

SENATE BILL No. 70

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning alcoholic beverages; relating to temporary permits;
2 amending K.S.A. 2018 Supp. 41-308a, 41-719, 41-2601 and 41-2608
3 and repealing the existing sections; also repealing K.S.A. 2018 Supp.
4 41-347 and 41-2645.

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

7 New Section 1. (a) A temporary permit shall allow the permit holder
8 to offer for sale, sell and serve alcoholic liquor for consumption on
9 licensed or unlicensed premises, or on premises that are otherwise subject
10 to a separate temporary permit, that may be open to the public, subject to
11 the terms of such permit. A temporary permit shall also authorize the
12 permit holder to sell, in accordance with rules and regulations adopted by
13 the secretary, alcoholic liquor at a charitable auction, or one or more
14 limited issue porcelain containers containing alcoholic liquor.

15 (b) A temporary permit holder may charge a fee for entrance into the
16 premises described in the permit, or any portion thereof.

17 (c) The director may issue a temporary permit to any one or more
18 persons or organizations applying for such a permit, in accordance with
19 rules and regulations of the secretary. The permit shall be issued in the
20 names of the persons or organizations to which it is issued.

21 (d) Applications for temporary permits shall be required to be filed
22 with the director not less than 14 days before the event for which the
23 permit is sought, unless the director waives such requirement for good
24 cause. The application shall be upon a form prescribed by the director.
25 Each application shall be electronically submitted and accompanied by a
26 non-refundable permit fee of \$25 for each day for which the permit is
27 issued, and such fee shall be paid by a check of a bank within this state or
28 credit card in the full amount thereof. All permit fees collected by the
29 director pursuant to this section shall be remitted to the state treasurer in
30 accordance with the provisions of K.S.A. 75-4215, and amendments
31 thereto. Upon receipt of each such remittance, the state treasurer shall
32 deposit the entire amount in the state treasury to the credit of the state
33 general fund.

34 (d) Each application for a temporary permit shall specify the premises
35 for which they are issued, including a diagram of the premises covered by
36 the temporary permit. The diagram shall clearly show the boundaries of

1 the premises, entrances to and exits from the premises and the area in
2 which the service of alcoholic liquor would take place. A temporary permit
3 shall be issued only for premises where the city, county or township
4 zoning code allows the use for which the permit is issued. No temporary
5 permit shall be issued for premises that are not located in a county where
6 the qualified electors of the county:

7 (1) (A) Approved, by a majority vote of those voting thereon, to
8 adopt the proposition amending section 10 of article 15 of the constitution
9 of the state of Kansas at the general election in November, 1986; or

10 (B) have approved a proposition to allow the sale of liquor by the
11 individual drink in public places within the county at an election pursuant
12 to K.S.A. 41-2646, and amendments thereto; and

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

16 (e) (1) A temporary permit may be issued for the consumption of
17 alcoholic liquor on a city, county or township street, alley, road, sidewalk
18 or highway for an event if: (A) Such street, alley, road, sidewalk or
19 highway is closed to motor vehicle traffic by the governing body of such
20 city, county or township for such event; (B) a written request for such
21 consumption and possession of such alcoholic liquor has been made to the
22 local governing body; and (C) the event has been approved by the
23 governing body of such city, county or township by ordinance or
24 resolution.

25 The boundaries of any such 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 event.

28 (2) Drinking establishments that are immediately adjacent to, or
29 located within the licensed premises of an event, for which a temporary
30 permit has been issued and the consumption of alcoholic liquor on public
31 property has been approved, may request that the drinking establishment's
32 licensed premises be extended into and made a part of the licensed
33 premises of the event, for the duration of the temporary permit issued for
34 such event.

35 (3) Each licensee selling alcoholic liquor for consumption on the
36 premises of an event for which a temporary permit has been issued shall be
37 liable for violations of all laws governing the sale and consumption of
38 alcoholic liquor.

39 (4) Each temporary permit holder selling alcoholic liquor for
40 consumption on the permit premises shall be liable for all violations of
41 laws governing the sale and consumption of alcoholic liquor that occur in
42 areas covered by multiple temporary permits.

