SENATE BILL No. 70

By Committee on Federal and State Affairs

AN ACT concerning alcoholic beverages; relating to temporary permits; amending K.S.A. 2018 Supp. 41-308a, 41-719, 41-2601 and, 41-2608, 41-2622, 41-2637, 41-2641 and 41-2642 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 41-347 and 41-2645.

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

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

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

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

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

(d) Each application for a temporary permit shall specify the premises for which they are issued, including a diagram of the premises covered by the temporary permit. The diagram shall clearly show the boundaries of...
the premises, entrances to and exits from the premises and the area in
which the service of alcoholic liquor would take place. A temporary permit
shall be issued only for premises where the city, county or township
zoning code allows the use for which the permit is issued. No temporary
permit shall be issued for premises that are not located in a county where
the qualified electors of the county:
   (1) (A) Approved, by a majority vote of those voting thereon, to
adopt the proposition amending section 10 of article 15 of the constitution
of the state of Kansas at the general election in November, 1986; or
   (B) have approved a proposition to allow the sale of liquor by the
individual drink in public places within the county at an election pursuant
to K.S.A. 41-2646, and amendments thereto; and
   (2) have not approved a proposition to prohibit such sales of alcoholic
liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,
and amendments thereto.
   (e) (1) A temporary permit may be issued for the consumption of
alcoholic liquor on a city, county or township street, alley, road, sidewalk
or highway for an event if: (A) Such street, alley, road, sidewalk or
highway is closed to motor vehicle traffic by the governing body of such
city, county or township for such event; (B) a written request for such
consumption and possession of such alcoholic liquor has been made to the
local governing body; and (C) the event has been approved by the
governing body of such city, county or township by ordinance or
resolution.
   The boundaries of any such event shall be clearly marked by signs, a
posted map or other means which reasonably identify the area in which
alcoholic liquor may be possessed or consumed at such event.
   (2) Drinking establishments that are immediately adjacent to, or
located within the licensed premises of an event, for which a temporary
permit has been issued and the consumption of alcoholic liquor on public
property has been approved, may request that the drinking establishment's
licensed premises be extended into and made a part of the licensed
premises of the event, for the duration of the temporary permit issued for
such event.
   (3) Each licensee selling alcoholic liquor for consumption on the
premises of an event for which a temporary permit has been issued shall be
liable for violations of all laws governing the sale and consumption of
alcoholic liquor.
   (4) Each temporary permit holder selling alcoholic liquor for
consumption on the permit premises shall be liable for all violations of
laws governing the sale and consumption of alcoholic liquor that occur in
areas covered by multiple temporary permits.
   (f) (1) Except as otherwise provided in this subsection, a temporary
permit shall be issued for a period of time not to exceed three consecutive
days, the dates and hours of which shall be specified in the permit. An
applicant may not be issued more than four temporary permits in a
calendar year.

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

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

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

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

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

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

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

(5) the applicant has had a license or permit revoked under the club
and drinking establishment act, or has been convicted of a violation of the
Kansas liquor control act, the club and drinking establishment act, the
Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et
seq., and amendments thereto.
(h) (1) A temporary permit holder may purchase and possess alcoholic liquor for resale for a period of three days prior to the first day of sale of such alcoholic liquor. A distributor may, without any further permission from the director, deliver such alcoholic liquor to the permit premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The date of purchase;
(2) the name and address of the retailer or farm winery;
(3) the name and address of the temporary permit holder as it appears on the temporary permit;
(4) the brand, size, proof and amount of all alcoholic liquor purchased; and
(5) the subtotal of the cost of all alcoholic liquor purchased, and the total cost of such purchase, including enforcement tax.

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

(1) An employee of the temporary permit holder, or of any person contracting with the temporary permit holder to provide services or food in connection with an event; or
(2) any individual dispensing, mixing or serving alcoholic liquor at an event.

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

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

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

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

(1) The temporary permit holder shall not store any such containers of alcoholic liquor on the event premises; and
(2) each individual carrying any such container onto the event premises shall remove such container when the individual exits the event premises.

