

HOUSE BILL No. 2137

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning alcoholic beverages; relating to the sale of cereal  
2 malt beverages; authorizing certain licensees under the Kansas liquor  
3 control act and the club and drinking establishment act to sell and serve  
4 cereal malt beverages; amending K.S.A. 41-2604 and 41-2619 and  
5 K.S.A. 2020 Supp. 41-308, 41-1201, 41-1202, 41-1203, 41-1204, 41-  
6 2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-  
7 2637, 41-2641, 41-2642, 41-2643, 41-2653, **as amended by section 1**  
8 **of 2021 Senate Bill No. 14**, 41-2655, 41-2658 and 41-2659 and  
9 repealing the existing sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 2020 Supp. 41-308 is hereby amended to read as  
13 follows: 41-308. (a) Except as provided in K.S.A. 2020 Supp. 41-308d,  
14 and amendments thereto, a retailer's license shall allow the licensee to sell  
15 and offer for sale at retail and deliver in the original package, as therein  
16 prescribed, alcoholic liquor and cereal malt beverage for use or  
17 consumption off and away from the premises specified in such license.

18 (b) A retailer's license shall permit sale and delivery of alcoholic  
19 liquor and cereal malt beverage only on the licensed premises and shall not  
20 permit sale of alcoholic liquor and cereal malt beverage for resale in any  
21 form, except that a licensed retailer may:

22 (1) Sell alcoholic liquor and cereal malt beverage to a temporary  
23 permit holder for resale by such permit holder; ~~and~~

24 (2) sell and deliver alcoholic liquor and cereal malt beverage to a  
25 caterer or to the licensed premises of a public venue, club or drinking  
26 establishment, if such premises are in the county where the retailer's  
27 premises are located or in an adjacent county, for resale by such public  
28 venue, club, establishment or caterer; *and*

29 (3) *sell and deliver cereal malt beverage and beer containing not*  
30 *more than 6% alcohol by volume to the licensed premises of a cereal malt*  
31 *beverage retailer, as defined in K.S.A. 41-2701, and amendments thereto,*  
32 *who is licensed for on-premises consumption, if such cereal malt beverage*  
33 *premises are located in the same county, or an adjacent county to the*  
34 *county where the retailer's premises are located, for resale by such cereal*  
35 *malt beverage retailer.*

36 (c) A retailer may:

1 (1) Charge a delivery fee for delivery of alcoholic liquor and cereal  
2 malt beverage to a public venue, club, drinking establishment or caterer  
3 pursuant to subsection (b)(2);

4 (2) *charge a delivery fee for delivery of cereal malt beverage and*  
5 *beer containing not more than 6% alcohol by volume to a cereal malt*  
6 *beverage retailer pursuant to subsection (b)(3);*

7 (3) sell lottery tickets and shares to the public in accordance with the  
8 Kansas lottery act, if the retailer is selected as a lottery retailer;

9 ~~(3)(4)~~ include in the sale of alcoholic liquor and cereal malt beverage  
10 any goods included by the manufacturer in packaging with the alcoholic  
11 liquor or cereal malt beverage, subject to the approval of the director;

12 ~~(4)(5)~~ distribute to the public, without charge, consumer advertising  
13 specialties bearing advertising matter, subject to rules and regulations of  
14 the secretary limiting the form and distribution of such specialties so that  
15 they are not conditioned on or an inducement to the purchase of alcoholic  
16 liquor or cereal malt beverage;

17 ~~(5)(6)~~ store alcoholic liquor and cereal malt beverage in refrigerators,  
18 cold storage units, ice boxes or other cooling devices, and the licensee may  
19 sell such alcoholic liquor and cereal malt beverage to consumers in a  
20 chilled condition; and

21 ~~(6)(7)~~ sell any other good or service on the licensed premises, except  
22 that the gross sales of other goods and services, excluding fees derived  
23 from the sale of lottery tickets and revenues from sales of cigarettes and  
24 tobacco products, shall not exceed 20% of the retailer's total gross sales.

25 (d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt  
26 beverage sold by a holder of a retail license shall be subject to the liquor  
27 enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.

28 Sec. 2. K.S.A. 2020 Supp. 41-1201 is hereby amended to read as  
29 follows: 41-1201. (a) A temporary permit shall allow the permit holder to  
30 offer for sale, sell and serve alcoholic liquor *or cereal malt beverage* for  
31 consumption on licensed or unlicensed premises, or on premises that are  
32 otherwise subject to a separate temporary permit, that may be open to the  
33 public, subject to the terms of such permit. A temporary permit shall also  
34 authorize the permit holder to sell, in accordance with rules and  
35 regulations adopted by the secretary, alcoholic liquor at a charitable  
36 auction, or one or more limited issue porcelain containers containing  
37 alcoholic liquor.

38 (b) A temporary permit holder may charge a fee for entrance into the  
39 premises described in the permit, or any portion thereof.

40 (c) The director may issue a temporary permit to any one or more  
41 persons or organizations applying for such a permit, in accordance with  
42 rules and regulations of the secretary. The permit shall be issued in the  
43 names of the persons or organizations to which it is issued.

1 (d) Applications for temporary permits shall be required to be filed  
2 with the director not less than 14 days before the event for which the  
3 permit is sought, unless the director waives such requirement for good  
4 cause. The application shall be upon a form prescribed by the director.  
5 Each application shall be electronically submitted and accompanied by a  
6 non-refundable permit fee of \$25 for each day for which the permit is  
7 issued, and such fee shall be paid by a check or credit card in the full  
8 amount thereof. All permit fees collected by the director pursuant to this  
9 section shall be remitted to the state treasurer in accordance with the  
10 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
11 each such remittance, the state treasurer shall deposit the entire amount in  
12 the state treasury to the credit of the state general fund.

13 (e) Each application for a temporary permit shall specify the premises  
14 for which they are issued, including a diagram of the premises covered by  
15 the temporary permit. The diagram shall clearly show the boundaries of  
16 the premises, entrances to and exits from the premises and the area in  
17 which the service of alcoholic liquor *or cereal malt beverage* would take  
18 place. A temporary permit shall be issued only for premises where the city,  
19 county or township zoning code allows the use for which the permit is  
20 issued. No temporary permit shall be issued for premises that are not  
21 located in a county where the qualified electors of the county:

22 (1) (A) Approved, by a majority vote of those voting thereon, to  
23 adopt the proposition amending section 10 of article 15 of the constitution  
24 of the state of Kansas at the general election in November, 1986; or

25 (B) have approved a proposition to allow the sale of liquor by the  
26 individual drink in public places within the county at an election pursuant  
27 to K.S.A. 41-2646, and amendments thereto; and

28 (2) have not approved a proposition to prohibit such sales of alcoholic  
29 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
30 and amendments thereto.

31 (f) (1) A temporary permit may be issued for the consumption of  
32 alcoholic liquor *or cereal malt beverage* on a city, county or township  
33 street, alley, road, sidewalk or highway for an event if: (A) Such street,  
34 alley, road, sidewalk or highway is closed to motor vehicle traffic by the  
35 governing body of such city, county or township for such event; (B) a  
36 written request for such consumption and possession of such alcoholic  
37 liquor *or cereal malt beverage* has been made to the local governing body;  
38 and (C) the event has been approved by the governing body of such city,  
39 county or township by ordinance or resolution.

40 The boundaries of any such event shall be clearly marked by signs, a  
41 posted map or other means which reasonably identify the area in which  
42 alcoholic liquor *or cereal malt beverage* may be possessed or consumed at  
43 such event.

1 (2) Drinking establishments that are immediately adjacent to, or  
2 located within the licensed premises of an event, for which a temporary  
3 permit has been issued and the consumption of alcoholic liquor *or cereal*  
4 *malt beverage* on public property has been approved, may request that the  
5 drinking establishment's licensed premises be extended into and made a  
6 part of the licensed premises of the event, for the duration of the temporary  
7 permit issued for such event.

8 (3) Each licensee selling alcoholic liquor *or cereal malt beverage* for  
9 consumption on the premises of an event for which a temporary permit has  
10 been issued shall be liable for violations of all laws governing the sale and  
11 consumption of alcoholic liquor *or cereal malt beverage*.

12 (4) Each temporary permit holder selling alcoholic liquor *or cereal*  
13 *malt beverage* for consumption on the permit premises shall be liable for  
14 all violations of laws governing the sale and consumption of alcoholic  
15 liquor *and cereal malt beverage* that occur in areas covered by multiple  
16 temporary permits.

