

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2331

By Committee on Federal and State Affairs

2-12

1 AN ACT concerning alcoholic beverages; relating to consumption of
2 alcoholic liquor on public property; permitted consumption at catered
3 events; amending **K.S.A. 41-2643** and K.S.A. 2014 Supp. 41-719 and
4 repealing the existing ~~section~~ sections.

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

7 Section 1. K.S.A. 2014 Supp. 41-719 is hereby amended to read as
8 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
9 8-1599, and amendments thereto, no person shall drink or consume
10 alcoholic liquor on the public streets, alleys, roads or highways or inside
11 vehicles while on the public streets, alleys, roads or highways.

12 (2) Alcoholic liquor may be consumed at a special event *or catered*
13 *event* held on public streets, alleys, roads, sidewalks or highways when a
14 temporary permit has been issued pursuant to K.S.A. 41-2645, and
15 amendments thereto, for such special event, *or when the caterer's licensee*
16 *has provided the required notifications pursuant to K.S.A. 41-2643, and*
17 *amendments thereto.* ~~Such~~ Any special event must be approved, by
18 ordinance or resolution, by the local governing body of any city, county or
19 township where such special event is being held. No alcoholic liquor may
20 be consumed inside vehicles while on public streets, alleys, roads or
21 highways at any ~~such~~ special event *or catered event*.

22 (3) No person shall remove any alcoholic liquor from inside the
23 boundaries of a special event as designated by the governing body of any
24 city, county or township, *or the boundaries of a catered event*. The
25 boundaries of ~~such~~ a special 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 special event.

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

31 (b) No person shall drink or consume alcoholic liquor on private
32 property except:

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

35 (2) upon private property by a person occupying such property as an
36 owner or lessee of an owner and by the guests of such person, if no charge

1 is made for the serving or mixing of any drink or drinks of alcoholic liquor
2 or for any substance mixed with any alcoholic liquor and if no sale of
3 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
4 takes place;

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

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

16 (5) on the premises of a manufacturer, microbrewery, microdistillery
17 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or
18 K.S.A. 2014 Supp. 41-354, and amendments thereto.

19 (c) No person shall drink or consume alcoholic liquor on public
20 property except:

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

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

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

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

34 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
35 beer or wine or wine imported under ~~subsection (c)~~ of K.S.A. 41-308a(e),
36 and amendments thereto, and is consumed only for purposes of judging
37 competitions; (B) the alcoholic liquor is wine or beer and is sold and
38 consumed during the days of the Kansas state fair on premises leased by
39 the state fair board to a person who holds a temporary permit issued
40 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale
41 and serving of such wine or beer, or both; or (C) the alcoholic liquor is
42 consumed on nonfair days in conjunction with bona fide scheduled events
43 involving not less than 75 invited guests and the state fair board, in its

1 discretion, authorizes the consumption of the alcoholic liquor, subject to
2 any conditions or restrictions the board may require.

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

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

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

13 (9) In the Hiram Price Dillon house or on its surrounding premises,
14 subject to limitations established in policies adopted by the legislative
15 coordinating council, as provided by K.S.A. 75-3682, and amendments
16 thereto.

17 (10) On the premises of any Kansas national guard regional training
18 center or armory, and any building on such premises, as authorized by
19 rules and regulations of the adjutant general and upon approval of the
20 Kansas military board.

21 (11) On the premises of any land or waters owned or managed by the
22 department of wildlife, parks and tourism, except as otherwise prohibited
23 by rules and regulations of the department adopted by the secretary
24 pursuant to K.S.A. 32-805, and amendments thereto.

25 (12) On property exempted from this subsection (c) pursuant to
26 subsection (d), (e), (f), (g) or (h).

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

29 (e) The board of county commissioners of any county may exempt,
30 by resolution, from the provisions of subsection (c) specified property the
31 title of which is vested in such county.