New Sec. 4. Notwithstanding any other provisions of the Kansas
liquor control act or the club and drinking establishment act to the
contrary, any person or entity who is issued a temporary permit may
provide samples of wine, beer and distilled spirits on the permit premises
as follows:

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

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

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

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

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

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

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

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

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

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

(1) The manufacture of domestic table wine and domestic fortified
wine in a quantity not exceeding 100,000 gallons per year and the storage
thereof;
(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645 section 1, and amendments thereto, and caterers;

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

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

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

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

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

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

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

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

(1) The sale, on the licensed premises and at special events monitored and regulated by the division of alcoholic beverage control in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;
(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (e), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

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

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

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

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

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

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with
the manufacture, sale or serving of any alcoholic liquor;
(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;
(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or
(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.
(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.
(i) This section shall be part of and supplemental to the Kansas liquor control act.
Sec. 8. K.S.A. 2018 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.
(2) Alcoholic liquor may be consumed at a special event or catered event held on public streets, alleys, roads or highways when:
(A) A temporary permit has been issued pursuant to K.S.A. 41-2645 section 1, and amendments thereto, for such special event or when the;
(B) a caterer's licensee has provided the required notification for a catered event pursuant to K.S.A. 41-2643, and amendments thereto. Any special event; or
(C) a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment licensee has been authorized to extend its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.
(3) Consumption of alcoholic liquor on public streets, alleys, sidewalks or highways must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any special event or catered event time.
(3)(4) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township, or from the boundaries of the a catered event or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment. The boundaries of a special event Such boundaries shall be clearly marked by
signs, a posted map or other means which reasonably identify the area in
which alcoholic liquor may be possessed or consumed at such special

event.

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

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

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

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

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

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

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

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

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

(7) within a common consumption area established pursuant to

(d) No person shall drink or consume alcoholic liquor on public
property except:
(1) On real property leased by a city to others under the provisions of
K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real
property is actually being used for hotel or motel purposes or purposes
incidental thereto.

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

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

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

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

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

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

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

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

(10) On the premises of any land or waters owned or managed by the
department of wildlife, parks and tourism, except as otherwise prohibited
by rules and regulations of the department adopted by the secretary
pursuant to K.S.A. 32-805, and amendments thereto.
(11) On property exempted from this subsection pursuant to subsection (e), (f), (g), (h) or (i).

(12) On the premises of the state capitol building or on its surrounding premises during an official state function of a nonpartisan nature that has been approved by the legislative coordinating council.

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

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

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

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

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

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

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

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

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

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

   (D) no charge of any sort may be made by the business for the privilege of possessing or consuming alcoholic liquor on the premises, or for mere entry onto the premises.
(2) It shall be a violation of this section for any unlicensed business to authorize the possession or consumption of alcoholic liquor by a patron of such business when such authorization is not in accordance with the provisions of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) "Food service establishment" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(k) "Hotel" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(n) "Minor" means a person under 21 years of age.

(o) "Morals charge" means a charge involving the sale of sexual relations; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) "Municipal corporation" means the governing body of any county or city.

(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

   (1) Not less than 4,000 permanent seats; and

   (2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) "Railway car" means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) "Restaurant" means:

   (1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption
on the licensed club premises not less than 50% of its gross receipts from
all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales
requirement under K.S.A. 41-2642, and amendments thereto, a licensed
food service establishment which, as determined by the director, derives
from sales of food for consumption on the licensed drinking establishment
premises not less than 30% of its gross receipts from all sales of food and
beverages on such premises in a 12-month period; and

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

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

(u) "Sample" means a serving of alcoholic liquor which contains not
more than: (1) One half ounce of Distilled spirits; (2) one ounce of wine;
or (3) two ounces of beer or cereal malt beverage. A sample of a mixed
alcoholic beverage shall contain not more than one half ounce of distilled
spirits may also be served.

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

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

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

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

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

Sec. 11. K.S.A. 2018 Supp. 41-2622 is hereby amended to read as
follows: 41-2622. (a) At the time application is made to the director for a
license pursuant to the club and drinking establishment act, the
applicant shall pay the following license fee in the manner provided by
K.S.A. 41-2606, and amendments thereto:

(1) For a class A club which is a bona fide nonprofit fraternal or
    war veterans' club, as defined by rules and regulations of the secretary,
    $500;

(2) for a class A club which is a bona fide nonprofit social club, as
    defined by rules and regulations of the secretary, and which has not
    more than 500 members, $1,000;

