

HOUSE BILL No. 2333

By Committee on Federal and State Affairs

2-12

1 AN ACT concerning alcoholic beverages; creating a cause of action
2 against a person who presents false identification to obtain alcoholic
3 liquor.

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

6 Section 1. (a) A person who has attained 18 years of age, or is an
7 emancipated minor, who enters premises licensed pursuant to the Kansas
8 liquor control act or club and drinking establishment act where alcoholic
9 liquor or cereal malt beverages are sold and offers or presents to a licensee
10 or an agent or employee of the licensee written evidence of age, that is
11 fraudulent or false or that is not actually the person's own, or otherwise
12 misrepresents the person's age, for the purpose of inducing the licensee or
13 an agent or employee of the licensee to sell, give, serve or furnish
14 alcoholic beverages contrary to the law, shall be liable, in addition to any
15 criminal penalty provided by law, for damages of \$1,000 and, in addition,
16 costs and reasonable attorney fees in a civil action brought by the licensee.

17 (b) A person who is of legal age for the consumption of alcoholic
18 liquor or cereal malt beverage who solicits another person or who
19 themselves purchases or receives alcoholic liquor from a licensee under
20 the liquor control act or the club and drinking establishment act, an agent
21 or employee of the licensee, for the purpose of selling, giving or serving it
22 to a person under the age of 21 years shall be liable to the licensee for
23 damages in a civil action for a penalty of \$1,000 and, in addition, costs and
24 reasonable attorney fees.

25 (c) It is a condition precedent to maintaining a civil action under this
26 section that the licensee send by first class mail to the defendant at the
27 defendant's last known address 15 days or more before the civil action is
28 commenced, a notice demanding the relief authorized. It is not a condition
29 precedent to maintaining an action under this section that the person who
30 allegedly violated subsection (a) or (b) was charged with or convicted
31 under any criminal statute or ordinance regarding furnishing cereal malt
32 beverages or alcoholic liquor to minors.

33 (d) A person does not violate this section if the person performs an
34 act proscribed under this section at the request of law enforcement or the
35 alcoholic beverage control, and such enforcement officers accompany,
36 supervise or otherwise observe the person's act, and the purpose of the act

- 1 is to assist in the enforcement of and compliance with Kansas law.
- 2 Sec. 2. This act shall take effect and be in force from and after its
- 3 publication in the statute book.