17 (g) (1) Except as otherwise provided in this subsection, a temporary  
18 permit shall be issued for a period of time not to exceed three consecutive  
19 days, the dates and hours of which shall be specified in the permit. An  
20 applicant may not be issued more than four temporary permits in a  
21 calendar year.

22 (2) The director may issue a sufficient number of temporary permits  
23 as required by the state fair board, valid for the entire period of time of the  
24 Kansas state fair, ~~which that~~ authorizes the sale of wine in its original,  
25 unopened container and the serving by the drink of wine ~~or~~, beer, ~~or both~~  
26 *cereal malt beverage, or any combination thereof*, on the state fairgrounds  
27 on premises specified in the temporary permit, by a person who has  
28 entered into an agreement with the state fair board for that purpose subject  
29 to the conditions imposed by the state fair board. Nothing in this paragraph  
30 shall be construed to limit the number of temporary permits the director  
31 may issue for the sale of wine ~~or~~, beer, ~~or both~~ *cereal malt beverage, or*  
32 *any combination thereof*, on the state fairgrounds consistent with the  
33 requirements of the state fair board.

34 (3) For an event approved by the governing body of a city, county or  
35 township pursuant to subsection (e)(1), the director may issue a temporary  
36 permit, ~~which that~~ may, at the director's discretion, be valid for the entire  
37 period of such event, but in no event shall such permit be issued for a  
38 period of time that exceeds 30 consecutive days.

39 (h) An application for a temporary permit may be rejected by the  
40 director if:

41 (1) The applicant has been granted four permits in the current  
42 calendar year;

43 (2) the application was not filed with the director at least 14 days

1 prior to the event;

2 (3) the applicant, or any officer, director, partner, registered agent,  
3 trustee, manager or owner of the applicant has previously owned or  
4 operated any entity holding a temporary permit, club, drinking  
5 establishment or caterer's license, had such permit or license surrendered,  
6 and at the time such permit or license was surrendered had been ordered to  
7 appear and show cause why the permit or license should not be revoked or  
8 suspended;

9 (4) the applicant has designated an area for an event that was the  
10 subject of the order to appear and show cause as set forth in paragraph (3),  
11 and it appears that the new application for a temporary permit covering the  
12 premises is an attempt to avoid any possible remedial action taken by the  
13 director against the former permit or license holder; or

14 (5) the applicant has had a license or permit revoked under the club  
15 and drinking establishment act, or has been convicted of a violation of the  
16 Kansas liquor control act, the club and drinking establishment act, the  
17 Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et  
18 seq., and amendments thereto.

19 (i) (1) A temporary permit holder may purchase and possess alcoholic  
20 liquor *or cereal malt beverage* for resale for a period of three days prior to  
21 the first day of sale of such alcoholic liquor *or cereal malt beverage*. A  
22 distributor may, without any further permission from the director, deliver  
23 such alcoholic liquor *or cereal malt beverage* to the permit premises.

24 (2) If a licensee has sold alcoholic liquor *or cereal malt beverage* to a  
25 temporary permit holder, and a distributor directly delivers such alcoholic  
26 liquor *or cereal malt beverage* to such temporary permit holder, but such  
27 licensee's normal hours of operation make immediate payment to the  
28 distributor impossible, the licensee may pay the retailer and the retailer  
29 may pay the distributor for such alcoholic liquor *or cereal malt beverage*  
30 within 48 hours of the sale.

31 (3) Within three business days after the end of an event conducted  
32 pursuant to a temporary permit, the temporary permit holder may sell back  
33 to the retailer or farm winery from whom alcoholic liquor *or cereal malt*  
34 *beverage* was purchased any alcoholic liquor *or cereal malt beverage* sold  
35 to the temporary permit holder for such event.

36 (4) Upon written permission from the director and after four business  
37 days after the end of an event conducted pursuant to a temporary permit,  
38 the temporary permit holder may sell back to the licensee from whom  
39 alcoholic liquor *or cereal malt beverage* was purchased any alcoholic  
40 liquor *or cereal malt beverage* sold to the temporary permit holder for  
41 such event.

42 (j) A temporary permit shall not be transferable or assignable.

43 (k) Each temporary permit holder shall not employ or use the services

1 of any person:

2 (1) Who is under the age of 18 years to serve alcoholic liquor *or*  
3 *cereal malt beverage*;

4 (2) who is under the age of 21 years to mix or dispense drinks  
5 containing alcoholic liquor *or cereal malt beverage*;

6 (3) who is under the age of 21 and not supervised by the temporary  
7 permit holder or an employee who is at least 21 years of age;

8 (4) who has been convicted of a felony or of any crime involving a  
9 morals charge to dispense, mix or serve alcoholic liquor *or cereal malt*  
10 *beverage*; or

11 (5) who has been convicted within the previous two years of a  
12 violation of any intoxicating liquor law of this state, any other state or the  
13 United States; to dispense, mix or serve alcoholic liquor *or cereal malt*  
14 *beverage*.

15 Sec. 3. K.S.A. 2020 Supp. 41-1202 is hereby amended to read as  
16 follows: 41-1202. (a) A temporary permit holder shall only purchase  
17 alcoholic liquor *or cereal malt beverage* from a retailer or a farm winery  
18 and may receive delivery of such alcoholic liquor *or cereal malt beverage*  
19 from a distributor.

20 (b) Temporary permit holders shall only purchase alcoholic liquor *or*  
21 *cereal malt beverage* from a retailer who possesses a federal wholesaler's  
22 basic permit and who has a sign on display at the licensed premises that  
23 states that the licensee is a "Wholesale Liquor Dealer Under Federal Law."  
24 All alcoholic liquor *or cereal malt beverage* purchased on any one day  
25 shall be removed from the licensed premises of the retailer or farm winery  
26 within 48 hours. Temporary permit holders shall not warehouse any  
27 alcoholic liquor *or cereal malt beverage* on the licensed premises of any  
28 retailer or farm winery for more than 48 hours.

29 (c) Each temporary permit holder, when purchasing alcoholic liquor *or*  
30 *cereal malt beverage* from a retailer or farm winery, shall obtain and keep  
31 for at least one year from the date of purchase a sales receipt that contains  
32 the following information:

33 (1) The date of purchase;

34 (2) the name and address of the retailer or farm winery;

35 (3) the name and address of the temporary permit holder as it appears  
36 on the temporary permit;

37 (4) the brand, size, proof and amount of all alcoholic liquor *or cereal*  
38 *malt beverage* purchased; and

39 (5) the subtotal of the cost of all alcoholic liquor *or cereal malt*  
40 *beverage* purchased, and the total cost of such purchase, including  
41 enforcement tax.

42 (d) Each temporary permit holder shall be responsible for all  
43 violations of the club and drinking establishment act by the following

1 people while on the permit premises:

2 (1) An employee of the temporary permit holder, or of any person  
3 contracting with the temporary permit holder to provide services or food in  
4 connection with an event; or

5 (2) any individual dispensing, mixing or serving alcoholic liquor *or*  
6 *cereal malt beverage* at an event.

7 (e) Except for a temporary permit holder who has obtained such  
8 permit for the sale of alcoholic liquor at a charitable auction or for the sale  
9 of one or more limited issue porcelain containers containing alcoholic  
10 liquor, no temporary permit holder shall sell alcoholic liquor *or cereal*  
11 *malt beverage* for removal from or consumption off the licensed premises,  
12 except that alcoholic liquor *or cereal malt beverage* may be removed to a  
13 drinking establishment that has extended its premises into the event area in  
14 accordance with K.S.A. 41-2608, and amendments thereto.

15 (f) The boundary of any premises covered by a temporary permit  
16 shall be marked by a line of demarcation.

17 Sec. 4. K.S.A. 2020 Supp. 41-1203 is hereby amended to read as  
18 follows: 41-1203. (a) All alcoholic liquor *or cereal malt beverage* sold at  
19 an event covered by a temporary permit shall be dispensed only from  
20 original containers.

21 (b) An individual may carry an original container of alcoholic liquor  
22 *or cereal malt beverage* onto the event premises with the approval of the  
23 temporary permit holder and under the following conditions:

24 (1) The temporary permit holder shall not store any such containers  
25 of alcoholic liquor *or cereal malt beverage* on the event premises; and

26 (2) each individual carrying any such container onto the event  
27 premises shall remove such container when the individual exits the event  
28 premises.