(3) for a class A club which is a bona fide nonprofit social club, as
    defined by rules and regulations of the secretary, and which has more
    than 500 members, $2,000;

(4) for a class B club, $2,000;

(5) for a caterer, $1,000;

(6) for a drinking establishment, $2,000;

(7) for a hotel of which the entire premises are licensed as a
    drinking establishment, $6,000;

(8) for a drinking establishment/caterer establishment caterer,
    $3,000;

(9) for a drinking establishment/caterer establishment caterer, if the
    drinking establishment is a hotel of which the entire premises are
    licensed as a drinking establishment, $7,000;

(10) for a public venue with a maximum capacity of not more than
    10,000 persons, $5,000;

(11) for a public venue with a maximum capacity of not more than
    25,000 persons, $7,500; and

(12) for a public venue with a maximum capacity exceeding 25,000
    persons, $10,000.

(b) In addition to the fee provided by subsection (a), any city where
    the licensed premises of a club or drinking establishment are located or,
    if such licensed premises are not located in a city, the board of county
    commissioners of the county where the licensed premises are located
    may levy and collect a biennial occupation or license tax from the
    licensee in an amount equal to not less than $200 nor more than $500.

(c) In addition to the fee provided by subsection (a), any city where
    the licensed premises of a public venue is located or, if such licensed
    premises is not located in a city, the board of county commissioners of
    the county where the licensed premises is located may levy and collect a
    biennial occupation or license tax from the licensee in an amount not
    more than $1,000.

(d) No occupational or excise tax or license fee other than that
    authorized by subsection (b) or (c) shall be levied by any city or county
    against or collected from a licensed public venue, club or drinking
    establishment.
(e) The director shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the Kansas department for aging and disability services. In addition to other purposes for which expenditures may be made from the other state fees fund of the Kansas department for aging and disability services, expenditures may be made by the secretary for aging and disability services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 12. K.S.A. 2018 Supp. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge for consumption by members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be
removed from the licensed premises in its unopened condition.

Sec. 13. K.S.A. 2018 Supp. 41-2641 is hereby amended to read as
follows: 41-2641. (a) A license for a class B club shall allow the licensee
to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on
the licensed premises by members of such club and guests
accompanying them; and (2) serve samples of alcoholic liquor free of
charge on the licensed premises for consumption by such members and
their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person
may be served no more than five samples per visit. Samples may not be
served to a minor. No samples may be removed from the licensed
premises. Providing samples is prohibited for any licensee who charges
a cover charge or entry fee at any time during the business day. No
consideration shall be requested or required for entry onto the premises,
participation in any event taking place on the premises or to remain on
the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or
more class A or class B clubs may permit, by an agreement filed with
and approved by the director, the members of each such club to have
access to all other clubs which are parties to such agreement. The
privileges extended to the visiting members of other clubs under such an
agreement shall be determined by the agreement and, if the agreement
so provides, any club which is a party to such agreement may sell, offer
for sale and serve, to any person who is a member of another club which
is a party to such agreement, alcoholic liquor for consumption on the
licensed premises by such person and such person’s family, and guests
accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized
by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for
membership in a class B club shall, before becoming a member of such
club:

(1) Be screened by the club for good moral character; and

(2) pay an annual membership fee of not less than $10.

(d) Notwithstanding the membership fee requirement of subsection
(c):

(1) Any class B club located on the premises of a hotel or RV resort
may establish rules whereby a guest, who registered at the hotel or RV
resort and who is not a resident of the county in which the club is
located, may file application for temporary membership in such club.
The membership, if granted, shall be valid only for the period of time
that the guest is a bona fide registered guest at the hotel or RV resort
and such temporary membership shall not be subject to the fee
requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the fee requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 14. K.S.A. 2018 Supp. 41-2642 is hereby amended to read as
(a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises which may be open to the public, and to serve samples of alcoholic liquor free of charge on licensed premises subject to the requirements of subsection (c), but only if such premises are located in a county where the qualified electors of the county:

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

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

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

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

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

(c) No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(d) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

(e) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking
establishment or as a drinking establishment/caterer may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

(f) A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 11. K.S.A. 2018 Supp. 41-308a, 41-347, 41-719, 41-2601, 41-2608, 41-2622, 41-2637, 41-2641, 41-2642 and 41-2645 are hereby repealed.

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