

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2550

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning alcoholic beverages; amending K.S.A. 41-2640 and
2 41-2722 and repealing the existing sections.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 41-2640 is hereby amended to read as follows: 41-
6 2640. (a) No club, drinking establishment, caterer or holder of a temporary
7 permit, nor any person acting as an employee or agent thereof, shall:

8 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in
9 any form to any person;

10 (2) offer or serve to any person a drink at a price that is less than the
11 acquisition cost of the drink to the licensee or permit holder;

12 (3) sell, offer to sell or serve to any person an unlimited number of
13 drinks during any set period of time for a fixed price, except at private
14 functions not open to the general public or to the general membership of a
15 club;

16 ~~(4) sell, offer to sell or serve any drink to any person at any time at a~~
17 ~~price less than that charged all other purchasers of drinks on that day;~~

18 (5) (4) increase the volume of alcoholic liquor contained in a drink or
19 the size of a drink of cereal malt beverage without increasing
20 proportionately the price regularly charged for the drink on that day;

21 ~~(6) (5) encourage or permit, on the licensed premises, any game or~~
22 ~~contest which involves drinking alcoholic liquor or cereal malt beverage or~~
23 ~~the awarding of drinks as prizes; or~~

24 ~~(7) (6) advertise or promote in any way, whether on or off the~~
25 ~~licensed premises, any of the practices prohibited under subsections (a)(1)~~
26 ~~through (6).~~

27 (b) Nothing in subsection (a) shall be construed to prohibit a club,
28 drinking establishment, caterer or holder of a temporary permit from:

29 (1) Offering free food or entertainment at any time; ~~or~~

30 (2) selling or delivering wine by the bottle or carafe; ~~or~~

31 **(3) selling, offering to sell or serving any drink at different prices**
32 **at certain specified times during the day.**

33 (c) Violation of any provision of this section is a misdemeanor
34 punishable as provided by K.S.A. 41-2633, and amendments thereto.

35 (d) Violation of any provision of this section shall be grounds for
36 suspension or revocation of the licensee's license as provided by K.S.A.

1 41-2609, and amendments thereto, and for imposition of a civil fine on the
2 licensee or temporary permit holder as provided by K.S.A. 41-2633a, and
3 amendments thereto.

4 (e) Every licensed club and drinking establishment shall make
5 available at any time upon request a price list showing the club's or
6 drinking establishment's current prices per drink for all drinks.

7 (f) As used in this section, "drink" means an individual serving of any
8 beverage containing alcoholic liquor or an individual serving of cereal
9 malt beverage.

10 Sec. 2. K.S.A. 41-2722 is hereby amended to read as follows: 41-
11 2722. (a) No retailer, or employee or agent of a retailer, licensed to sell
12 cereal malt beverage for consumption on the licensed premises shall:

13 (1) Offer or serve any free cereal malt beverage to any person;

14 (2) offer or serve to any person a drink at a price that is less than the
15 acquisition cost of the drink to the licensee;

16 (3) sell, offer to sell or serve to any person an unlimited number of
17 drinks during any set period of time for a fixed price, except at private
18 functions not open to the general public;

19 ~~(4) sell, offer to sell or serve any drink to any person at any time at a~~
20 ~~price less than that charged the general public on that day, except at private~~
21 ~~functions not open to the general public;~~

22 ~~(5) (4) increase the size of a drink of cereal malt beverage without~~
23 ~~increasing proportionately the price regularly charged for the drink on that~~
24 ~~day;~~

25 ~~(6) (5) encourage or permit, on the licensed premises, any game or~~
26 ~~contest which involves drinking cereal malt beverage or the awarding of~~
27 ~~drinks as prizes; or~~

28 ~~(7) (6) advertise or promote in any way, whether on or off the~~
29 ~~licensed premises, any of the practices prohibited under subsections (a)(1)~~
30 ~~through (6).~~

31 (b) Nothing in subsection (a) shall be construed to prohibit a retailer
32 from:

33 (1) offering free food or entertainment at any time; **or**

34 (2) **selling, offering to sell or serving any drink at different prices**
35 **at certain specified times during the day.**

36 (c) Violation of any provisions of this section is a misdemeanor
37 punishable as provided by K.S.A. 41-2711, and amendments thereto.

38 (d) Violation of any provision of this act shall be grounds for
39 suspension or revocation of the retailer's license as provided by K.S.A. 41-
40 2708, and amendments thereto.

41 (e) Every licensee subject to the provisions of this section shall make
42 available at any time upon request a price list showing the licensee's
43 current prices for all cereal malt beverages.

1 (f) As used in this section, "drink" means an individual serving of
2 cereal malt beverage.

3 (g) This section shall be part of and supplemental to K.S.A. 41-2701
4 through 41-2721, and amendments thereto.

5 Sec. 3. K.S.A. 41-2640 and 41-2722 are hereby repealed.

6 Sec. 4. This act shall take effect and be in force from and after its
7 publication in the statute book.