43 (f) (1) Except as otherwise provided in this subsection, a temporary

1 permit shall be issued for a period of time not to exceed three consecutive
2 days, the dates and hours of which shall be specified in the permit. An
3 applicant may not be issued more than four temporary permits in a
4 calendar year.

5 (2) The director may issue a sufficient number of temporary permits
6 as required by the state fair board, valid for the entire period of time of the
7 Kansas state fair, which authorizes the sale of wine in its original,
8 unopened container and the serving by the drink of wine or beer, or both,
9 on the state fairgrounds on premises specified in the temporary permit, by
10 a person who has entered into an agreement with the state fair board for
11 that purpose subject to the conditions imposed by the state fair board.
12 Nothing in this paragraph shall be construed to limit the number of
13 temporary permits the director may issue for the sale of wine or beer, or
14 both, on the state fairgrounds consistent with the requirements of the state
15 fair board.

16 (3) For an event approved by the governing body of a city, county or
17 township pursuant to subsection (e)(1), the director may issue a temporary
18 permit, which may, at the director's discretion, be valid for the entire
19 period of such event, but in no event shall such permit be issued for a
20 period of time that exceeds 30 consecutive days.

21 (g) An application for a temporary permit may be rejected by the
22 director if:

23 (1) The applicant has been granted four permits in the current
24 calendar year;

25 (2) the application was not filed with the director at least 14 days
26 prior to the event;

27 (3) the applicant, or any officer, director, partner, registered agent,
28 trustee, manager or owner of the applicant has previously owned or
29 operated any entity holding a temporary permit, club, drinking
30 establishment or caterer's license, had such permit or license surrendered,
31 and at the time such permit or license was surrendered had been ordered to
32 appear and show cause why the permit or license should not be revoked or
33 suspended;

34 (4) the applicant has designated an area for an event that was the
35 subject of the order to appear and show cause as set forth in paragraph (3),
36 and it appears that the new application for a temporary permit covering the
37 premises is an attempt to avoid any possible remedial action taken by the
38 director against the former permit or license holder; or

39 (5) the applicant has had a license or permit revoked under the club
40 and drinking establishment act, or has been convicted of a violation of the
41 Kansas liquor control act, the club and drinking establishment act, the
42 Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et
43 seq., and amendments thereto.

1 (h) (1) A temporary permit holder may purchase and possess
2 alcoholic liquor for resale for a period of three days prior to the first day of
3 sale of such alcoholic liquor. A distributor may, without any further
4 permission from the director, deliver such alcoholic liquor to the permit
5 premises.

6 (2) If a licensee has sold alcoholic liquor to a temporary permit
7 holder, and a distributor directly delivers such alcoholic liquor to such
8 temporary permit holder, but such licensee's normal hours of operation
9 make immediate payment to the distributor impossible, the licensee may
10 pay the distributor for such alcoholic liquor within 48 hours of the sale.

11 (3) Within three business days after the end of an event conducted
12 pursuant to a temporary permit, the temporary permit holder may sell back
13 to the licensee from whom alcoholic liquor was purchased any alcoholic
14 liquor sold to the temporary permit holder for such event.

15 (4) Upon written permission from the director and after four business
16 days after the end of an event conducted pursuant to a temporary permit,
17 the temporary permit holder may sell back to the licensee from whom
18 alcoholic liquor was purchased any alcoholic liquor sold to the temporary
19 permit holder for such event.

20 (i) A temporary permit shall not be transferable or assignable.

21 (j) Each temporary permit holder shall not employ or use the services
22 of any person:

23 (1) Who is under the age of 18 years to serve alcoholic liquor;

24 (2) who is under the age of 21 years to mix or dispense drinks
25 containing alcoholic liquor;

26 (3) who is under the age of 21 and not supervised by the temporary
27 permit holder or an employee who is at least 21 years of age;

28 (4) who has been convicted of a felony or of any crime involving a
29 morals charge to dispense, mix or serve alcoholic liquor; or

30 (5) who has been convicted within the previous two years of a
31 violation of any intoxicating liquor law of this state, any other state or the
32 United States, to dispense, mix or serve alcoholic liquor.

33 New Sec. 2. (a) A temporary permit holder shall only purchase
34 alcoholic liquor from a retailer or a farm winery and may receive delivery
35 of such alcoholic liquor from a distributor.