32 (f) The state board of regents may exempt from the provisions of
33 subsection (c) the Sternberg museum on the campus of Fort Hays state
34 university, or other specified property which is under the control of such
35 board and which is not used for classroom instruction, where alcoholic
36 liquor may be consumed in accordance with policies adopted by such
37 board.

38 (g) The board of regents of Washburn university may exempt from
39 the provisions of subsection (c) the Mulvane art center and the Bradbury
40 Thompson alumni center on the campus of Washburn university, and other
41 specified property the title of which is vested in such board and which is
42 not used for classroom instruction, where alcoholic liquor may be
43 consumed in accordance with policies adopted by such board.

1 (h) The board of trustees of a community college may exempt from
2 the provisions of subsection (c) specified property which is under the
3 control of such board and which is not used for classroom instruction,
4 where alcoholic liquor may be consumed in accordance with policies
5 adopted by such board.

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

9 (j) For the purposes of this section, "special event" means a picnic,
10 bazaar, festival or other similar community gathering, which has been
11 approved by the local governing body of any city, county or township.

12 **Sec. 2. K.S.A. 41-2643 is hereby amended to read as follows: 41-**
13 **2643. (a) A caterer's license shall allow the licensee to offer for sale, sell**
14 **and serve alcoholic liquor for consumption on unlicensed premises,**
15 **which may be open to the public, but only if such premises are located**
16 **in a county where the qualified electors of the county:**

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

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

26 **(b) A caterer shall be required to derive from sales of food at**
27 **catered events not less than 30% of the caterer's gross receipts from**
28 **all sales of food and beverages at catered events in a 12-month period**
29 **unless the caterer offers for sale, sells and serves alcoholic liquor only**
30 **in counties where the qualified electors of the county:**

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

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

39 **(c) Each caterer shall maintain the caterer's principal place of**
40 **business in a county in this state where the caterer is authorized by**
41 **this section to sell alcoholic liquor by the individual drink in a public**
42 **place. All records of the caterer relating to the caterer's licensed**
43 **business and the caterer's license shall be kept at such place of**

1 **business. The caterer's principal place of business shall be stated in**
2 **the application for a caterer's license and the caterer shall notify the**
3 **director of any change in its location within 10 days after such change.**

4 ~~(d) A caterer shall notify the director at least 10 days prior to any~~
5 ~~event at which the caterer will sell alcoholic liquor by the individual drink~~
6 ~~unless the director waives the 10-day requirement for good cause shown.~~
7 ~~In addition, prior to the event, the caterer shall notify:~~

8 ~~(1) The police chief of the city where the event will take place, if the~~
9 ~~event will take place within the corporate limits of a city; or~~

10 ~~(2) the county sheriff of the county where the event will take place, if~~
11 ~~the event will be outside the corporate limits of any city. A caterer shall~~
12 ~~provide electronic notification to the director at least 48 hours prior to any~~
13 ~~event at which the caterer will sell alcoholic liquor by the individual drink.~~
14 ~~The director shall make the electronic notification available to local law~~
15 ~~enforcement. Notice shall consist of the time, location and the names of~~
16 ~~the contracting parties of the event. For events where alcohol is served, a~~
17 ~~licensee shall retain all documents for a period of three years for~~
18 ~~inspection by the director. The documents retained shall include~~
19 ~~agreements, receipts, employees assigned to the event and records of~~
20 ~~alcohol purchased.~~

21 **(e) A caterer may rebate a portion of the caterer's receipts from**
22 **the sale of alcoholic liquor at an event to the person or organization**
23 **contracting with the caterer to sell alcoholic liquor at such event.**

24 ~~Sec.-2. 3. K.S.A. 41-2643 and K.S.A. 2014 Supp. 41-719~~ **is** ~~are~~
25 hereby repealed.

26 ~~Sec.-3. 4.~~ This act shall take effect and be in force from and after its
27 publication in the statute book.