

SENATE BILL No. 203

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning intoxicating liquor; dealing with club and drinking
2 establishments; amending K.S.A. 2012 Supp. 41-2640 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 41-2640 is hereby amended to read as
7 follows: 41-2640. (a) No club, drinking establishment, caterer or holder of
8 a temporary permit, nor any person acting as an employee or agent thereof,
9 shall:

10 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in
11 any form to any person;

12 (2) offer or serve to any person an individual drink at a price that is
13 less than the acquisition cost of the individual drink to the licensee or
14 permit holder;

15 (3) sell, offer to sell or serve to any person an unlimited number of
16 individual drinks during any set period of time for a fixed price, except at
17 private functions not open to the general public or to the general
18 membership of a club;

19 (4) encourage or permit, on the licensed premises, any game or
20 contest which involves drinking alcoholic liquor or cereal malt beverage or
21 the awarding of individual drinks as prizes; or

22 (5) advertise or promote in any way, whether on or off the licensed
23 premises, any of the practices prohibited under subsections (a)(1) through
24 (4).

25 (b) No public venue, nor any person acting as an employee or agent
26 thereof, shall:

27 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in
28 any form to any person;

29 (2) offer or serve to any person a drink or original container of
30 alcoholic liquor or cereal malt beverage at a price that is less than the
31 acquisition cost of the drink or original container of alcoholic liquor or
32 cereal malt beverage to the licensee;

33 (3) sell or serve alcoholic liquor in glass containers to customers in
34 the general admission area;

35 (4) sell or serve more than two drinks per customer at any one time in
36 the general admission area;

1 (5) encourage or permit, on the licensed premises, any game or
2 contest which involves drinking alcoholic liquor or cereal malt beverage or
3 the awarding of drinks as prizes; or

4 (6) advertise or promote in any way, whether on or off the licensed
5 premises, any of the practices prohibited under subsections (b)(1) through
6 (5).

7 (c) A public venue club, drinking establishment, caterer or holder of a
8 temporary permit may:

9 (1) Offer free food or entertainment at any time;

10 (2) sell or deliver wine by the bottle or carafe;

11 (3) sell, offer to sell and serve individual drinks at different prices
12 throughout any day; or

13 (4) sell or serve beer or cereal malt beverage in a pitcher capable of
14 containing not more than 64 fluid ounces.

15 *(d) A hotel of which the entire premises is licensed as a drinking*
16 *establishment may, in accordance with rules and regulations adopted by*
17 *the secretary, distribute to its guests coupons redeemable on the hotel*
18 *premises for drinks containing alcoholic liquor. The hotel shall remit*
19 *liquor drink tax in accordance with the provisions of the liquor drink tax*
20 *act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink*
21 *served based on a price which is not less than the acquisition cost of the*
22 *drink.*

23 *(e) A hotel of which the entire premises is not licensed as a drinking*
24 *establishment may, in accordance with rules and regulations adopted by*
25 *the secretary, through an agreement with one or more clubs or drinking*
26 *establishments, distribute to its guests coupons redeemable at such clubs*
27 *or drinking establishments for drinks containing alcoholic liquor. Each*
28 *club or drinking establishment redeeming coupons issued by a hotel shall*
29 *collect from the hotel the agreed price, which shall be not less than the*
30 *acquisition cost of the drink plus the liquor drink tax for each drink*
31 *served. The club or drinking establishment shall collect and remit the*
32 *liquor drink tax in accordance with the provisions of the liquor drink tax*
33 *act, K.S.A. 79-41a01 et seq., and amendments thereto.*

34 ~~(d)~~ (f) Violation of any provision of this section is a misdemeanor
35 punishable as provided by K.S.A. 41-2633, and amendments thereto.

36 ~~(e)~~ (g) Violation of any provision of this section shall be grounds for
37 suspension or revocation of the licensee's license as provided by K.S.A.
38 41-2609, and amendments thereto, and for imposition of a civil fine on the
39 licensee or temporary permit holder as provided by K.S.A. 41-2633a, and
40 amendments thereto.

41 ~~(f) Every licensed club and drinking establishment shall make~~
42 ~~available at any time upon request a price list showing the club's or~~
43 ~~drinking establishment's current prices per individual drink for all~~

1 ~~individual drinks.~~

2 Sec. 2. K.S.A. 2012 Supp. 41-2640 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.