36 (b) Temporary permit holders shall only purchase alcoholic liquor
37 from a retailer who possesses a federal wholesaler's basic permit and who
38 has a sign on display at the licensed premises that states that the licensee is
39 a "Wholesale Liquor Dealer Under Federal Law." All alcoholic liquor
40 purchased on any one day shall be removed from the licensed premises of
41 the retailer or farm winery within 48 hours. Temporary permit holders
42 shall not warehouse any alcoholic liquor on the licensed premises of any
43 retailer or farm winery for more than 48 hours.

1 (c) Each temporary permit holder, when purchasing alcoholic liquor
2 from a retailer or farm winery, shall obtain and keep for at least one year
3 from the date of purchase a sales receipt that contains the following
4 information:

5 (1) The date of purchase;

6 (2) the name and address of the retailer or farm winery;

7 (3) the name and address of the temporary permit holder as it appears
8 on the temporary permit;

9 (4) the brand, size, proof and amount of all alcoholic liquor
10 purchased; and

11 (5) the subtotal of the cost of all alcoholic liquor purchased, and the
12 total cost of such purchase, including enforcement tax.

13 (d) Each temporary permit holder shall be responsible for all
14 violations of the club and drinking establishment act by the following
15 people while on the permit premises:

16 (1) An employee of the temporary permit holder, or of any person
17 contracting with the temporary permit holder to provide services or food in
18 connection with an event; or

19 (2) any individual dispensing, mixing or serving alcoholic liquor at an
20 event.

21 (e) Except for a temporary permit holder who has obtained such
22 permit for the sale of alcoholic liquor at a charitable auction or for the sale
23 of one or more limited issue porcelain containers containing alcoholic
24 liquor, no temporary permit holder shall sell alcoholic liquor for removal
25 from or consumption off the licensed premises, except that alcoholic liquor
26 may be removed to a drinking establishment that has extended its premises
27 into the event area in accordance with K.S.A. 41-2608, and amendments
28 thereto.

29 (f) The boundary of any premises covered by a temporary permit
30 shall be marked by a line of demarcation.

31 New Sec. 3. (a) All alcoholic liquor sold at an event covered by a
32 temporary permit shall be dispensed only from original containers.

33 (b) An individual may carry an original container of alcoholic liquor
34 onto the event premises with the approval of the temporary permit holder
35 and under the following conditions:

36 (1) The temporary permit holder shall not store any such containers
37 of alcoholic liquor on the event premises; and

38 (2) each individual carrying any such container onto the event
39 premises shall remove such container when the individual exits the event
40 premises.

41 New Sec. 4. Notwithstanding any other provisions of the Kansas
42 liquor control act or the club and drinking establishment act to the
43 contrary, any person or entity who is issued a temporary permit may

1 provide samples of wine, beer and distilled spirits on the permit premises
2 as follows:

3 (a) All wine, beer and spirits sampled shall come from the inventory
4 of the temporary permit holder. Except as provided by paragraph (2), a
5 person other than the temporary permit holder, or such permit holder's
6 agent or employee, may not dispense or participate in the dispensing of
7 alcoholic beverages under this section.

8 (b) A supplier's permit holder, or such permit holder's agent or
9 employee, may provide samples of wine, beer and distilled spirits on the
10 permit premises, and may open, touch or pour such alcoholic liquor, make
11 a presentation, or answer questions at such sampling events. Any alcoholic
12 liquor sampled under this subsection must be purchased from a retailer or
13 the temporary permit holder on whose premises the sampling event is held.

14 (c) No charge of any sort may be made for a sample serving.

15 (d) A person may be served more than one sample. Samples may not
16 be served to a minor. No samples may be removed from the permit
17 premises.

18 (e) The act of providing samples to consumers shall be exempt from
19 the requirement of holding a Kansas food service dealer license from the
20 department of agriculture under the provisions of chapter 65 of the Kansas
21 Statutes Annotated, and amendments thereto.

22 New Sec. 5. The provisions of beer and cereal malt beverage keg
23 registration act, K.S.A. 41-2901 through 41-2906, and amendments
24 thereto, shall not apply to retail sales of alcoholic liquor to temporary
25 permit holders.

