

HOUSE BILL No. 2376

By Committee on Federal and State Affairs

Requested by Zack Denney, Department of Revenue

2-11

1 AN ACT concerning alcoholic liquor; amending the Kansas liquor control
2 act, the Kansas club and drinking establishment act and the Kansas
3 cereal malt beverage act; transferring the licensure of off-premise
4 cereal malt beverage retailers and on-premise cereal malt beverage
5 retailers from cities and counties to the alcoholic beverage control
6 division of the department of revenue; allowing local licensure by cities
7 or counties; amending K.S.A. 41-304, 41-2601, 41-2701, 41-2702, 41-
8 2705, 41-2706, 41-2707, 41-2708, 41-2722, 41-2726 and 41-2730 and
9 K.S.A. 2024 Supp. 41-102, 41-104, 41-2703 and 41-2704 and repealing
10 the existing sections.

11

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

13 Section 1. K.S.A. 2024 Supp. 41-102 is hereby amended to read as
14 follows: 41-102. As used in this act, unless the context clearly requires
15 otherwise:

16 (a) "Alcohol" means the product of distillation of any fermented
17 liquid, whether rectified or diluted, whatever its origin, and includes
18 synthetic ethyl alcohol but does not include denatured alcohol or wood
19 alcohol.

20 (b) "Alcoholic candy" means:

21 (1) For purposes of manufacturing, any candy or other confectionery
22 product with an alcohol content greater than 0.5% alcohol by volume; and

23 (2) for purposes of sale at retail, any candy or other confectionery
24 product with an alcohol content greater than 1% alcohol by volume.

25 (c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic
26 candy and every liquid or solid, patented or not, containing alcohol, spirits,
27 wine or beer and capable of being consumed by a human being, but shall
28 not include any cereal malt beverage.

29 (d) "Applicant" means a person who has submitted an application for
30 licensure under this act.

31 (e) "Beer" means a beverage, containing more than 3.2% alcohol by
32 weight, obtained by alcoholic fermentation of an infusion or concoction of
33 barley, or other grain, malt and hops in water and includes beer, ale, stout,
34 lager beer, porter and similar beverages having such alcoholic content.

35 (f) "Caterer" means the same as defined by K.S.A. 41-2601, and

1 amendments thereto.

2 (g) "Cereal malt beverage" means the same as defined by K.S.A. 41-
3 2701, and amendments thereto.

4 (h) "Club" means the same as defined by K.S.A. 41-2601, and
5 amendments thereto.

6 (i) "Director" means the director of alcoholic beverage control of the
7 department of revenue.

8 (j) "Distributor" means the person importing or causing to be
9 imported into the state, or purchasing or causing to be purchased within
10 the state, alcoholic liquor for sale or resale to retailers licensed under this
11 act or cereal malt beverage for sale or resale to retailers licensed under
12 K.S.A. 41-2702, and amendments thereto.

13 (k) "Domestic beer" means beer ~~which~~ that contains not more than
14 15% alcohol by weight and ~~which~~ that is manufactured in this state.

15 (l) "Domestic fortified wine" means wine which contains more than
16 16%, but not more than 20% alcohol by volume and ~~which~~ that is
17 manufactured in this state.

18 (m) "Domestic table wine" means wine which contains not more than
19 16% alcohol by volume and ~~which~~ that is manufactured without
20 rectification or fortification in this state.

21 (n) "Drinking establishment" means the same as defined by K.S.A.
22 41-2601, and amendments thereto.

23 (o) "Farm winery" means a winery licensed by the director to
24 manufacture, store and sell domestic table wine and domestic fortified
25 wine.

26 (p) "Fulfillment house" means any location or facility for any in-state
27 or out-of-state entity that handles logistics, including warehousing,
28 packaging, order fulfillment or shipping services, on behalf of the holder
29 of a special order shipping license issued pursuant to K.S.A. 41-350, and
30 amendments thereto.

31 (q) "Hard cider" means any alcoholic beverage that:

32 (1) Contains less than 8.5% alcohol by volume;

33 (2) has a carbonation level that does not exceed 6.4 grams per liter;
34 and

35 (3) is obtained by the normal alcoholic fermentation of the juice of
36 sound, ripe apples or pears, including such beverages containing sugar
37 added for the purpose of correcting natural deficiencies.