29 Sec. 5. K.S.A. 2020 Supp. 41-1204 is hereby amended to read as  
30 follows: 41-1204. Notwithstanding any other provisions of the Kansas  
31 liquor control act or the club and drinking establishment act to the  
32 contrary, any person or entity who is issued a temporary permit may  
33 provide samples of wine, beer, *cereal malt beverage* and distilled spirits on  
34 the permit premises as follows:

35 (a) All wine, beer, *cereal malt beverage* and *distilled* spirits sampled  
36 shall come from the inventory of the temporary permit holder. Except as  
37 provided by ~~paragraph (2)~~ *subsection (b)*, a person other than the  
38 temporary permit holder, or such permit holder's agent or employee, may  
39 not dispense or participate in the dispensing of alcoholic ~~beverages~~ *liquor*  
40 *or cereal malt beverage* under this section.

41 (b) A supplier's permit holder, or such permit holder's agent or  
42 employee, may provide samples of wine, beer, *cereal malt beverage* and  
43 distilled spirits on the permit premises, and may open, touch or pour such

1 alcoholic liquor *or cereal malt beverage*, make a presentation, or answer  
2 questions at such sampling events. Any alcoholic liquor *or cereal malt*  
3 *beverage* sampled under this subsection must be purchased from a retailer  
4 or the temporary permit holder on whose premises the sampling event is  
5 held.

6 (c) No charge of any sort may be made for a sample serving.

7 (d) A person may be served more than one sample. Samples may not  
8 be served to a minor. No samples may be removed from the permit  
9 premises.

10 (e) The act of providing samples to consumers shall be exempt from  
11 the requirement of holding a Kansas food service dealer license from the  
12 department of agriculture under the provisions of chapter 65 of the Kansas  
13 Statutes Annotated, and amendments thereto.

14 Sec. 6. K.S.A. 2020 Supp. 41-2601 is hereby amended to read as  
15 follows: 41-2601. As used in the club and drinking establishment act:

16 (a) The following terms ~~shall have the meanings~~ *mean the same as*  
17 provided by K.S.A. 41-102, and amendments thereto:

18 (1) "Alcoholic liquor";

19 (2) "director";

20 (3) "original package";

21 (4) "person";

22 (5) "sale"; and

23 (6) "to sell."

24 (b) "Beneficial interest" shall not include any interest a person may  
25 have as owner, operator, lessee or franchise holder of a licensed hotel or  
26 motel on the premises of which a club or drinking establishment is located.

27 (c) "Caterer" means an individual, partnership or corporation ~~which~~  
28 *that* sells alcoholic liquor *or cereal malt beverage* by the individual drink,  
29 and provides services related to the serving thereof, on unlicensed  
30 premises ~~which~~ *that* may be open to the public, but does not include a  
31 holder of a temporary permit, selling alcoholic liquor *or cereal malt*  
32 *beverage* in accordance with the terms of such permit.

33 (d) "Cereal malt beverage" ~~has the meaning~~ *means the same as*  
34 provided by K.S.A. 41-2701, and amendments thereto.

35 (e) "Class A club" means a premises ~~which~~ *that* is owned or leased by  
36 a corporation, partnership, business trust or association and ~~which~~ *that* is  
37 operated thereby as a bona fide nonprofit social, fraternal or war veterans'  
38 club, as determined by the director, for the exclusive use of the corporate  
39 stockholders, partners, trust beneficiaries or associates (hereinafter referred  
40 to as members) and their families and guests accompanying them.

41 (f) "Class B club" means a premises operated for profit by a  
42 corporation, partnership or individual, to which members of such club may  
43 resort for the consumption of food or alcoholic beverages and for



1 entertainment.

2 (g) "Club" means a class A or class B club.

3 (h) "Drinking establishment" means premises ~~which~~ *that* may be  
4 open to the general public, where alcoholic liquor *or cereal malt beverage*  
5 by the individual drink is sold. Drinking establishment includes a railway  
6 car.

7 (i) "Food" means any raw, cooked or processed edible substance or  
8 ingredient, other than alcoholic liquor or cereal malt beverage, used or  
9 intended for use or for sale, in whole or in part, for human consumption.

10 (j) "Food service establishment" ~~has the meaning~~ *means the same as*  
11 provided by K.S.A. 36-501, and amendments thereto.

12 (k) "Hotel" ~~has the meaning~~ *means the same as* provided by K.S.A.  
13 36-501, and amendments thereto.

14 (l) "Individual drink" means a beverage containing alcoholic liquor or  
15 cereal malt beverage served to an individual for consumption by such  
16 individual or another individual, but which is not intended to be consumed  
17 by two or more individuals. The term "individual drink" includes  
18 beverages containing not more than:

19 (1) Eight ounces of wine;

20 (2) thirty-two ounces of beer or cereal malt beverage; or

21 (3) four ounces of a single spirit or a combination of spirits.

22 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or  
23 wholly or partially refrigerated, access to the interior of which is restricted  
24 by means of a locking device ~~which~~ *that* requires the use of a key,  
25 magnetic card or similar device.

26 (n) "Minor" means a person under 21 years of age.

27 (o) "Morals charge" means a charge involving the sale of sexual  
28 relations; procuring any person; soliciting of a child under 18 years of age  
29 for any immoral act involving sex; possession or sale of narcotics,  
30 marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal  
31 cohabitation; adultery; bigamy; or a crime against nature.

32 (p) "Municipal corporation" means the governing body of any county  
33 or city.

34 (q) "Public venue" means an arena, stadium, hall or theater, used  
35 primarily for athletic or sporting events, live concerts, live theatrical  
36 productions or similar seasonal entertainment events, not operated on a  
37 daily basis, and containing:

38 (1) Not ~~less~~ *fewer* than 4,000 permanent seats; and

39 (2) not ~~less~~ *fewer* than two private suites, ~~which~~ *that* are enclosed or  
40 semi-enclosed seating areas, having controlled access and separated from  
41 the general admission areas by a permanent barrier.

42 (r) "Railway car" means a locomotive drawn conveyance used for the  
43 transportation and accommodation of human passengers that is confined to

1 a fixed rail route and which derives from sales of food for consumption on  
 2 the railway car not less than 30% of its gross receipts from all sales of food  
 3 and beverages in a 12-month period.

4 (s) "Restaurant" means:

5 (1) In the case of a club, a licensed food service establishment ~~which~~  
 6 *that*, as determined by the director, derives from sales of food for  
 7 consumption on the licensed club premises not less than 50% of its gross  
 8 receipts from all sales of food and beverages on such premises in a 12-  
 9 month period;

10 (2) in the case of a drinking establishment subject to a food sales  
 11 requirement under K.S.A. 41-2642, and amendments thereto, a licensed  
 12 food service establishment ~~which~~ *that*, as determined by the director,  
 13 derives from sales of food for consumption on the licensed drinking  
 14 establishment premises not less than 30% of its gross receipts from all  
 15 sales of food and beverages on such premises in a 12-month period; and

16 (3) in the case of a drinking establishment subject to no food sales  
 17 requirement under K.S.A. 41-2642, and amendments thereto, a licensed  
 18 food service establishment.

19 (t) "RV resort" means premises where a place to park recreational  
 20 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered  
 21 for pay, primarily to transient guests, for overnight or longer use while  
 22 such recreational vehicles are used as sleeping or living accommodations.

23 (u) "Sample" means a serving of alcoholic liquor *or cereal malt*  
 24 *beverage* that contains not more than:

25 (1) One-half ounce of distilled spirits;

26 (2) one ounce of wine; or

27 (3) two ounces of beer or cereal malt beverage.

28 A sample of a mixed alcoholic beverage shall contain not more than  $\frac{1}{2}$   
 29 ounce of distilled spirits.

30 (v) "Secretary" means the secretary of revenue.

31 (w) "Temporary permit" means a temporary permit issued pursuant to  
 32 K.S.A. 2020 Supp. 41-1201, and amendments thereto.

33 Sec. 7. K.S.A. 41-2604 is hereby amended to read as follows: 41-  
 34 2604. (a) Any person allowing consumption of alcoholic liquor *or cereal*  
 35 *malt beverage* in violation of this act on any property owned, leased or  
 36 otherwise under ~~his~~ *such person's* control shall thereby subject ~~himself~~  
 37 *such person* and the property on which ~~said~~ *such* illegal consumption takes  
 38 place to the penalties ~~hereinafter~~ *provided in this section*.