26 New Sec. 6. (a) The provisions of sections 1 through 5, and
27 amendments thereto, shall be subject to the enforcement provisions of the
28 Kansas liquor control act and the club and drinking establishment act and
29 the rules and regulations adopted under such acts.

30 (b) The secretary of revenue may adopt rules and regulations for the
31 administration and enforcement of sections 1 through 5, and amendments
32 thereto.

33 (c) Those terms used in sections 1 through 5, and amendments
34 thereto, that are defined in K.S.A. 41-102 or 41-2601, and amendments
35 thereto, shall have the same meaning as such terms are defined in K.S.A.
36 41-102 or 41-2601, and amendments thereto, as the case may be.

37 Sec. 7. K.S.A. 2018 Supp. 41-308a is hereby amended to read as
38 follows: 41-308a. (a) A farm winery license shall allow:

39 (1) The manufacture of domestic table wine and domestic fortified
40 wine in a quantity not exceeding 100,000 gallons per year and the storage
41 thereof;

42 (2) the sale of wine, manufactured by the licensee, to licensed wine
43 distributors, retailers, public venues, clubs, drinking establishments,

1 holders of temporary permits as authorized by ~~K.S.A. 41-2645~~ *section 1*,
2 and amendments thereto, and caterers;

3 (3) the sale, on the licensed premises and at special events monitored
4 and regulated by the division of alcoholic beverage control in the original
5 unopened container to consumers for consumption off the licensed
6 premises, of wine manufactured by the licensee;

7 (4) the serving free of charge on the licensed premises and at special
8 events, monitored and regulated by the division of alcoholic beverage
9 control, of samples of wine manufactured by the licensee or imported
10 under subsection (e), if the licensed premises are located in a county where
11 the sale of alcoholic liquor is permitted by law in licensed drinking
12 establishments;

13 (5) the sale of wine manufactured by the licensee for consumption on
14 the licensed premises, provided, the licensed premises are located in a
15 county where the sale of alcoholic liquor is permitted by law in licensed
16 drinking establishments. Wine sold pursuant to this paragraph shall not be
17 subject to the provisions of the club and drinking establishment act, K.S.A.
18 41-2601 et seq., and amendments thereto, and no drinking establishment
19 license shall be required to make such sales;

20 (6) if the licensee is also licensed as a club or drinking establishment,
21 the sale of domestic wine, domestic fortified wine and other alcoholic
22 liquor for consumption on the licensed premises as authorized by the club
23 and drinking establishment act;

24 (7) if the licensee is also licensed as a caterer, the sale of domestic
25 wine, domestic fortified wine and other alcoholic liquor for consumption
26 on the unlicensed premises as authorized by the club and drinking
27 establishment act;

28 (8) the sale and shipping, in the original unopened container, to
29 consumers outside this state of wine manufactured by the licensee,
30 provided that the licensee complies with applicable laws and rules and
31 regulations of the jurisdiction to which the wine is shipped; and

32 (9) the sale and shipping of wine within this state pursuant to a permit
33 issued pursuant to K.S.A. 2018 Supp. 41-350, and amendments thereto.

34 (b) Upon application and payment of the fee prescribed by K.S.A. 41-
35 310, and amendments thereto, by a farm winery licensee, the director may
36 issue not to exceed three winery outlet licenses to the farm winery
37 licensee. A winery outlet license shall allow:

38 (1) The sale, on the licensed premises and at special events monitored
39 and regulated by the division of alcoholic beverage control in the original
40 unopened container to consumers for consumption off the licensed
41 premises, of wine manufactured by the licensee;

42 (2) the serving on the licensed premises of samples of wine
43 manufactured by the licensee or imported under subsection (e), if the

1 premises are located in a county where the sale of alcoholic liquor is
2 permitted by law in licensed drinking establishments; and

3 (3) the manufacture of domestic table wine and domestic fortified
4 wine and the storage thereof; provided, that the aggregate quantity of wine
5 produced by the farm winery licensee, including all winery outlets, shall
6 not exceed 100,000 gallons per year.

7 (c) Not less than 30% of the products utilized in the manufacture of
8 domestic table wine and domestic fortified wine by a farm winery shall be
9 grown in Kansas except when a lesser proportion is authorized by the
10 director based upon the director's findings and judgment. The production
11 requirement of this subsection shall be determined based on the annual
12 production of domestic table wine and domestic fortified wine by the farm
13 winery.

