

HOUSE BILL No. 2124

By Committee on Commerce, Labor and Economic Development

1-20

1 AN ACT concerning alcoholic beverages; relating to the Kansas cereal
2 malt beverage act; allowing businesses to sell cereal malt beverage by
3 the drink on Sundays without requiring that 30% of such businesses'
4 gross receipts be derived from the sale of food; amending K.S.A. 2022
5 Supp. 41-2704 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2022 Supp. 41-2704 is hereby amended to read as
9 follows: 41-2704. (a) In addition to and consistent with the requirements
10 of the Kansas cereal malt beverage act, the board of county commissioners
11 of any county or the governing body of any city may prescribe hours of
12 closing, standards of conduct and rules and regulations concerning the
13 moral, sanitary and health conditions of places licensed pursuant to this act
14 and may establish zones within which no such place may be located.

15 (b) Within any city where the days of sale at retail of cereal malt
16 beverage in the original package have not been expanded as provided by
17 K.S.A. 41-2911, and amendments thereto, or have been so expanded and
18 subsequently restricted as provided by K.S.A. 41-2911, and amendments
19 thereto, no cereal malt beverages or beer containing not more than 6%
20 alcohol by volume may be sold:

21 (1) Between the hours of 12 midnight and 6 a.m.; or

22 (2) on Sunday, except in a place of business ~~which~~ that is licensed to
23 sell cereal malt beverage for consumption on the premises, ~~which derives~~
24 ~~not less than 30% of its gross receipts from the sale of food for~~
25 ~~consumption on the licensed premises and~~ which that is located in a
26 county where such sales on Sunday have been authorized by resolution of
27 the board of county commissioners of the county or in a city where such
28 sales on Sunday have been authorized by ordinance of the governing body
29 of the city.

30 (c) Within any city where the days of sale at retail of cereal malt
31 beverage in the original package have been expanded as provided by
32 K.S.A. 41-2911, and amendments thereto, and have not been subsequently
33 restricted as provided in K.S.A. 41-2911, and amendments thereto, no
34 person shall sell at retail cereal malt beverage or beer containing not more
35 than 6% alcohol by volume:

36 (1) Between the hours of 12 midnight and 6 a.m.;

1 (2) in the original package not earlier than 9 a.m. and not later than 8
2 p.m. on Sunday;

3 (3) on Easter Sunday; or

4 (4) for consumption on the licensed premises on Sunday, except in a
5 place of business ~~which~~ *that* is licensed to sell cereal malt beverage for
6 consumption on the premises, ~~which derives not less than 30% of its gross~~
7 ~~receipts from the sale of food for consumption on the licensed premises~~
8 and ~~which~~ *that* is located in a county where such sales on Sunday have
9 been authorized by resolution of the board of county commissioners of the
10 county or in a city where such sales on Sunday have been authorized by
11 ordinance of the governing body of the city.

12 (d) No private rooms or closed booths shall be operated in a place of
13 business, but this provision shall not apply if the licensed premises also are
14 licensed as a club pursuant to the club and drinking establishment act.

15 (e) Each place of business shall be open to the public and to law
16 enforcement officers at all times during business hours, except that a
17 premises licensed as a club pursuant to the club and drinking establishment
18 act shall be open to law enforcement officers and not to the public.

19 (f) Except as otherwise provided by this subsection, no licensee shall
20 permit a person under the legal age for consumption of cereal malt
21 beverage or beer containing not more than 6% alcohol by volume to
22 consume or purchase any cereal malt beverage in or about a place of
23 business. A licensee's employee who is not less than 18 years of age may
24 dispense or sell cereal malt beverage or beer containing not more than 6%
25 alcohol by volume, if:

26 (1) The licensee's place of business is licensed only to sell at retail
27 cereal malt beverage or beer containing not more than 6% alcohol by
28 volume in the original package and not for consumption on the premises;
29 or

30 (2) the licensee's place of business is a licensed food service
31 establishment, as defined by K.S.A. 36-501, and amendments thereto, and
32 not less than 50% of the gross receipts from the licensee's place of
33 business is derived from the sale of food for consumption on the premises
34 of the licensed place of business.

35 (g) No person shall have any alcoholic liquor, except beer containing
36 not more than 6% alcohol by volume, in such person's possession while in
37 a place of business, unless the premises are currently licensed as a club or
38 drinking establishment pursuant to the club and drinking establishment act
39 or the business is a farm winery licensed pursuant to K.S.A. 41-316, and
40 amendments thereto, or a producer licensed pursuant to K.S.A. 41-355,
41 and amendments thereto.

42 (h) Cereal malt beverages may be sold on premises that are licensed
43 pursuant to both the Kansas cereal malt beverage act and the club and

1 drinking establishment act at any time when alcoholic liquor is allowed by
2 law to be served on the premises.

3 Sec. 2. K.S.A. 2022 Supp. 41-2704 is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the Kansas register.