39 ~~(a)~~(b) The person allowing such consumption shall be guilty of a  
 40 misdemeanor and upon conviction thereof shall be subject to a fine not to  
 41 exceed ~~five hundred dollars (\$500)~~ *\$500* or confinement in the county jail  
 42 not to exceed six ~~(6)~~ months, or both such fine and imprisonment.

43 ~~(b)~~(c) The property on which the violation takes place is declared to

1 be a public nuisance, and as such is subject to abatement as provided for  
2 any other liquor nuisance in K.S.A. 41-805, *and amendments thereto*.

3 Sec. 8. K.S.A. 2020 Supp. 41-2608 is hereby amended to read as  
4 follows: 41-2608. (a) Any public venue, club or drinking establishment  
5 license issued pursuant to this act shall be for one particular premises  
6 ~~which~~ *that* shall be stated in the application and in the license. Not more  
7 than one premises licensed under the club and drinking establishment act  
8 shall exist at a single legal address.

9 (b) No license shall be issued for a public venue, club or drinking  
10 establishment unless the city, township or county zoning code allows a  
11 club or drinking establishment at that location.

12 (c) The licensed premises of a license may be extend into a city,  
13 county or township street, alley, road, sidewalk or highway if:

14 (1) Such street, alley, road, sidewalk or highway is closed to motor  
15 vehicle traffic by the governing body of such city, county or township at  
16 any time during which alcoholic liquor *or cereal malt beverage* is to be  
17 sold or consumed; and

18 (2) such extension has been approved by the city, county or township  
19 by ordinance or resolution that specifies the exact times during which  
20 alcoholic liquor *or cereal malt beverage* may be sold or consumed on the  
21 street, alley, road, sidewalk or highway.

22 Sec. 9. K.S.A. 2020 Supp. 41-2610 is hereby amended to read as  
23 follows: 41-2610. It shall be unlawful for any licensee or holder of a  
24 temporary permit under this act to:

25 (a) Employ any person under the age of 18 years in connection with  
26 the serving of alcoholic liquor *or cereal malt beverage*.

27 (b) Employ knowingly or continue in employment any person in  
28 connection with the dispensing or serving of alcoholic liquor *or cereal*  
29 *malt beverage* or the mixing of drinks containing alcoholic liquor *or*  
30 *cereal malt beverage* who has been adjudged guilty of a felony or of any  
31 crime involving a morals charge in this or any other state, or of the United  
32 States.

33 (c) Knowingly employ or continue to employ any person in  
34 connection with the dispensing or serving of alcoholic liquor *or cereal*  
35 *malt beverage*, or the mixing of drinks containing alcoholic liquor *or*  
36 *cereal malt beverage*, who has been adjudged guilty of two or more  
37 violations of K.S.A. 2020 Supp. 21-5607, and amendments thereto,  
38 furnishing alcoholic liquor *or cereal malt beverage* to minors or a similar  
39 law of any other state, or of the United States, pertaining to furnishing  
40 alcoholic liquor *or cereal malt beverage* to minors within the immediately  
41 preceding five years, or who has been adjudged guilty of three or more  
42 violations of any intoxicating liquor law of this or any other state, or of the  
43 United States, not involving the furnishing of alcoholic liquor *or cereal*

1 *malt beverage* to minors within the immediately preceding five years.

2 (d) In the case of a club, fail to maintain at the licensed premises a  
3 current list of all members and their residence addresses or refuse to allow  
4 the director, any of the director's authorized agents or any law enforcement  
5 officer to inspect such list.

6 (e) Purchase alcoholic liquor *or cereal malt beverage* from any  
7 person except from a person authorized by law to sell such alcoholic liquor  
8 *or cereal malt beverage* to such licensee or permit holder.

9 (f) Permit any employee of the licensee or permit holder who is under  
10 the age of 21 years to work on premises where alcoholic liquor *or cereal*  
11 *malt beverage* is sold by such licensee or permit holder at any time when  
12 not under the on-premises supervision of either the licensee or permit  
13 holder, or an employee who is 21 years of age or over.

14 (g) Employ any person under 21 years of age in connection with the  
15 mixing or dispensing of drinks containing alcoholic liquor *or cereal malt*  
16 *beverage*.

17 Sec. 10. K.S.A. 2020 Supp. 41-2611 is hereby amended to read as  
18 follows: 41-2611. The director may suspend, involuntarily cancel or  
19 revoke any license issued pursuant to the club and drinking establishment  
20 act for any one or more of the following reasons:

21 (a) The licensee has fraudulently obtained the license by giving false  
22 information in the application therefor or any hearing thereon.

23 (b) The licensee has violated any of the provisions of this act or any  
24 rules or regulations adopted hereunder.

25 (c) The licensee has become ineligible to obtain a license or permit  
26 under this act.

27 (d) The licensee's manager or employee has been intoxicated while  
28 on duty.

29 (e) The licensee, or its manager or employee, has permitted any  
30 disorderly person to remain on premises where alcoholic liquor *or cereal*  
31 *malt beverage* is sold by such licensee.

32 (f) There has been a violation of a provision of the laws of this state,  
33 or of the United States, pertaining to the sale of intoxicating or alcoholic  
34 ~~liquors~~ liquor *or cereal malt beverages beverage*, or any crime involving a  
35 morals charge, on premises where alcoholic liquor *or cereal malt beverage*  
36 is sold by such licensee.

37 (g) The licensee, or its managing officers or any employee, has  
38 purchased and displayed, on premises where alcoholic liquor *or cereal*  
39 *malt beverage* is sold by such licensee, a federal wagering occupational  
40 stamp issued by the United States treasury department.

41 (h) The licensee, or its managing officers or any employee, has  
42 purchased and displayed, on premises where alcoholic liquor *or cereal*  
43 *malt beverage* is sold by such licensee, a federal coin operated gambling

1 device stamp for the premises issued by the United States treasury  
2 department.

3 (i) The licensee holds a license as a class B club, drinking  
4 establishment or caterer and has been found guilty of a violation of article  
5 10 of chapter 44 of the Kansas Statutes Annotated, and amendments  
6 thereto, under a decision or order of the Kansas human rights commission  
7 ~~which~~ *that* has become final or such licensee has been found guilty of a  
8 violation of K.S.A. 21-4003, prior to its repeal, or K.S.A. 2020 Supp. 21-  
9 6102, and amendments thereto.

10 (j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior to  
11 their repeal, or K.S.A. 2020 Supp. 21-6204, and amendments thereto, on  
12 premises where alcoholic liquor *or cereal malt beverage* is sold by such  
13 licensee.

14 Sec. 11. K.S.A. 2020 Supp. 41-2613 is hereby amended to read as  
15 follows: 41-2613. The right of immediate entry to and inspection of any  
16 premises licensed as a public venue, club or drinking establishment or any  
17 premises where alcoholic liquor *or cereal malt beverage* is sold by a  
18 holder of a temporary permit, or any premises subject to the control of any  
19 licensee or temporary permit holder, by any duly authorized officer or  
20 agent of the director, or by any law enforcement officer, shall be a  
21 condition on which every license or temporary permit is issued, and the  
22 application for, and acceptance of, any license or temporary permit shall  
23 conclusively be deemed to be the consent of the applicant and licensee or  
24 permit holder to such immediate entry and inspection. Such right of  
25 immediate entry and inspection shall be at any time when the premises are  
26 occupied and is not limited to hours when the club or drinking  
27 establishment is open for business. Such consent shall not be revocable  
28 during the term of the license or temporary permit. Refusal of such entry  
29 shall be grounds for revocation of the license or temporary permit.

30 Sec. 12. K.S.A. 2020 Supp. 41-2614 is hereby amended to read as  
31 follows: 41-2614. (a) Except as provided by subsection (c), no public  
32 venue, club or drinking establishment shall allow the serving, mixing or  
33 consumption of alcoholic liquor *or cereal malt beverage* on its premises  
34 between the hours of 2:00 a.m. and 6:00 a.m. on any day.

35 (b) No caterer shall allow the serving, mixing or consumption of  
36 alcoholic liquor *or cereal malt beverage* between the hours of 2:00 a.m.  
37 and 6:00 a.m. on any day at an event catered by such caterer.