14 (d) A farm winery or winery outlet may sell domestic wine and
15 domestic fortified wine in the original unopened container to consumers
16 for consumption off the licensed premises at any time between 6 a.m. and
17 12 midnight on any day. If authorized by subsection (a), a farm winery
18 may serve samples of wine manufactured by the licensee and wine
19 imported under subsection (e) and serve and sell domestic wine, domestic
20 fortified wine and other alcoholic liquor for consumption on the licensed
21 premises at any time when a club or drinking establishment is authorized
22 to serve and sell alcoholic liquor. If authorized by subsection (b), a winery
23 outlet may serve samples of domestic wine, domestic fortified wine and
24 wine imported under subsection (e) at any time when the winery outlet is
25 authorized to sell domestic wine and domestic fortified wine.

26 (e) The director may issue to the Kansas state fair or any bona fide
27 group of grape growers or wine makers a permit to import into this state
28 small quantities of wines. Such wine shall be used only for bona fide
29 educational and scientific tasting programs and shall not be resold. Such
30 wine shall not be subject to the tax imposed by K.S.A. 41-501, and
31 amendments thereto. The permit shall identify specifically the brand and
32 type of wine to be imported, the quantity to be imported, the tasting
33 programs for which the wine is to be used and the times and locations of
34 such programs. The secretary shall adopt rules and regulations governing
35 the importation of wine pursuant to this subsection and the conduct of
36 tasting programs for which such wine is imported.

37 (f) A farm winery license or winery outlet license shall apply only to
38 the premises described in the application and in the license issued and only
39 one location shall be described in the license.

40 (g) No farm winery or winery outlet shall:

41 (1) Employ any person under the age of 18 years in connection with
42 the manufacture, sale or serving of any alcoholic liquor;

43 (2) permit any employee of the licensee who is under the age of 21

1 years to work on the licensed premises at any time when not under the on-
 2 premise supervision of either the licensee or an employee of the licensee
 3 who is 21 years of age or over;

4 (3) employ any person under 21 years of age in connection with
 5 mixing or dispensing alcoholic liquor; or

6 (4) employ any person in connection with the manufacture or sale of
 7 alcoholic liquor if the person has been convicted of a felony.

8 (h) Whenever a farm winery or winery outlet licensee is convicted of
 9 a violation of the Kansas liquor control act, the director may revoke the
 10 licensee's license and order forfeiture of all fees paid for the license, after a
 11 hearing before the director for that purpose in accordance with the
 12 provisions of the Kansas administrative procedure act.

13 (i) This section shall be part of and supplemental to the Kansas liquor
 14 control act.

15 Sec. 8. K.S.A. 2018 Supp. 41-719 is hereby amended to read as
 16 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
 17 8-1599, and amendments thereto, no person shall drink or consume
 18 alcoholic liquor on the public streets, alleys, roads or highways or inside
 19 vehicles while on the public streets, alleys, roads or highways.

20 (2) Alcoholic liquor may be consumed ~~at a special event or catered~~
 21 ~~event held~~ on public streets, alleys, roads, sidewalks or highways when:

22 (A) A temporary permit has been issued pursuant to ~~K.S.A. 41-2645~~
 23 ~~section 1~~, and amendments thereto, for such ~~special an event or when the;~~

24 (B) a caterer's licensee has provided the required notification ~~for a~~
 25 ~~catered event~~ pursuant to K.S.A. 41-2643, and amendments thereto. ~~Any~~
 26 ~~special event; or~~

27 (C) a drinking establishment licensee has been authorized to extend
 28 its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.

29 (3) Consumption of alcoholic liquor on public streets, alleys, roads,
 30 sidewalks or highways must be approved, by ordinance or resolution, by
 31 the local governing body of any city, county or township where such
 32 ~~special event is being held~~ consumption will occur. No alcoholic liquor
 33 may be consumed inside vehicles while on public streets, alleys, roads or
 34 highways at any ~~special event or catered event time~~.

