

## **Common Consumption Areas, Alcohol; Sub. for HB 2277**

**Sub. for HB 2277** allows a city or county to establish one or more common consumption areas by ordinance or resolution, designate the boundaries of any common consumption area, and prescribe the times during which alcoholic liquor may be consumed.

The bill also eliminates the ten-day waiting period for an applicant to become a member of a class B club.

Finally, the bill makes technical amendments to 2017 House Sub. for SB 13, which amends the Kansas Liquor Control Act and the Kansas Cereal Malt Beverage Act pertaining to the sale of cereal malt beverages, beer, and other goods and services.

### ***Definition***

The bill defines a “common consumption area” as an indoor or outdoor area, clearly marked using a physical barrier or any apparent line of demarcation, not otherwise subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act, where the possession and consumption of alcoholic liquor is allowed pursuant to a common consumption area permit.

### ***Notification***

The bill requires a city or county to immediately notify the Director of Alcoholic Beverage Control (ABC), Department of Revenue, if an ordinance or a resolution is adopted establishing a common consumption area, and submit a copy of the ordinance or resolution.

### ***Common Consumption Area Permit Overview***

The Director of ABC will issue common consumption area permits, in accordance with rules and regulations adopted by the Secretary of Revenue, to allow for the consumption of alcohol in any area designated by such permit, to the city or county, or to any one person who is a Kansas resident or an organization whose principal place of business is in Kansas and has been approved by the respective city or county. Any application for a common consumption area permit is to be submitted to the Director of ABC and is subject to the following requirements:

- A copy of any ordinance or resolution establishing a common consumption area must be submitted;
- A nonrefundable permit fee of \$100 must accompany the application, and all such fees must be remitted to the State Treasurer and deposited in the State General Fund; and
- Permits are to be issued for a period not to exceed one year and are not transferable or assignable.

The bill allows any licensee adjacent to or located within a common consumption area to request permission, using forms prescribed by the Director of ABC, to participate in a common consumption area for the duration of the common consumption area permit. If permission is received, the bill allows the licensee's legal patrons to remove alcoholic liquor purchased from the licensee into the common consumption area if the beverage is served in a container that displays the licensee's trade name, logo, or other identifying mark unique to the licensee.

### ***Liability***

Each licensee within a common consumption area shall be liable for violations that occur on their premises, and each common consumption area permit holder shall be liable for violations that occur off the licensee's premises but within the common consumption area identified by the permit. Additionally, the bill prohibits a permit holder from allowing a person to remove any open container from the boundaries of the common consumption area.

The bill also allows an individual to consume alcohol in an area designated by a city or county on public streets, alleys, roads, sidewalks, or highways located within a common consumption area, and prohibits alcohol consumption in vehicles located in common consumption areas. Additionally, the bill allows for the consumption of alcohol within a common consumption area located on public or private property.

### ***Ten-Day Waiting Period***

The bill eliminates the ten-day waiting period for an applicant to become a member of a class B club found in prior law.

### ***2017 House Sub. for SB 13 Technical Amendments***

The bill makes technical amendments to 2017 House Sub. for SB 13 by removing the term "alcoholic liquor" and inserting the term "beer" when referencing a distributor's ability to establish reasonable minimum order quantities or minimum dollar values of an order and removing the term "liquor" and inserting the term "beverages" in the title of the bill.