38 (c) A hotel of which the entire premises are licensed as a drinking  
39 establishment or as a drinking establishment caterer may allow at any time  
40 the serving, mixing and consumption of alcoholic liquor and cereal malt  
41 beverage from a minibar in a guest room by guests registered to stay in  
42 such room, and guests of guests registered to stay in such room.

43 Sec. 13. K.S.A. 41-2619 is hereby amended to read as follows: 41-

1 2619. The existence of any place for which a license or temporary permit  
2 has not been issued pursuant to this act and which purports, or is held out  
3 to the public or to any person by the proprietors or their agents or  
4 employees, to be a place where alcoholic liquor *or cereal malt beverage* is  
5 sold by the individual drink, shall be deemed to be sufficient probable  
6 cause for any judge of the district court to issue a search warrant to any  
7 law enforcement officer of the state or a subdivision of the state for the  
8 purpose of searching such place for alcoholic liquor *or cereal malt*  
9 *beverage* being sold, possessed or consumed in violation of this act, any  
10 other law of the state or any ordinance of a municipal subdivision of the  
11 state.

12 Sec. 14. K.S.A. 2020 Supp. 41-2623 is hereby amended to read as  
13 follows: 41-2623. (a) No license shall be issued under the provisions of  
14 this act to:

15 (1) Any person described in K.S.A. 41-311(a)(1), (2), (4), (5), (6),  
16 (7), (8), (9), (12), (13) or (15), and amendments thereto, except that the  
17 provisions of ~~subsection K.S.A. 41-311(a)(7) of such section, and~~  
18 ~~amendments thereto~~, shall not apply to nor prohibit the issuance of a  
19 license for a class A club to an officer of a post home of a congressionally  
20 chartered service or fraternal organization, or a benevolent association or  
21 society thereof.

22 (2) A person who has had the person's license revoked for cause  
23 under the provisions of this act.

24 (3) A person who has not been a resident of this state for a period of  
25 at least one year immediately preceding the date of application.

26 (4) A person who has a beneficial interest in the manufacture,  
27 preparation or wholesaling or the retail sale of alcoholic ~~liquors~~ *liquor or*  
28 *cereal malt beverage* or a beneficial interest in any other club, drinking  
29 establishment or caterer licensed hereunder, except that:

30 (A) A license for premises located in a hotel may be granted to a  
31 person who has a beneficial interest in one or more other clubs or drinking  
32 establishments licensed hereunder if such other clubs or establishments are  
33 located in hotels.

34 (B) A license for a club or drinking establishment ~~which~~ *that* is a  
35 restaurant may be issued to a person who has a beneficial interest in other  
36 clubs or drinking establishments ~~which~~ *that* are restaurants.

37 (C) A caterer's license may be issued to a person who has a beneficial  
38 interest in a club or drinking establishment and a license for a club or  
39 drinking establishment may be issued to a person who has a beneficial  
40 interest in a caterer.

41 (D) A license for a class A club may be granted to an organization of  
42 which an officer, director or board member is a distributor or retailer  
43 licensed under the liquor control act if such distributor or retailer sells no

1 alcoholic liquor to such club.

2 (E) Any person who has a beneficial interest in a microbrewery,  
3 microdistillery or farm winery licensed pursuant to the Kansas liquor  
4 control act may be issued any or all of the following: (1) Class B club  
5 license; (2) drinking establishment license; and (3) caterer's license.

6 (5) A copartnership, unless all of the copartners are qualified to  
7 obtain a license.

8 (6) A corporation, if any officer, manager or director thereof, or any  
9 stockholder owning in the aggregate more than 5% of the common or  
10 preferred stock of such corporation would be ineligible to receive a license  
11 hereunder for any reason other than citizenship and residence  
12 requirements.

13 (7) A corporation, if any officer, manager or director thereof, or any  
14 stockholder owning in the aggregate more than 5% of the common or  
15 preferred stock of such corporation, has been an officer, manager or  
16 director, or a stockholder owning in the aggregate more than 5% of the  
17 common or preferred stock, of a corporation ~~which~~ that:

18 (A) Has had a license revoked under the provisions of the club and  
19 drinking establishment act; or

20 (B) has been convicted of a violation of the club and drinking  
21 establishment act or the cereal malt beverage laws of this state.

22 (8) A corporation organized under the laws of any state other than this  
23 state.

24 (9) A trust, if any grantor, beneficiary or trustee would be ineligible to  
25 receive a license under this act for any reason, except that the provisions of  
26 K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in  
27 determining whether a beneficiary would be eligible for a license.

28 (b) No club or drinking establishment license shall be issued under  
29 the provisions of the club and drinking establishment act to:

30 (1) A person who does not own the premises for which a license is  
31 sought, or does not, at the time the application is submitted, have a written  
32 lease thereon, except that an applicant seeking a license for a premises  
33 ~~which~~ that is owned by a city or county, or is a stadium, arena, convention  
34 center, theater, museum, amphitheater or other similar premises may  
35 submit an executed agreement to provide alcoholic beverage services at  
36 the premises listed in the application in lieu of a lease.

37 (2) A person who is not a resident of the county in which the  
38 premises sought to be licensed are located.

39 Sec. 15. K.S.A. 2020 Supp. 41-2637 is hereby amended to read as  
40 follows: 41-2637. (a) A license for a class A club shall allow the licensee  
41 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*  
42 *beverage* for consumption on the licensed premises by members and their  
43 families, and guests accompanying them; and (2) serve samples of

1 alcoholic liquor *or cereal malt beverage* free of charge for consumption by  
2 members and their families and guests accompanying them.

3 No charge of any sort may be made for a sample serving. Samples may  
4 not be served to a minor. No samples may be removed from the licensed  
5 premises. No consideration shall be requested or required for entry onto  
6 the premises, participation in any event taking place on the premises or to  
7 remain on the premises.

8 (b) (1) Subject to the provisions of subsection (b)(2), any two or more  
9 class A or class B clubs may permit, by an agreement filed with and  
10 approved by the director, the members of each such club to have access to  
11 all other clubs ~~which~~ *that* are parties to such agreement. The privileges  
12 extended to the visiting members of other clubs under such an agreement  
13 shall be determined by the agreement and, if the agreement so provides,  
14 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale  
15 and serve, to any person who is a member of another club ~~which~~ *that* is a  
16 party to such agreement, alcoholic liquor *or cereal malt beverage* for  
17 consumption on the licensed premises by such person and such person's  
18 family, and guests accompanying them.

19 (2) A class B club may enter into a reciprocal agreement authorized  
20 by subsection (b)(1) only if the class B club is a restaurant.

21 (c) A licensee may store on its premises wine sold to a customer for  
22 consumption at a later date on its premises in the unopened container. Such  
23 wine must be kept separate from all other alcohol stock and in a secure  
24 locked area separated by customer. Such wine shall not be removed from  
25 the licensed premises in its unopened condition.

26 Sec. 16. K.S.A. 2020 Supp. 41-2641 is hereby amended to read as  
27 follows: 41-2641. (a) A license for a class B club shall allow the licensee  
28 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*  
29 *beverage* for consumption on the licensed premises by members of such  
30 club and guests accompanying them; and (2) serve samples of alcoholic  
31 liquor *or cereal malt beverage* free of charge on the licensed premises for  
32 consumption by such members and their families and guests  
33 accompanying them.

34 No charge of any sort may be made for a sample serving. Samples may  
35 not be served to a minor. No samples may be removed from the licensed  
36 premises. Providing samples is prohibited for any licensee who charges a  
37 cover charge or entry fee at any time during the business day. No  
38 consideration shall be requested or required for entry onto the premises,  
39 participation in any event taking place on the premises or to remain on the  
40 premises.

41 (b) (1) Subject to the provisions of subsection (b)(2), any two or more  
42 class A or class B clubs may permit, by an agreement filed with and  
43 approved by the director, the members of each such club to have access to



1 all other clubs ~~which~~ *that* are parties to such agreement. The privileges  
2 extended to the visiting members of other clubs under such an agreement  
3 shall be determined by the agreement and, if the agreement so provides,  
4 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale  
5 and serve, to any person who is a member of another club ~~which~~ *that* is a  
6 party to such agreement, alcoholic liquor *or cereal malt beverage* for  
7 consumption on the licensed premises by such person and such person's  
8 family, and guests accompanying them.

9 (2) A class B club may enter into a reciprocal agreement authorized  
10 by subsection (b)(1) only if the class B club is a restaurant.

