HOUSE BILL No. 2035
By Committee on Federal and State Affairs
1-16

AN ACT concerning alcoholic beverages; relating to cereal malt beverages
and enforcement of laws regulating the sale thereof; amending K.S.A. 2018 Supp. 41-106 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 41-106 is hereby amended to read as
follows: 41-106. (a) Any citation issued by an agent of the division of
alcoholic beverage control for a violation of the liquor control act or the
club and drinking establishment act or the Kansas cereal malt beverage
act shall be delivered to the licensee or a person in charge of the licensed
premises at the time of the alleged violation. A copy of such citation also
shall be delivered by United States mail to the licensee within 30 days of
the alleged violation.

(b) Any duly authorized law enforcement officer who observes a
violation of the liquor control act or the club and drinking establishment
act or the Kansas cereal malt beverage act may, after serving notice to the
licensee or a person in charge of the licensed premises, submit a report of
such violation to the division of alcoholic beverage control for review.
Upon receipt of such report, the director shall review the report and
determine if administrative action will be taken against the licensee. If the
director determines that administrative action will be taken, an
administrative citation and notice of administrative action shall be
delivered by United States mail to the licensee within 30 days of the date
of the alleged violation.

(c) The notice required to be served to the licensee or a person in
charge of the licensed premises at the time of the alleged violation
pursuant to subsection (b) shall be in writing and shall contain the
following:

(1) The name of the licensee;
(2) the date and time of the alleged violation;
(3) a description of the alleged violation; and
(4) a statement that a report of the alleged violation will be submitted
to the division of alcoholic beverage control for review.

(d) Any citations not issued in accordance with the provisions of this
section shall be void and unenforceable.

(e) For purposes of this section, the term "person in charge" means
any individual or employee present on the licensed premises at the time of
the alleged violation who is responsible for the operation of the licensed
premises. If no designated individual or employee is a person in charge,
then any employee present is the person in charge.
Sec. 2. K.S.A. 2018 Supp. 41-106 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its
publication in the Kansas register.