38 (r) *"Licensee" means a person who is issued any valid license under*
39 *the Kansas liquor control act, Kansas club and drinking establishment act*
40 *or Kansas cereal malt beverage act.*

41 (s) "Manufacture" means to distill, rectify, ferment, brew, make, mix,
42 concoct, process, blend, bottle or fill an original package with any
43 alcoholic liquor, beer or cereal malt beverage.

- 1 ~~(s)~~(t) (1) "Manufacturer" means every brewer, fermenter, distiller,
2 rectifier, wine maker, blender, processor, bottler or person who fills or
3 refills an original package and others engaged in brewing, fermenting,
4 distilling, rectifying or bottling alcoholic liquor, beer or cereal malt
5 beverage.
- 6 (2) "Manufacturer" does not include a microbrewery, microdistillery
7 or a farm winery.
- 8 ~~(t)~~(u) "Microbrewery" means a brewery licensed by the director to
9 manufacture, store and sell domestic beer and hard cider.
- 10 ~~(u)~~(v) "Microdistillery" means a facility ~~which~~ that produces spirits
11 from any source or substance that is licensed by the director to
12 manufacture, store and sell spirits.
- 13 ~~(v)~~(w) "Minor" means any person under 21 years of age.
- 14 ~~(w)~~(x) "Nonbeverage user" means any manufacturer of any of the
15 products set forth and described in K.S.A. 41-501, and amendments
16 thereto, when the products contain alcohol or wine, and all laboratories
17 using alcohol for nonbeverage purposes.
- 18 ~~(x)~~(y) "Original package" means any bottle, flask, jug, can, cask,
19 barrel, keg, hogshead or other receptacle or container ~~whatsoever~~, used,
20 corked or capped, sealed and labeled by the manufacturer of alcoholic
21 liquor, to contain and ~~to~~ convey any alcoholic liquor. Original container
22 does not include a sleeve.
- 23 ~~(y)~~(z) "Person" means any natural person, corporation, partnership,
24 trust or association.
- 25 ~~(z)~~(aa) "Powdered alcohol" means alcohol that is prepared in a
26 powdered or crystal form for either direct use or for reconstitution in a
27 nonalcoholic liquid.
- 28 ~~(aa)~~(bb) "Primary American source of supply" means the
29 manufacturer, the owner of alcoholic liquor at the time it becomes a
30 marketable product or the manufacturer's or owner's exclusive agent who,
31 if the alcoholic liquor cannot be secured directly from such manufacturer
32 or owner by American wholesalers, is the source closest to such
33 manufacturer or owner in the channel of commerce from which the
34 product can be secured by American wholesalers.
- 35 ~~(bb)~~(cc) (1) "Retailer" means a person who is licensed under the
36 Kansas liquor control act and sells at retail, or offers for sale at retail,
37 alcoholic liquors or cereal malt beverages.
- 38 (2) "Retailer" does not include a microbrewery, microdistillery or a
39 farm winery.
- 40 ~~(cc)~~(dd) "Sale" means any transfer, exchange or barter in any manner
41 or by any means ~~whatsoever~~ for a consideration and includes all sales
42 made by any person, whether principal, proprietor, agent, servant or
43 employee.