11 (c) Except as provided by subsection (d), an applicant for  
12 membership in a class B club shall, before becoming a member of such  
13 club:

14 (1) Be screened by the club for good moral character; and

15 (2) pay an annual membership fee of not less than \$10.

16 (d) Notwithstanding the membership fee requirement of subsection  
17 (c):

18 (1) Any class B club located on the premises of a hotel or RV resort  
19 may establish rules whereby a guest, who registered at the hotel or RV  
20 resort and who is not a resident of the county in which the club is located,  
21 may file application for temporary membership in such club. The  
22 membership, if granted, shall be valid only for the period of time that the  
23 guest is a bona fide registered guest at the hotel or RV resort and such  
24 temporary membership shall not be subject to the fee requirement of this  
25 section.

26 (2) Any class B club located on property ~~which~~ *that* is owned or  
27 operated by a municipal airport authority and upon which consumption of  
28 alcoholic liquor *or cereal malt beverage* is authorized by law may  
29 establish rules whereby an air traveler who is a holder of a current airline  
30 ticket may file application for temporary membership in such club for the  
31 day such air traveler's ticket is valid, and such temporary membership shall  
32 not be subject to the fee requirement of this section.

33 (3) Any class B club may establish rules whereby military personnel  
34 of the armed forces of the United States on temporary duty and housed at  
35 or near any military installation located within the exterior boundaries of  
36 the state of Kansas may file application for temporary membership in such  
37 club. The membership, if granted, shall be valid only for the period of the  
38 training, not to exceed 20 weeks. Any person wishing to make application  
39 for temporary membership in a class B club under this ~~subsection (d)(3)~~  
40 *paragraph* shall present the temporary duty orders to the club. Temporary  
41 membership issued under this ~~subsection (d)(3)~~ *paragraph* shall not be  
42 subject to the fee requirements of this section.

43 (4) Any class B club may enter into a written agreement with a hotel

1 or RV resort whereby a guest who is registered at the hotel or RV resort  
2 and who is not a resident of the county in which the club is located may  
3 file application for temporary membership in such club. The temporary  
4 membership, if granted, shall be valid only for the period of time that the  
5 guest is a bona fide registered guest at the hotel or RV resort and shall not  
6 be subject to the fee requirement of this section. A club may enter into a  
7 written agreement with a hotel or RV resort pursuant to this provision only  
8 if: (A) The hotel or RV resort is located in the same county as the club; (B)  
9 there is no class B club located on the premises of the hotel or RV resort;  
10 and (C) no other club has entered into a written agreement with the hotel  
11 or RV resort pursuant to this section.

12 (5) Any class B club located in a racetrack facility where races with  
13 parimutuel wagering are conducted under the Kansas parimutuel racing act  
14 may establish rules whereby persons attending such races may file an  
15 application for temporary membership in such club for the day such person  
16 is attending such races, and such temporary membership shall not be  
17 subject to the fee requirement of this section.

18 (e) A licensee may store on its premises wine sold to a customer for  
19 consumption at a later date on its premises in the unopened container. Such  
20 wine must be kept separate from all other alcohol stock and in a secure  
21 locked area separated by customer. Such wine shall not be removed from  
22 the licensed premises in its unopened condition.

23 Sec. 17. K.S.A. 2020 Supp. 41-2642 is hereby amended to read as  
24 follows: 41-2642. (a) A license for a drinking establishment shall allow the  
25 licensee to offer for sale, sell and serve alcoholic liquor *or cereal malt*  
26 *beverage* for consumption on the licensed premises which may be open to  
27 the public, and to serve samples of alcoholic liquor *or cereal malt*  
28 *beverage* free of charge on licensed premises subject to the requirements  
29 of subsection (c), but only if such premises are located in a county where  
30 the qualified electors of the county:

31 (1) (A) Approved, by a majority vote of those voting thereon, the  
32 proposition to amend section 10 of article 15 of the constitution of the state  
33 of Kansas at the general election in November 1986; or (B) have approved  
34 a proposition to allow sales of alcoholic liquor by the individual drink in  
35 public places within the county at an election pursuant to K.S.A. 41-2646,  
36 and amendments thereto; and

37 (2) have not approved a proposition to prohibit such sales of alcoholic  
38 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
39 and amendments thereto.

40 (b) A drinking establishment shall be required to derive from sales of  
41 food for consumption on the licensed premises not less than 30% of all the  
42 establishment's gross receipts from sales of food and beverages on such  
43 premises unless the licensed premises are located in a county where the

1 qualified electors of the county:

2 (1) Have approved, at an election pursuant to K.S.A. 41-2646, and  
3 amendments thereto, a proposition to allow sales of alcoholic liquor by the  
4 individual drink in public places within the county without a requirement  
5 that any portion of their gross receipts be derived from the sale of food;  
6 and

7 (2) have not approved a proposition to prohibit such sales of alcoholic  
8 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
9 and amendments thereto.

10 (c) No charge of any sort may be made for a sample serving. Samples  
11 may not be served to a minor. No samples may be removed from the  
12 licensed premises. Providing samples is prohibited for any licensee who  
13 charges a cover charge or entry fee at any time during the business day. No  
14 consideration shall be requested or required for entry onto the premises,  
15 participation in any event taking place on the premises or to remain on the  
16 premises.

17 (d) A drinking establishment shall specify in the application for a  
18 license or renewal of a license the premises to be licensed, which may  
19 include all premises which are in close proximity and are under the control  
20 of the applicant or licensee.

21 (e) Notwithstanding any other provision of law to the contrary, any  
22 hotel of which the entire premises are licensed as a drinking establishment  
23 or as a drinking establishment caterer may sell alcoholic liquor or cereal  
24 malt beverage by means of minibars located in guest rooms of such hotel,  
25 subject to the following:

26 (1) The key, magnetic card or other device required to attain access to  
27 a minibar in a guest room shall be provided only to guests who are  
28 registered to stay in such room and who are 21 or more years of age;

29 (2) containers or packages of spirits or wine sold by means of a  
30 minibar shall hold not less than 50 nor more than 200 milliliters; and

31 (3) a minibar shall be restocked with alcoholic liquor or cereal malt  
32 beverage only during hours when the hotel is permitted to sell alcoholic  
33 liquor and cereal malt beverage as a drinking establishment.

34 (f) A drinking establishment may store on its premises wine sold to a  
35 customer for consumption at a later date on its premises in the unopened  
36 container. Such wine must be kept separate from all other alcohol stock  
37 and in a secure locked area separated by customer. Such wine shall not be  
38 removed from the licensed premises in its unopened condition.

39 Sec. 18. K.S.A. 2020 Supp. 41-2643 is hereby amended to read as  
40 follows: 41-2643. (a) A caterer's license shall allow the licensee to offer for  
41 sale, sell and serve alcoholic liquor *or cereal malt beverage* for  
42 consumption on unlicensed premises, which may be open to the public, but  
43 only if such premises are located in a county where the qualified electors

1 of the county:

2 (1) (A) Approved, by a majority vote of those voting thereon, the  
3 proposition to amend section 10 of article 15 of the constitution of the state  
4 of Kansas at the general election in November, 1986; or (B) have approved  
5 a proposition to allow sales of alcoholic liquor by the individual drink in  
6 public places within the county at an election pursuant to K.S.A. 41-2646,  
7 and amendments thereto; and

8 (2) have not approved a proposition to prohibit such sales of alcoholic  
9 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
10 and amendments thereto.

11 (b) A caterer shall be required to derive from sales of food at catered  
12 events not less than 30% of the caterer's gross receipts from all sales of  
13 food and beverages at catered events in a 12-month period unless the  
14 caterer offers for sale, sells and serves alcoholic liquor *or cereal malt*  
15 *beverage* only in counties where the qualified electors of the county:

16 (1) Have approved, at an election pursuant to K.S.A. 41-2646, and  
17 amendments thereto, a proposition to allow sales of alcoholic liquor by the  
18 individual drink in public places within the county without a requirement  
19 that any portion of their gross receipts be derived from the sale of food;  
20 and

21 (2) have not approved a proposition to prohibit such sales of alcoholic  
22 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
23 and amendments thereto.