35 ~~(3)(4)~~ No person shall remove any alcoholic liquor from inside the
 36 boundaries of ~~a special an event~~ as designated by the governing body of
 37 any city, county or township, ~~or from the boundaries of the a catered event~~
 38 ~~or from the extended licensed premises of a drinking establishment. The~~
 39 ~~boundaries of a special event~~ Such boundaries shall be clearly marked by
 40 signs, a posted map or other means which reasonably identify the area in
 41 which alcoholic liquor may be possessed or consumed ~~at such special~~
 42 ~~event~~.

43 ~~(4) No person shall possess or consume alcoholic liquor inside the~~

1 ~~premises licensed as a special event that was not sold or provided by the~~
2 ~~licensee holding the temporary permit for such special event.~~

3 (b) Alcoholic liquor may be consumed within common consumption
4 areas designated by a city or county on public streets, alleys, roads,
5 sidewalks or highways pursuant to K.S.A. 2018 Supp. 41-2659, and
6 amendments thereto, except that no alcoholic liquor may be consumed
7 inside vehicles while on public streets, alleys, roads or highways within a
8 common consumption area. Further, no person shall remove any alcoholic
9 liquor from inside the boundaries of the common consumption area which
10 shall be clearly designated by a physical barrier.

11 (c) No person shall drink or consume alcoholic liquor on private
12 property except:

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

15 (2) upon private property by a person occupying such property as an
16 owner or lessee of an owner and by the guests of such person, if no charge
17 is made for the serving or mixing of any drink or drinks of alcoholic liquor
18 or for any substance mixed with any alcoholic liquor and if no sale of
19 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
20 takes place;

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

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

31 (5) on the premises of a manufacturer, microbrewery, microdistillery
32 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or
33 K.S.A. 2018 Supp. 41-354, and amendments thereto;

34 (6) on the premises of an unlicensed business as authorized pursuant
35 to subsection (j); or

36 (7) within a common consumption area established pursuant to
37 K.S.A. 2018 Supp. 41-2659, and amendments thereto.

38 (d) No person shall drink or consume alcoholic liquor on public
39 property except:

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

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

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

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

10 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
11 beer or wine or wine imported under K.S.A. 41-308a(e), and amendments
12 thereto, and is consumed only for purposes of judging competitions; (B)
13 the alcoholic liquor is wine or beer and is sold and consumed during the
14 days of the Kansas state fair on premises leased by the state fair board to a
15 person who holds a temporary permit issued pursuant to ~~K.S.A. 41-2645~~
16 *section 1*, and amendments thereto, authorizing the sale and serving of
17 such wine or beer, or both; or (C) the alcoholic liquor is consumed on
18 nonfair days in conjunction with bona fide scheduled events involving not
19 less than 75 invited guests and the state fair board, in its discretion,
20 authorizes the consumption of the alcoholic liquor, subject to any
21 conditions or restrictions the board may require.

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

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

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

32 (9) On the premises of any Kansas national guard regional training
33 center or armory, and any building on such premises, as authorized by
34 rules and regulations of the adjutant general and upon approval of the
35 Kansas military board.

36 (10) On the premises of any land or waters owned or managed by the
37 department of wildlife, parks and tourism, except as otherwise prohibited
38 by rules and regulations of the department adopted by the secretary
39 pursuant to K.S.A. 32-805, and amendments thereto.

40 (11) On property exempted from this subsection pursuant to
41 subsection (e), (f), (g), (h) or (i).

42 (12) On the premises of the state capitol building or on its
43 surrounding premises during an official state function of a nonpartisan

1 nature that has been approved by the legislative coordinating council.

2 (13) On premises of a common consumption area established by
3 K.S.A. 2018 Supp. 41-2659, and amendments thereto.

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

6 (f) The board of county commissioners of any county may exempt,
7 by resolution, from the provisions of subsection (d) specified property the
8 title of which is vested in such county.

9 (g) The state board of regents may exempt from the provisions of
10 subsection (d) the Sternberg museum on the campus of Fort Hays state
11 university, or other specified property which is under the control of such
12 board and which is not used for classroom instruction, where alcoholic
13 liquor may be consumed in accordance with policies adopted by such
14 board.

15 (h) The board of regents of Washburn university may exempt from
16 the provisions of subsection (d) the Mulvane art center and the Bradbury
17 Thompson alumni center on the campus of Washburn university, and other
18 specified property the title of which is vested in such board and which is
19 not used for classroom instruction, where alcoholic liquor may be
20 consumed in accordance with policies adopted by such board.

