

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 403

By Committee on Federal and State Affairs

1-19

12 AN ACT concerning alcoholic beverages; concerning certain unlawful
13 acts; amending K.S.A. 41-106, 41-713 and 41-2610 and repealing the
14 existing sections.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 41-106 is hereby amended to read as follows: 41-
18 106. Any ~~citation issued~~ *notice to appear issued to a person by a law*
19 *enforcement officer pursuant to K.S.A. 22-2408, and amendments*
20 *thereto*, for a violation of the liquor control act or the club and drinking
21 establishment act shall be ~~delivered to~~ *served upon* the person allegedly
22 committing the violation ~~at the time of the alleged violation~~. A copy of
23 such ~~citation~~ *notice to appear* also shall be ~~delivered by United States~~
24 ~~mail to~~ *served upon* the licensee within 30 days of the alleged violation.
25 *Service on the licensee shall be made in person or by mailing a copy of*
26 *the notice to appear to the licensee's last known address. Service shall be*
27 *complete upon personal service or mailing. If such citation notice to ap-*
28 *pear and copy are not so delivered, the citation shall be void and unen-*
29 *forceable served, administrative action against the licensee for the alleged*
30 *violation shall not be taken by the director of alcoholic beverage control*
31 *served, the notice to appear shall be void and unenforceable.*

32 Sec. 2. K.S.A. 41-713 is hereby amended to read as follows: 41-713.
33 It shall be unlawful for a retailer of alcoholic liquor: ~~(1)~~

34 (a) To permit any person to mix drinks in or on the licensed premises;
35 ~~(2)~~

36 (b) to employ any person under the age of ~~twenty-one (21)~~ 21 years
37 in connection with the operation of such retail establishment; ~~or (3)~~

38 (c) to employ any person in connection with the operation of such
39 retail establishment who has been adjudged guilty of a felony;

40 (d) to employ any person in connection with the operation of such
41 retail establishment who has had a license revoked under the provisions
42 of the liquor control act, cereal malt beverage act or club and drinking
43 establishment act; or

1 (e) *to employ any person in connection with the operation of such*
2 *retail establishment who has had a beneficial interest in a license that was*
3 *revoked under the provisions of the liquor control act, cereal malt bev-*
4 *erage act or club and drinking establishment act.*

5 ***[(f) “Operation of a retail establishment” includes participation***
6 ***in any of the following activities:***

7 ***[(1) Hiring, firing or supervising any employees of a retailer;***

8 ***[(2) determining the amount or type of inventory to be ordered***
9 ***or maintained by a retailer, ordering inventory for a retailer or***
10 ***coordinating deliveries of inventory to a retail establishment;***

11 ***[(3) determining the advertising, marketing or promotional pro-***
12 ***grams that are enlisted, offered or utilized by a retailer;***

13 ***[(4) negotiating, entering into or executing contracts to which***
14 ***a retailer is a party; or***

15 ***[(5) paying for or authorizing payment for services provided to***
16 ***or purchases made by a retailer.]***

17 Sec. 3. K.S.A. 41-2610 is hereby amended to read as follows: 41-
18 2610. It shall be unlawful for any licensee or holder of a temporary permit
19 under this act to:

20 (a) Employ any person under the age of 18 years in connection with
21 the serving of alcoholic liquor.

22 (b) Employ knowingly or continue in employment any person in con-
23 nection with the dispensing or serving of alcoholic liquor or the mixing
24 of drinks containing alcoholic liquor who has been adjudged guilty of a
25 felony or of any crime involving a morals charge in this or any other state,
26 or of the United States.

27 (c) Employ knowingly or to continue in employment any person in
28 connection with the dispensing or serving of alcoholic liquor or mixing of
29 drinks containing alcoholic liquor who has been adjudged guilty of a vi-
30 olation of any intoxicating liquor law of this or any other state, or of the
31 United States, during the two-year period immediately following such
32 adjudging.

33 (d) In the case of a club, fail to maintain at the licensed premises a
34 current list of all members and their residence addresses or refuse to
35 allow the director, any of the director’s authorized agents or any law
36 enforcement officer to inspect such list.

37 (e) Purchase alcoholic liquor from any person except from a person
38 authorized by law to sell such alcoholic liquor to such licensee or permit
39 holder.

40 (f) Permit any employee of the licensee or permit holder who is under
41 the age of 21 years to work on premises where alcoholic liquor is sold by
42 such licensee or permit holder at any time when not under the on-prem-
43 ises supervision of either the licensee or permit holder, or an employee

1 who is 21 years of age or over.

2 (g) Employ any person under 21 years of age in connection with the
3 mixing or dispensing of drinks containing alcoholic liquor.

4 (h) *Employ any person in connection with the operation of the club,*
5 *drinking establishment, caterer or temporary permit who has had a li-*
6 *cence revoked under the provisions of the club and drinking establishment*
7 *act, liquor control act or cereal malt beverage act.*

8 (i) *Employ any person in connection with the operation of the club,*
9 *drinking establishment, caterer or temporary permit who has had a ben-*
10 *eficial interest in a license that was revoked under the provisions of the*
11 *club and drinking establishment act, liquor control act or cereal malt*
12 *beverage act.*

13 **[(j) “Operation of a club, drinking establishment, caterer or**
14 **temporary permit” includes participation in any of the following**
15 **activities:**

16 **[(1) Hiring, firing or supervising any employees of a club,**
17 **drinking establishment, caterer or temporary permit holder;**

18 **[(2) determining the amount or type of inventory to be ordered**
19 **or maintained by a club, drinking establishment, caterer or tem-**
20 **porary permit holder; ordering inventory for a club, drinking es-**
21 **tablishment, caterer or temporary permit holder; or coordinating**
22 **deliveries of inventory to a club, drinking establishment, caterer or**
23 **temporary permit location;**

24 **[(3) determining the advertising, marketing or promotional pro-**
25 **grams that are enlisted, offered or utilized by a club, drinking es-**
26 **tablishment, caterer or temporary permit holder;**

27 **[(4) negotiating, entering into or executing contracts to which**
28 **a club, drinking establishment, caterer or temporary permit holder**
29 **is a party; or**

30 **[(5) paying for or authorizing payment for services provided to**
31 **or purchases made by a club, drinking establishment, caterer or**
32 **temporary permit holder.]**

33 Sec. 4. K.S.A. 41-106, 41-713 and 41-2610 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its
35 publication in the statute book.