24 (c) Each caterer shall maintain the caterer's principal place of  
25 business in a county in this state where the caterer is authorized by this  
26 section to sell alcoholic liquor by the individual drink in a public place. All  
27 records of the caterer relating to the caterer's licensed business and the  
28 caterer's license shall be kept at such place of business. The caterer's  
29 principal place of business shall be stated in the application for a caterer's  
30 license and the caterer shall notify the director of any change in its location  
31 within 10 days after such change.

32 (d) Except as otherwise provided herein, a caterer shall provide  
33 electronic notification to the director at least 48 hours prior to any event at  
34 which the caterer will sell alcoholic liquor *or cereal malt beverage* by the  
35 individual drink. The director shall make the electronic notification  
36 available to local law enforcement. Notice shall consist of the time,  
37 location and the names of the contracting parties of the event. For events  
38 where ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is served, a  
39 licensee shall retain all documents for a period of three years for  
40 inspection by the director. The documents retained shall include  
41 agreements, receipts, employees assigned to the event and records of  
42 ~~alcohol~~ *alcoholic liquor and cereal malt beverage* purchased. Notification  
43 shall not be required for weddings, funerals, events sponsored by religious

1 institutions, or for business, industry or trade sponsored meetings,  
2 including, but not limited to, awards presentations and retirement  
3 celebrations.

4 (e) A caterer may rebate a portion of the caterer's receipts from the  
5 sale of alcoholic liquor *or cereal malt beverage* at an event to the person or  
6 organization contracting with the caterer to sell alcoholic liquor *or cereal*  
7 *malt beverage* at such event.

8 Sec. 19. ~~K.S.A. 2020 Supp. 41-2653 is hereby amended to read as~~  
9 ~~follows: 41-2653. (a) In addition to the rights of a licensee pursuant to~~  
10 ~~provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments~~  
11 ~~thereto, a class A club license, class B club license or drinking~~  
12 ~~establishment license shall allow the licensee to allow legal patrons of the~~  
13 ~~club or drinking establishment to remove from the licensed premises one~~  
14 ~~or more opened containers of alcoholic liquor *or cereal malt beverage*,~~  
15 ~~subject to the following conditions:~~

16 (1) ~~It must be legal for the licensee to sell the alcoholic liquor *or*~~  
17 ~~*cereal malt beverage* in its original container;~~

18 (2) ~~the alcoholic liquor *or cereal malt beverage* must be in its original~~  
19 ~~container;~~

20 (3) ~~each container of alcoholic liquor *or cereal malt beverage* must~~  
21 ~~have been purchased by a patron and the alcoholic liquor *or cereal malt*~~  
22 ~~*beverage* in each container must have been partially consumed on the~~  
23 ~~licensed premises;~~

24 (4) ~~the licensee or the licensee's employee must provide the patron~~  
25 ~~with a dated receipt for the unfinished container or containers of alcoholic~~  
26 ~~liquor *or cereal malt beverage*; and~~

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

32 (b) (1) ~~In addition to the rights of a licensee pursuant to provisions of~~  
33 ~~K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the~~  
34 ~~provisions of subsection (a), a class A club license, class B club license or~~  
35 ~~drinking establishment license shall allow the licensee to allow legal~~  
36 ~~patrons of the club or drinking establishment to remove from the licensed~~  
37 ~~premises one or more containers of alcoholic liquor that is not in the~~  
38 ~~original container, subject to the following conditions:~~

39 (A) ~~It must be legal for the licensee to sell the alcoholic liquor;~~

40 (B) ~~each container of alcoholic liquor must have been purchased by a~~  
41 ~~patron on the licensed premises;~~

42 (C) ~~the licensee or the licensee's employee must provide the patron~~  
43 ~~with a dated receipt for the alcoholic liquor; and~~

1       ~~(D) before the container of alcoholic liquor is removed from the~~  
2 ~~licensed premises, the licensee or the licensee's employee must place the~~  
3 ~~container in a transparent bag that is sealed in a manner that makes it~~  
4 ~~visibly apparent if the bag is subsequently tampered with or opened.~~

5       ~~(2) The provisions of this subsection shall expire on January 26,~~  
6 ~~2021.~~

7       ~~(e) This section shall be a part of and supplemental to the club and~~  
8 ~~drinking establishment act.~~

9       **{Sec. 19. K.S.A. 2020 Supp. 41-2653, as amended by section 1 of**  
10 **2021 Senate Bill No. 14, is hereby amended to read as follows: 41-**  
11 **2653. (a) In addition to the rights of a licensee pursuant to provisions**  
12 **of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a**  
13 **class A club license, class B club license or drinking establishment**  
14 **license shall allow the licensee to allow legal patrons of the club or**  
15 **drinking establishment to remove from the licensed premises one or**  
16 **more opened containers of alcoholic liquor or cereal malt beverage,**  
17 **subject to the following conditions:**

18       **(1) It must be legal for the licensee to sell the alcoholic liquor or**  
19 **cereal malt beverage in its original container;**

20       **(2) the alcoholic liquor or cereal malt beverage must be in its**  
21 **original container;**

22       **(3) each container of alcoholic liquor or cereal malt beverage must**  
23 **have been purchased by a patron and the alcoholic liquor or cereal**  
24 **malt beverage in each container must have been partially consumed on**  
25 **the licensed premises;**

26       **(4) the licensee or the licensee's employee must provide the**  
27 **patron with a dated receipt for the unfinished container or containers**  
28 **of alcoholic liquor or cereal malt beverage; and**

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

35       **(b) (1) In addition to the rights of a licensee pursuant to**  
36 **provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments**  
37 **thereto, and the provisions of subsection (a), a class A club license,**  
38 **class B club license or drinking establishment license shall allow the**  
39 **licensee to allow legal patrons of the club or drinking establishment to**  
40 **remove from the licensed premises one or more containers of alcoholic**  
41 **liquor or cereal malt beverage that is not in the original container or is**  
42 **in the original unopened container, subject to the following conditions:**

43       **(A) It must be legal for the licensee to sell the alcoholic liquor or**

1 *cereal malt beverage;*

2 **(B) each container of alcoholic liquor or cereal malt beverage must**  
3 **have been purchased by a patron on the licensed premises;**

4 **(C) the licensee or the licensee's employee must provide the**  
5 **patron with a dated receipt for the alcoholic liquor or cereal malt**  
6 **beverage; and**

7 **(D) if the alcoholic liquor or cereal malt beverage is not in the**  
8 **original unopened container, before the container of alcoholic liquor or**  
9 **cereal malt beverage is removed from the licensed premises, the**  
10 **licensee or the licensee's employee must place the container in a**  
11 **transparent bag that is sealed in a manner that makes it visibly**  
12 **apparent if the bag is subsequently tampered with or opened.**

13 ~~(2) The provisions of this subsection shall expire on March 31, 2021.~~  
14 ~~No licensee shall allow any alcoholic liquor or cereal malt beverage to be~~  
15 ~~removed from the licensed premises pursuant to this subsection after 11~~  
16 ~~p.m.~~

17 (3) *Beer, cereal malt beverage and wine in the original unopened*  
18 *container and mixed drinks not in the original container that are sold*  
19 *pursuant to this subsection shall not be subject to any drink size*  
20 *requirements of this act. Any other alcoholic liquor or cereal malt*  
21 *beverage that is not in the original unopened container shall comply with*  
22 *all drink size requirements and be sold in a durable sealable container.*

23 **(c) This section shall be a part of and supplemental to the club**  
24 **and drinking establishment act.}**

25 Sec. 20. K.S.A. 2020 Supp. 41-2655 is hereby amended to read as  
26 follows: 41-2655. (a) A license for a public venue shall allow the licensee  
27 to:

28 (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*  
29 *beverage* by the individual drink for consumption on the licensed  
30 premises;

31 (2) offer for sale, sell and serve unlimited drinks for a fixed price in  
32 designated areas of the licensed premises;

33 (3) offer for sale and sell ~~all-inclusive~~ *all-inclusive* packages ~~which~~  
34 *that* include unlimited drinks in designated areas of the licensed premises;

35 (4) offer for sale, sell and serve alcoholic liquor *or cereal malt*  
36 *beverage* in the original container for consumption on the licensed  
37 premises in private suites, ~~which~~ *that* are enclosed or semi-enclosed  
38 seating areas, having controlled access and separated from the general  
39 admission areas by a permanent barrier;

40 (5) store, in each private suite, ~~which~~ *that* is an enclosed or semi-  
41 enclosed seating area, having controlled access and separated from the  
42 general admission areas by a permanent barrier, alcoholic liquor *or cereal*  
43 *malt beverage* sold in the original container to a customer in that private

1 suite; and

2 (6) with the approval of the retailer or distributor, return for a full  
3 refund of the original purchase price unopened containers of alcoholic  
4 liquor *or cereal malt beverage* to the retailer or distributor from whom  
5 such items were purchased upon the conclusion of an event if the next  
6 scheduled event for that premises is more than 90 days from the date of the  
7 concluded event.