21 (i) The board of trustees of a community college may exempt from
22 the provisions of subsection (d) specified property which is under the
23 control of such board and which is not used for classroom instruction,
24 where alcoholic liquor may be consumed in accordance with policies
25 adopted by such board.

26 (j) (1) An unlicensed business may authorize patrons or guests of
27 such business to consume alcoholic liquor on the premises of such
28 business provided:

29 (A) Such alcoholic liquor is in the personal possession of the patron
30 and is not sold, offered for sale or given away by the owner of such
31 business or any employees thereof;

32 (B) possession and consumption of alcoholic liquor shall not be
33 authorized between the hours of 12 a.m. and 9 a.m.;

34 (C) the business, or any owner thereof, shall not have had a license
35 issued under either the Kansas liquor control act or the club and drinking
36 establishment act revoked for any reason; and

37 (D) no charge of any sort may be made by the business for the
38 privilege of possessing or consuming alcoholic liquor on the premises, or
39 for mere entry onto the premises.

40 (2) It shall be a violation of this section for any unlicensed business to
41 authorize the possession or consumption of alcoholic liquor by a patron of
42 such business when such authorization is not in accordance with the
43 provisions of this subsection.

1 (3) For the purposes of this subsection, "patron" means a natural
2 person who is a customer or guest of an unlicensed business.

3 (k) Violation of any provision of this section is a misdemeanor
4 punishable by a fine of not less than \$50 or more than \$200 or by
5 imprisonment for not more than six months, or both.

6 (l) For the purposes of this section: ~~(1) "Special event" means a~~
7 ~~picnic, bazaar, festival or other similar community gathering, which has~~
8 ~~been approved by the local governing body of any city, county or~~
9 ~~township; and~~

10 ~~(2)~~—, "common consumption area" has the *same* meaning as *that term*
11 *is* defined in K.S.A. 2018 Supp. 41-2659, and amendments thereto.

12 Sec. 9. K.S.A. 2018 Supp. 41-2601 is hereby amended to read as
13 follows: 41-2601. As used in the club and drinking establishment act:

14 (a) The following terms shall have the meanings provided by K.S.A.
15 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3)
16 "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

17 (b) "Beneficial interest" shall not include any interest a person may
18 have as owner, operator, lessee or franchise holder of a licensed hotel or
19 motel on the premises of which a club or drinking establishment is located.

20 (c) "Caterer" means an individual, partnership or corporation which
21 sells alcoholic liquor by the individual drink, and provides services related
22 to the serving thereof, on unlicensed premises which may be open to the
23 public, but does not include a holder of a temporary permit, selling
24 alcoholic liquor in accordance with the terms of such permit.

25 (d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-
26 2701, and amendments thereto.

27 (e) "Class A club" means a premises which is owned or leased by a
28 corporation, partnership, business trust or association and which is
29 operated thereby as a bona fide nonprofit social, fraternal or war veterans'
30 club, as determined by the director, for the exclusive use of the corporate
31 stockholders, partners, trust beneficiaries or associates (hereinafter referred
32 to as members) and their families and guests accompanying them.

33 (f) "Class B club" means a premises operated for profit by a
34 corporation, partnership or individual, to which members of such club may
35 resort for the consumption of food or alcoholic beverages and for
36 entertainment.

37 (g) "Club" means a class A or class B club.

38 (h) "Drinking establishment" means premises which may be open to
39 the general public, where alcoholic liquor by the individual drink is sold.
40 Drinking establishment includes a railway car.

41 (i) "Food" means any raw, cooked or processed edible substance or
42 ingredient, other than alcoholic liquor or cereal malt beverage, used or
43 intended for use or for sale, in whole or in part, for human consumption.

