AN ACT concerning civil actions; relating to victims of certain alcohol-related incidents; creating a civil cause of action.

WHEREAS, The provisions of this act shall be known as the Jeff Kudlacik act.

Now, therefore:

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

Section 1. (a) (1) A person injured as a result of the acts of an intoxicated person may bring an action in an appropriate state court against the person or licensee who sold or provided alcoholic liquor or cereal malt beverage to such intoxicated person and who caused the intoxication in whole or in part.

(2) A person or licensee who sells or provides alcoholic liquor or cereal malt beverage to an intoxicated person or causes, in whole or in part, the intoxication of such person, has a duty of reasonable care to prevent the intoxicated person, or the acts of an intoxicated person, from causing injury.

(b) In any action brought under this section, a plaintiff may recover economic, noneconomic and exemplary damages.

(c) A claim brought under this section shall survive death for purposes of K.S.A. 60-1801, and amendments thereto, and may be maintained as a wrongful death action pursuant to K.S.A. 60-1901, and amendments thereto.

(d) For the purposes of this section:

(1) "Alcoholic liquor" and "cereal malt beverage" mean the same as defined in K.S.A. 41-102, and amendments thereto.

(2) "Licensee" means a licensee under the Kansas liquor control act, the club and drinking establishment act or the provisions of article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. "Licensee" does not include a person who holds a license to sell only cereal malt beverages in original and unopened containers, not for consumption on the premises, or a person who sells at retail alcoholic liquor.

(3) "Intoxicated person" means any person:

(A) In violation of K.S.A. 3-1001, 8-1543, 8-1567, 8-2,144 or 32-1131, and amendments thereto, or K.S.A. 2019 Supp. 21-6332, and
amendments thereto;
(B) physically or mentally incapacitated by the consumption of alcoholic liquor or cereal malt beverage;
(C) under the influence of alcohol or cereal malt beverage to a degree that renders the person a hazard to others; or
(D) who could reasonably have been presumed to be intoxicated as a result of the amount of alcoholic liquor or cereal malt beverage served, sold, given away, disposed of, exchanged, delivered, procured or provided to such person.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.