8 (b) An applicant or public venue licensee shall specify in the  
9 application for a license, or renewal of a license, the premises to be  
10 licensed. No public venue licensee may offer for sale, sell or serve any  
11 alcoholic liquor *or cereal malt beverage* in any area not included in the  
12 licensed premises.

13 (c) The term "designated areas" for purposes of this section ~~shall~~  
14 ~~mean~~ *means* an area identified in the license application, which may  
15 include suites, that has controlled access and is separated from the general  
16 admission by a barrier.

17 ~~(d) The provisions of this section shall take effect and be in force~~  
18 ~~from and after July 1, 2012.~~

19 ~~(e)~~(d) All rules and regulations adopted on and after July 1, 2012, and  
20 prior to July 1, 2013, to implement this section shall continue to be  
21 effective and shall be deemed to be duly adopted rules and regulations of  
22 the secretary until revised, amended, revoked or nullified pursuant to law.

23 ~~(f)~~(e) This section shall be a part of and supplemental to the club and  
24 drinking establishment act.

25 Sec. 21. K.S.A. 2020 Supp. 41-2658 is hereby amended to read as  
26 follows: 41-2658. (a) Alcoholic liquor *or cereal malt beverage* shall be  
27 dispensed only from original containers, except any drinking establishment  
28 licensee or its agent or employee, may dispense:

29 (1) Alcoholic liquor *or cereal malt beverage* from a machine or  
30 container used to mix alcoholic liquor *or cereal malt beverage* with other  
31 liquids or solids intended for human consumption;

32 (2) alcoholic liquor *or cereal malt beverage* from a machine or  
33 container used to chill alcoholic liquor, ~~which~~ *or cereal malt beverage that*  
34 may contain additional liquids or solids intended for human consumption;  
35 or

36 (3) infused alcoholic liquor *or cereal malt beverage* from a container  
37 used to infuse alcoholic liquor *or cereal malt beverage* with other  
38 substances intended for human consumption.

39 (b) A drinking establishment licensee, or its agent or employee, shall  
40 not refill any original container with any alcoholic liquor *or cereal malt*  
41 *beverage* or any other substance.

42 (c) Any drinking establishment licensee, or its agent or employee,  
43 may infuse alcoholic liquor *or cereal malt beverage* with spices, herbs,



1 fruits, vegetables, candy or other substances intended for human  
2 consumption if no additional fermentation occurs during the process.

3 (d) As used in this section:

4 (1) "Dispense" means to portion out servings of alcoholic liquor *or*  
5 *cereal malt beverage* for consumption. This term ~~shall include~~ *includes* the  
6 pouring of drinks of alcoholic liquor *or cereal malt beverage* and opening  
7 original containers of alcoholic liquor *or cereal malt beverage* by the  
8 licensee or licensee's employee for consumption by customers, and shall  
9 not include any self-dispensing by a customer.

10 (2) "Infuse" means to add flavor or scent to a liquid by steeping  
11 additional ingredients in the liquid.

12 (e) This section shall be *a* part of and supplemental to the club and  
13 drinking establishment act.

14 Sec. 22. K.S.A. 2020 Supp. 41-2659 is hereby amended to read as  
15 follows: 41-2659. (a) (1) A city or a county may establish one or more  
16 common consumption areas within the limits of the city or within the  
17 unincorporated portion of the county, as applicable, by ordinance or  
18 resolution, respectively, and authorize the possession and consumption of  
19 alcoholic liquor *or cereal malt beverage* within the common consumption  
20 area. The ordinance or resolution shall designate the boundaries of any  
21 common consumption area and prescribe the times during which alcoholic  
22 liquor *or cereal malt beverage* may be consumed therein. The ordinance or  
23 resolution shall require that any public street or roadway that lies within a  
24 common consumption area shall be blocked from motorized traffic during  
25 the hours in which ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is  
26 consumed.

27 (2) The city or county shall immediately notify the director of the  
28 division of alcoholic beverage control of the establishment of a common  
29 consumption area and submit a copy of the ordinance or resolution along  
30 with such notice.

31 (b) A common consumption area permit shall allow the consumption  
32 of alcoholic liquor *or cereal malt beverage* in any area designated by such  
33 permit. The director may issue common consumption area permits to the  
34 city or county or any one person who shall be a resident of Kansas or an  
35 organization that has its principal place of business in Kansas and that has  
36 been approved by the respective city or county, in accordance with rules  
37 and regulations adopted by the secretary of revenue.

38 (c) Applications for common consumption area permits shall be  
39 submitted to the director, subject to the following:

40 (1) A copy of any ordinance or resolution promulgated in accordance  
41 with subsection (a) shall accompany any application for a common  
42 consumption area permit.

43 (2) Each application shall be accompanied by a non-refundable

1 permit fee of \$100. All permit fees collected by the director pursuant to  
2 this section shall be remitted to the state treasurer in accordance with the  
3 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
4 each such remittance, the state treasurer shall deposit the entire amount in  
5 the state treasury to the credit of the state general fund.

6 (3) A common consumption area permit shall be issued for a period  
7 of not to exceed one year. A common consumption area permit shall not be  
8 transferable or assignable.

9 (d) Any licensee immediately adjacent to, or located within a  
10 common consumption area may request that the licensee's licensed  
11 premises participate in the common consumption area for the duration of  
12 the common consumption area permit. Such a request shall be made upon  
13 forms prescribed by the director.

14 (e) (1) Any licensee who has requested and received permission to  
15 participate in the common consumption area may allow its legal patrons to  
16 remove alcoholic liquor *or cereal malt beverage* purchased from the  
17 licensee into the premises described by the common consumption area  
18 permit. All alcoholic ~~beverages~~ *liquor and cereal malt beverage* removed  
19 from a licensed premises in such fashion shall be served in a container that  
20 displays the licensee's trade name or logo or other identifying mark that is  
21 unique to the licensee.

22 (2) In addition to their licensed premises, one or more licensees that  
23 have requested and received permission to participate in a common  
24 consumption area may offer for sale, sell and serve alcoholic liquor *or*  
25 *cereal malt beverage* for consumption from one non-contiguous service  
26 area within the common consumption area, as designated and approved by  
27 the common consumption area permit holder. The licensee shall  
28 prominently display a copy of its drinking establishment license and the  
29 approval of the common consumption area permit holder at its non-  
30 contiguous service area.

31 (f) (1) Each licensee within a common consumption area shall be  
32 liable for violations of all liquor laws governing the sale and consumption  
33 of alcoholic liquor *or cereal malt beverage* that occur on the licensee's  
34 premises.

35 (2) Each common consumption area permit holder shall be liable for  
36 violations that occur off the licensee's premises, but within the common  
37 consumption area identified in the permit. No permit holder shall permit  
38 any person to remove any open container of alcoholic liquor *or cereal*  
39 *malt beverage* from the boundaries of the common consumption area.

40 (g) For the purposes of this section, "common consumption area"  
41 ~~shall mean~~ *means* a defined indoor or outdoor area not otherwise subject to  
42 a license issued pursuant to the Kansas liquor control act or the club and  
43 drinking establishment act where the possession and consumption of

1 alcoholic liquor *or cereal malt beverage* is allowed pursuant to a common  
2 consumption area permit. The boundaries of any common consumption  
3 area must be clearly marked using a physical barrier or any apparent line  
4 of demarcation.

5 (h) The secretary shall adopt rules and regulations to implement this  
6 section.

7 (i) This section shall be a part of and supplemental to the club and  
8 drinking establishment act.

9 Sec. 23. K.S.A. 41-2604 and 41-2619 and K.S.A. 2020 Supp. 41-308,  
10 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-  
11 2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643,  
12 41-2653, **as amended by section 1 of 2021 Senate Bill No. 14**, 41-  
13 2655, 41-2658 and 41-2659 are hereby repealed.

14 Sec. 24. This act shall take effect and be in force from and after its  
15 publication in the statute book.