AN ACT concerning alcoholic beverages; relating to the club and drinking establishment act; concerning the consumption of alcoholic beverages in public; amending K.S.A. 2016 Supp. 41-719 and 41-2653 and repealing the existing sections.

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

New Section 1. (a) A city may, by ordinance, establish a designated area located wholly within the boundaries of such city where alcoholic liquor may be consumed on public streets, alleys, roads, sidewalks, highways, parks and such other open public lands located within such designated area.

(b) (1) No person shall remove any alcoholic liquor from inside the boundaries of any designated area established pursuant to subsection (a). The boundaries of such designated area shall be clearly marked by signs, a posted map or other means that reasonably identify the designated area in which alcoholic liquor may be possessed or consumed.

(2) No person shall possess or consume alcoholic liquor inside a premises licensed under the club and drinking establishment act that was not sold or provided by such licensee.

(3) No person shall possess or consume alcoholic liquor inside a designated area that was not purchased or otherwise lawfully obtained from a person holding a license issued under the Kansas liquor control act or the club and drinking establishment act.

(4) No alcoholic liquor may be consumed inside vehicles located in such designated area while on public streets, alleys, roads or highways.

(c) Notwithstanding the provisions of K.S.A. 41-2653, and amendments thereto, in addition to the rights of a licensee pursuant to the provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more opened containers of alcoholic liquor, provided each container of alcoholic liquor shall have been purchased by a patron, and the licensee, or the licensee's employee, shall provide the patron with a dated receipt for the containers of alcoholic liquor.

(d) This section shall be part of and supplemental to the club and
drinking establishment act.

Sec. 2. K.S.A. 2016 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) (A) Alcoholic liquor may be consumed at a special event or catered event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event or when the caterer's licensee has provided the required notification pursuant to K.S.A. 41-2643, and amendments thereto. Any special event 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.

(B) 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 the boundaries of the catered event. The boundaries of a special 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 special event.

(C) 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.

(3) Alcoholic liquor may be consumed on public streets, alleys, roads, sidewalks or highways located within a designated area established pursuant to section 1, and amendments thereto. The consumption of alcoholic liquor in such designated area shall be in accordance with the provisions of section 1, and amendments thereto.

(b) 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. 2016 Supp. 41-354, and amendments thereto; or

(6) on the premises of an unlicensed business as authorized pursuant
to subsection (i).

(c) 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,
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 (c) pursuant to subsection (d), (e), (f), (g) or (h).

(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 the premises of any public land located within a designated area established pursuant to section 1, and amendments thereto, provided the consumption of alcoholic liquor in such designated area shall be in accordance with the provisions of section 1, and amendments thereto.

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

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

(f) The state board of regents may exempt from the provisions of subsection (c) 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.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) 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.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) 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.

(i) (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.

(j) 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.
(k) For the purposes of this section, "special event" means a picnic,
bonfire, festival, or other similar community gathering, which has been
approved by the local governing body of any city, county or township.

Sec. 3. K.S.A. 2016 Supp. 41-2653 is hereby amended to read as
follows: 41-2653. (a) In addition to the rights of a licensee pursuant to
provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
thereto, a class A club license, class B club license or drinking
establishment license shall allow the licensee to allow legal patrons of the
club or drinking establishment to remove from the licensed premises one
or more opened containers of alcoholic liquor, subject to the following
conditions:
(1) It must be legal for the licensee to sell the alcoholic liquor in its
original container;
(2) the alcoholic liquor must be in its original container;
(3) each container of alcoholic liquor must have been purchased by a
patron and the alcoholic liquor in each container must have been partially
consumed on the licensed premises;
(4) the licensee or the licensee's employee must provide the patron
with a dated receipt for the unfinished container or containers of alcoholic 
liquor; and

(5) before the container of alcoholic liquor is removed from the 
licensed premises, the licensee or the licensee's employee must securely 
reseal each container, place the container in a tamper-proof, transparent 
bag which is sealed in a manner that makes it visibly apparent if the bag is 
subsequently tampered with or opened.

(b) The provisions of this section shall not apply to any container of 
alcoholic liquor purchased or consumed in a designated area established 
pursuant to section 1, and amendments thereto.

(c) This section shall be part of and supplemental to the club and 

Sec. 4. K.S.A. 2016 Supp. 41-719 and 41-2653 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its 
publication in the statute book.