1 ~~(dd)~~(ee) "Salesperson" means any natural person who:
2 (1) Procures or seeks to procure an order, bargain, contract or
3 agreement for the sale of alcoholic liquor or cereal malt beverage; or
4 (2) is engaged in promoting the sale of alcoholic liquor or cereal malt
5 beverage, or in promoting the business of any person, firm or corporation
6 engaged in the manufacturing and selling of alcoholic liquor or cereal malt
7 beverage, whether the seller resides within the state of Kansas and sells to
8 licensed buyers within the state of Kansas, or whether the seller resides
9 without the state of Kansas and sells to licensed buyers within the state of
10 Kansas.
11 ~~(ee)~~(ff) "Sample" means a serving of alcoholic liquor that contains not
12 more than:
13 (1) ~~One-half~~^f 1/2 ounce of distilled spirits;
14 (2) one ounce of wine; or
15 (3) two ounces of beer or cereal malt beverage. A "sample" of a
16 mixed alcoholic beverage shall contain not more than 1/2 ounce of distilled
17 spirits.
18 ~~(ff)~~(gg) "Secretary" means the secretary of revenue.
19 ~~(gg)~~(hh) (1) "Sell at retail" and "sale at retail" ~~refer to and~~ mean sales
20 for use or consumption and not for resale in any form and sales to clubs,
21 licensed drinking establishments, licensed caterers or holders of temporary
22 permits.
23 (2) "Sell at retail" and "sale at retail" do not ~~refer to or~~ mean sales by
24 a distributor, a microbrewery, a farm winery, a licensed club, a licensed
25 drinking establishment, a licensed caterer or a holder of a temporary
26 permit.
27 ~~(hh)~~(ii) "To sell" includes to solicit or receive an order for, to keep or
28 expose for sale and to keep with intent to sell.
29 ~~(ii)~~(jj) "Sleeve" means a package of two or more 50-milliliter or 3.2-
30 fluid-ounce containers of spirits.
31 ~~(jj)~~(kk) "Spirits" means any beverage ~~which~~ that contains alcohol
32 obtained by distillation, mixed with water or other substance in solution,
33 and includes brandy, rum, whiskey, gin or other spirituous liquors, and
34 such liquors when rectified, blended or otherwise mixed with alcohol or
35 other substances.
36 ~~(kk)~~(ll) "Supplier" means a manufacturer of alcoholic liquor or cereal
37 malt beverage or an agent of such manufacturer; other than a salesperson.
38 ~~(ll)~~(mm) "Temporary permit" means the same as defined by K.S.A.
39 41-2601, and amendments thereto.
40 ~~(mm)~~(nn) "Wine" means any alcoholic beverage obtained by the
41 normal alcoholic fermentation of the juice of sound, ripe grapes, fruits,
42 berries or other agricultural products, including such beverages containing
43 added alcohol or spirits or containing sugar added for the purpose of

1 correcting natural deficiencies. "Wine" includes hard cider and any other
 2 product that is commonly known as a subset of wine.

3 Sec. 2. K.S.A. 2024 Supp. 41-104 is hereby amended to read as
 4 follows: 41-104. (a) No person shall manufacture, bottle, blend, sell,
 5 barter, transport, deliver, furnish or possess any alcoholic liquor *or cereal*
 6 *malt beverage* for beverage purposes, except as specifically provided in
 7 this act, the club and drinking establishment act or article 27 of chapter 41
 8 of the Kansas Statutes Annotated, and amendments thereto, except that
 9 nothing contained in such acts shall prevent:

10 (1) The possession and transportation of alcoholic liquor for the
 11 personal use of the possessor, the possessor's family and guests except that
 12 the provisions of K.S.A. 41-407, and amendments thereto, shall be
 13 applicable to all persons;

14 (2) the making of wine, cider or beer by a person from fruits,
 15 vegetables or grains, or the product thereof, by simple fermentation and
 16 without distillation, if it is made solely for the use of the maker, the
 17 maker's family, guests and judges at a contest or competition of such
 18 beverages, provided, the maker receives no compensation for producing
 19 such beverages or for allowing the consumption thereof;

20 (3) any duly licensed practicing physician or dentist from possessing
 21 or using alcoholic liquor in the strict practice of the medical or dental
 22 profession;

23 (4) any hospital or other institution caring for sick and diseased
 24 persons, from possessing and using alcoholic liquor for the treatment of
 25 bona fide patients of such hospital or institution;

26 (5) any drugstore employing a licensed pharmacist from possessing
 27 and using alcoholic liquor in the compounding of prescriptions of duly
 28 licensed physicians;

29 (6) the possession and dispensation of wine by an authorized
 30 representative of any church for the purpose of conducting any bona fide
 31 rite or religious ceremony conducted by such church;

32 (7) the sale of wine to a consumer in this state by a person ~~which~~ *that*
 33 holds a valid license authorizing the manufacture of wine in this or another
 34 state and the shipment of such wine directly to such consumer, subject to
 35 the following:

36 (A) The consumer ~~must~~ *shall* be at least 21 years of age;

37 (B) the consumer ~~must~~ *shall* purchase the wine while physically
 38 present on the premises of the wine manufacturer;

