

Revisions to Alcoholic Liquor Laws; Senate Sub. for HB 2199

Senate Sub. for HB 2199 enacts changes to alcoholic liquor law, including amendments to the Club and Drinking Establishment Act and the Kansas Liquor Control Act. Specifically, the bill:

- Requires any written administrative notice or order imposing a fine or other penalty for an alleged violation of the Kansas Liquor Control Act or the Kansas Club and Drinking Establishment Act to be issued within 90 days after the date the citation was issued;
- Allows the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or agent at an event sponsored by a nonprofit organization promoting the arts if approved by ordinance or resolution of the governing body of the city, county, or township where the event will take place. The Director of the Alcoholic Beverage Control Division (Director) will require a minimum ten days of advance notice;
- Directs all rules and regulations adopted on and after July 1, 2012, and before July 1, 2013, to implement provisions of certain alcoholic liquor laws to remain effective until revised, revoked, or nullified by law;
- Authorizes the preparing or mixing of samples at a licensed retail premises for the purpose of conducting wine, beer, or distilled spirit tastings;
- Makes it unlawful for licensees to knowingly employ, or continue to employ, any person dispensing or serving alcoholic liquor, or mixing drinks containing alcoholic liquor, who within the immediately preceding five years:
 - Has been adjudicated guilty of two or more violations of KSA 21-5607 (furnishing alcoholic beverages to minors) or similar laws from other states regarding the furnishing of liquor to minors; or
 - Has been adjudicated guilty of three or more violations of any other Kansas, or any other state's, intoxicating liquor law, but not involving the furnishing of alcoholic liquor to minors;
- Allows the sale or serving of certain mixed alcoholic beverages and any others approved by the Director in pitchers containing not more than 64 fluid ounces each;
- Allows a hotel, if the entire premises is licensed as a drinking establishment, to distribute coupons to its guests, redeemable on the hotel premises for drinks containing alcoholic liquor;
- Requires those licensed hotels to remit liquor drink tax on each drink served based on a price, which is not less than the acquisition cost of the drink;

- Allows other hotels for which the premises are not licensed as drinking establishments to distribute coupons to their guests redeemable at clubs and drinking establishments, in accordance with rules and regulations adopted by the Department of Revenue;
- Requires each club or drinking establishment redeeming hotel coupons to remit liquor tax on each drink served based on a price not less than the acquisition cost of the alcohol in the drink; and
- Deletes a requirement that clubs and drinking establishments provide price lists.

Free Samples

Regarding free samples, the bill:

- Defines “sample” to mean a serving of alcoholic liquor that contains not more than one-half ounce of distilled spirits, one ounce of wine, or two ounces of beer or cereal malt beverage. A sample of mixed alcoholic beverage could not contain more than one-half ounce of distilled spirits;
- Allows various licensees, including licensed Class A and Class B clubs, licensed drinking establishments, and licensed public venue clubs, to serve free samples of alcoholic liquor on the licensed premises;
- Allows Class A and B clubs to serve the samples free of charge only to their members and their members’ families and guests;
- Prohibits licensees from serving more than five samples to any individual per visit and no samples could be removed from the premises;
- Prohibits licensees from collecting either a cover charge or an entry fee at any time during the business day that free samples are provided for anyone; and
- Requires samples to come from the licensee’s inventory and requires the licensee to pay all associated excise and drink taxes for any alcoholic liquor served in free samples.