- 1 (j) "Food service establishment" has the meaning provided by K.S.A.
2 36-501, and amendments thereto.
- 3 (k) "Hotel" has the meaning provided by K.S.A. 36-501, and
4 amendments thereto.
- 5 (l) "Individual drink" means a beverage containing alcoholic liquor or
6 cereal malt beverage served to an individual for consumption by such
7 individual or another individual, but which is not intended to be consumed
8 by two or more individuals. The term "individual drink" includes
9 beverages containing not more than: (1) Eight ounces of wine; (2) thirty-
10 two ounces of beer or cereal malt beverage; or (3) four ounces of a single
11 spirit or a combination of spirits.
- 12 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or
13 wholly or partially refrigerated, access to the interior of which is restricted
14 by means of a locking device which requires the use of a key, magnetic
15 card or similar device.
- 16 (n) "Minor" means a person under 21 years of age.
- 17 (o) "Morals charge" means a charge involving the sale of sexual
18 relations; procuring any person; soliciting of a child under 18 years of age
19 for any immoral act involving sex; possession or sale of narcotics,
20 marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal
21 cohabitation; adultery; bigamy; or a crime against nature.
- 22 (p) "Municipal corporation" means the governing body of any county
23 or city.
- 24 (q) "Public venue" means an arena, stadium, hall or theater, used
25 primarily for athletic or sporting events, live concerts, live theatrical
26 productions or similar seasonal entertainment events, not operated on a
27 daily basis, and containing:
- 28 (1) Not less than 4,000 permanent seats; and
29 (2) not less than two private suites, which are enclosed or semi-
30 enclosed seating areas, having controlled access and separated from the
31 general admission areas by a permanent barrier.
- 32 (r) "Railway car" means a locomotive drawn conveyance used for the
33 transportation and accommodation of human passengers that is confined to
34 a fixed rail route and which derives from sales of food for consumption on
35 the railway car not less than 30% of its gross receipts from all sales of food
36 and beverages in a 12-month period.
- 37 (s) "Restaurant" means:
- 38 (1) In the case of a club, a licensed food service establishment which,
39 as determined by the director, derives from sales of food for consumption
40 on the licensed club premises not less than 50% of its gross receipts from
41 all sales of food and beverages on such premises in a 12-month period;
42 (2) in the case of a drinking establishment subject to a food sales
43 requirement under K.S.A. 41-2642, and amendments thereto, a licensed

1 food service establishment which, as determined by the director, derives
2 from sales of food for consumption on the licensed drinking establishment
3 premises not less than 30% of its gross receipts from all sales of food and
4 beverages on such premises in a 12-month period; and

5 (3) in the case of a drinking establishment subject to no food sales
6 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
7 food service establishment.

8 (t) "RV resort" means premises where a place to park recreational
9 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered
10 for pay, primarily to transient guests, for overnight or longer use while
11 such recreational vehicles are used as sleeping or living accommodations.

12 (u) "Sample" means a serving of alcoholic liquor which contains not
13 more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or
14 (3) two ounces of beer or cereal malt beverage. A sample of a mixed
15 alcoholic beverage shall contain not more than one-half ounce of distilled
16 spirits.

17 (v) "Secretary" means the secretary of revenue.

18 (w) "Temporary permit" means a temporary permit issued pursuant to
19 ~~K.S.A. 41-2645~~ *section 1*, and amendments thereto.

20 Sec. 10. K.S.A. 2018 Supp. 41-2608 is hereby amended to read as
21 follows: 41-2608. (a) Any public venue, club or drinking establishment
22 license issued pursuant to this act shall be for one particular premises
23 which shall be stated in the application and in the license. Not more than
24 one premises licensed under the club and drinking establishment act shall
25 exist at a single legal address.

26 (b) No license shall be issued for a public venue, club or drinking
27 establishment unless the city, township or county zoning code allows a
28 club or drinking establishment at that location.

29 (c) *The licensed premises of a license may be extend into a city,*
30 *county or township street, alley, road, sidewalk or highway if: (1) Such*
31 *street, alley, road, sidewalk or highway is closed to motor vehicle traffic*
32 *by the governing body of such city, county or township at any time during*
33 *which alcoholic liquor is to be sold or consumed; and (2) such extension*
34 *has been approved by the city, county or township by ordinance or*
35 *resolution that specifies the exact times during which alcoholic liquor may*
36 *be sold or consumed on the street, alley, road, sidewalk or highway.*

37 Sec. 11. K.S.A. 2018 Supp. 41-308a, 41-347, 41-719, 41-2601, 41-
38 2608 and 41-2645 are hereby repealed.

39 Sec. 12. This act shall take effect and be in force from and after its
40 publication in the statute book.