39 (C) the wine ~~must~~ *shall* be for the consumer's personal consumption
 40 and not for resale; and

41 (D) the consumer shall comply with the provisions of K.S.A. 41-407,
 42 and amendments thereto, by payment of all applicable taxes within such
 43 time after purchase of the wine as prescribed by rules and regulations

1 adopted by the secretary;

2 (8) the serving of complimentary alcoholic liquor or cereal malt
3 beverages at fund raising activities of charitable organizations as defined
4 by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to
5 26 U.S.C. § 501(c) and by committees formed pursuant to K.S.A. 25-4142
6 et seq., and amendments thereto. The serving of such alcoholic liquor at
7 such fund raising activities shall not constitute a sale pursuant to this act,
8 the club and drinking establishment act or article 27 of chapter 41 of the
9 Kansas Statutes Annotated, and amendments thereto. Any such fund
10 raising activity shall not be required to obtain a license or a temporary
11 permit pursuant to this act, the club and drinking establishment act or
12 article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments
13 thereto;

14 (9) the serving of complimentary alcoholic liquor or cereal malt
15 beverage on the unlicensed premises of a business by the business owner
16 or owner's agent at an event sponsored by a nonprofit organization
17 promoting the arts and ~~which~~ *that* has been approved by ordinance or
18 resolution of the governing body of the city, county or township wherein
19 the event will take place and whereby the director of the alcoholic
20 beverage control has been notified thereof no less than 10 days in advance;
21 or

22 (10) the provision of alcoholic liquor or cereal malt beverage as a
23 prize for a charitable raffle conducted in accordance with K.S.A. 75-5171
24 et seq., and amendments thereto, except that no such prize shall be
25 provided to any person under 21 years of age.

26 (b) For purposes of subsection (a)(2), the term "guest" means a
27 natural person who is known to the host and receives a personal invitation
28 to an event conducted by the host. The term "guest" does not mean a
29 natural person who receives an invitation to an event conducted by the
30 host when such invitation has been made available to the general public.

31 Sec. 3. K.S.A. 41-304 is hereby amended to read as follows: 41-304.
32 Licenses issued by the director shall be of the following classes: (a)
33 Manufacturer's license; (b) spirits distributor's license; (c) wine
34 distributor's license; (d) beer distributor's license; (e) retailer's license; (f)
35 microbrewery license; (g) microdistillery license; (h) farm winery license;
36 (i) producer's license; ~~and~~ (j) nonbeverage user's license; (k) *on-premise*
37 *cereal malt beverage retailer's license; and (l) off-premise cereal malt*
38 *beverage retailer's license.*

39 Sec. 4. K.S.A. 41-2601 is hereby amended to read as follows: 41-
40 2601. As used in the club and drinking establishment act:

41 (a) The following terms mean the same as provided by K.S.A. 41-
42 102, and amendments thereto:

43 (1) "Alcoholic liquor";

- 1 (2) "director";
- 2 (3) "original package";
- 3 (4) "person";
- 4 (5) "sale"; and
- 5 (6) "to sell."

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

9 (c) "Caterer" means an individual, partnership or corporation that
10 sells alcoholic liquor or cereal malt beverage by the individual drink, and
11 provides services related to the serving thereof, on unlicensed premises
12 that may be open to the public, but does not include a holder of a
13 temporary permit, selling alcoholic liquor or cereal malt beverage in
14 accordance with the terms of such permit.

15 (d) "Cereal malt beverage" means the same as provided by K.S.A. 41-
16 2701, and amendments thereto.

17 (e) "Class A club" means a premises that is owned or leased by a
18 corporation, partnership, business trust or association and that is operated
19 thereby as a bona fide nonprofit social, fraternal or war veterans' club, as
20 determined by the director, for the exclusive use of the corporate
21 stockholders, partners, trust beneficiaries or associates, hereinafter referred
22 to as members, and their families and guests accompanying them, as
23 provided in K.S.A. 41-2637, and amendments thereto.

24 (f) "Class B club" means a premises operated for profit by a
25 corporation, partnership or individual, to which members of such club may
26 resort for the consumption of food or alcoholic beverages and for
27 entertainment.

