A server permit shall be valid only upon premises where the sale
10 of alcoholic liquor or cereal malt beverage is authorized by the liquor
11 control act or the club and drinking establishment act.
- 12 (e) A server permit shall not be used by any person other than the
13 person to whom it is issued. A licensee shall verify the identification of
14 the permittee and determine that the permittee has in possession a valid
15 server permit before allowing the permittee to mix, sell or serve alcoholic
16 liquor or cereal malt beverage for consumption.
- 17 Sec. 4. (a) If a server permit is lost, mutilated or destroyed, the per-
18 mittee may apply for a duplicate permit in the manner provided by the
19 director. A fee of \$10 shall be imposed for a duplicate permit.
- 20 (b) If the name of a permittee is changed, the permittee shall apply
21 for a new server permit in the manner provided by the director. Such
22 application shall be accompanied by a fee of \$10.
- 23 Sec. 5. An alcoholic beverage server education program shall in-
24 clude, but not be limited to, information relating to:
- 25 (a) The physiological and behavioral effects of alcohol;
- 26 (b) factors affecting the rate at which alcohol is absorbed in the
27 bloodstream;
- 28 (c) potential alcohol-related problems in professional and social
29 settings;
- 30 (d) recognizing problem customers and methods of dealing with such
31 customers;
- 32 (e) the effects of combining the use of alcohol and other legal or
33 illegal drugs;
- 34 (f) the availability of community treatment programs for alcohol and
35 other drug abuse;
- 36 (g) advertising and marketing strategies to encourage safe and re-
37 sponsible drinking; and
- 38 (h) state laws concerning the sale, possession and consumption of
39 beer, alcohol, cereal malt beverage and other drugs.
- 40 Sec. 6. The director shall:
- 41 (a) Establish minimum qualifications for alcoholic beverage server
42 education program instructors;
- 43 (b) certify server education program instructors;

- 1 (c) establish minimum course requirements for alcoholic beverage
2 server education programs and approve programs which meet such
3 requirements;
- 4 (d) maintain lists of approved alcoholic beverage server education
5 programs and certified instructors;
- 6 (e) establish procedures for instructor recertification;
- 7 (f) establish procedures relating to application for and issuance and
8 renewal of server permits;
- 9 (g) establish conditions under which a person may be exempt from
10 the requirements of this act; and
- 11 (h) adopt any rules and regulations necessary for the implementation
12 and enforcement of this act.
- 13 Sec. 7. Applications for renewal of server permits shall be submitted
14 in the same manner as provided for submission of initial permits and shall
15 be accompanied by a fee of \$35. No permit shall be issued to a person
16 who does not qualify for an initial permit. The director may require, by
17 rules and regulations, applicants for renewal to complete additional hours
18 of server education as a condition of renewal of a permit.
- 19 Sec. 8. (a) The director may deny, suspend or revoke a server permit
20 in accordance with the Kansas administrative procedures act if:
- 21 (1) The permittee has made false statements on the permit
22 application;
- 23 (2) the permittee is not eligible for employment by a licensee pur-
24 suant to the applicable provisions of the liquor control act, the club and
25 drinking establishment act or any rules and regulations adopted pursuant
26 thereto;
- 27 (3) the permittee has not completed successfully a server education
28 program and examination; or
- 29 (4) the permittee has performed or permitted any act which would
30 constitute a violation of any provision of the liquor control act, the club
31 and drinking establishment act or any rules and regulations adopted pur-
32 suant thereto.
- 33 (b) If a permittee violates any provision of the liquor control act, the
34 club and drinking establishment act or any rule and regulation adopted
35 pursuant thereto, the director may revoke or suspend either the server
36 permit of the employee or the license of the licensee upon whose prem-
37 ises the violation occurred, or both the permittee and the licensee.
- 38 (c) A civil fine not to exceed \$1,000 may be imposed for violations of
39 this act. Such fine may be imposed in addition to or in lieu of suspension
40 or revocation of a license or permit.
- 41 Sec. 9. Moneys received from fees imposed pursuant to this act shall
42 be remitted to the state treasurer in accordance with the provisions of
43 K.S.A. 75-4215, and amendments thereto, and upon receipt, the entire

1 amount shall be deposited in the state treasury and credited to the server
2 permit fee fund, which is hereby created. Moneys in the server permit
3 fee fund shall be used solely for the purpose of administering and imple-
4 menting the provisions of this act and rules and regulations adopted there-
5 under. All expenditures from such fund shall be made in accordance with
6 appropriation acts upon warrants of the director of accounts and reports
7 issued pursuant to vouchers approved by the director or by a person or
8 persons designated by the director.

9 Sec. 10. This act shall take effect and be in force from and after
10 January 1, 2009 and its publication in the statute book.