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

29 (h) "Drinking establishment" means premises that may be open to the
30 general public, where alcoholic liquor or cereal malt beverage by the
31 individual drink is sold. The term "Drinking establishment" includes a
32 railway car.

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

36 (j) "Food service establishment" means the same as provided by
37 K.S.A. 36-501, and amendments thereto.

38 (k) "Hotel" means the same as provided by K.S.A. 36-501, and
39 amendments thereto.

40 (l) "Individual drink" means a beverage containing alcoholic liquor or
41 cereal malt beverage served to an individual for consumption by such
42 individual or another individual; but ~~which~~ *that* is not intended to be
43 consumed by two or more individuals. ~~The term~~ "Individual drink"

1 includes beverages containing not more than:

2 (1) Eight ounces of wine;

3 (2) ~~thirty-two~~³² ounces of beer or cereal malt beverage; or

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

5 (m) *"Licensee" means a person who is issued any valid license under*
6 *the Kansas liquor control act, Kansas club and drinking establishment act,*
7 *or Kansas cereal malt beverage act. "Licensee" shall include the holder of*
8 *a temporary permit.*

9 (n) *"Minibar" means a closed cabinet, whether nonrefrigerated or*
10 *wholly or partially refrigerated, access to the interior of which is restricted*
11 *by means of a locking device that requires the use of a key, magnetic card*
12 *or similar device.*

13 ~~(o)~~^(o) *"Minor" means a person under 21 years of age.*

14 ~~(p)~~^(p) *"Morals charge" means a charge involving the sale of sexual*
15 *relations; procuring any person; soliciting of a child under 18 years of*
16 *age for any immoral act involving sex; possession or sale of narcotics,*
17 *marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal*
18 *cohabitation; adultery; bigamy; or a crime against nature.*

19 ~~(q)~~^(q) *"Municipal corporation" means the governing body of any*
20 *county or city.*

21 ~~(r)~~^(r) *"Public venue" means an arena, stadium, hall or theater, used*
22 *primarily for athletic or sporting events, live concerts, live theatrical*
23 *productions or similar seasonal entertainment events, not operated on a*
24 *daily basis, and containing:*

25 (1) Not fewer than 4,000 permanent seats; and

26 (2) not fewer than two private suites that are enclosed or semi-
27 enclosed seating areas, having controlled access and separated from the
28 general admission areas by a permanent barrier.

29 ~~(s)~~^(s) *"Railway car" means a locomotive drawn conveyance used for*
30 *the transportation and accommodation of human passengers that is*
31 *confined to a fixed rail route and ~~which~~ that derives from sales of food for*
32 *consumption on the railway car not less than 30% of its gross receipts*
33 *from all sales of food and beverages in a 12-month period.*

34 ~~(t)~~^(t) *"Restaurant" means:*

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

39 (2) in the case of a drinking establishment subject to a food sales
40 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
41 food service establishment that, as determined by the director, derives
42 from sales of food for consumption on the licensed drinking establishment
43 premises *of* not less than 30% of its gross receipts from all sales of food

1 and beverages on such premises in a 12-month period; and

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

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

9 ~~(u)~~(v) "Sample" means a serving of alcoholic liquor or cereal malt
10 beverage that contains not more than:

11 (1) ~~One-half~~ 1/2 ounce of distilled spirits;

12 (2) one ounce of wine; or

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

14 A sample of a mixed alcoholic beverage shall contain not more than 1/2
15 ounce of distilled spirits.

16 ~~(v)~~(w) "Secretary" means the secretary of revenue.

17 ~~(w)~~(x) "Temporary permit" means a temporary permit issued pursuant
18 to K.S.A. 41-1201, and amendments thereto.

19 Sec. 5. K.S.A. 41-2701 is hereby amended to read as follows: 41-
20 2701. As used in this act, unless the context otherwise requires:

21 (a) "Cereal malt beverage" means any fermented but undistilled
22 liquor brewed or made from malt or from a mixture of malt or malt
23 substitute or any flavored malt beverage, as defined in K.S.A. 41-2729,
24 and amendments thereto, but does not include any such liquor ~~which~~ *that*
25 is more than 3.2% alcohol by weight.

26 (b) "Director" means the director of alcoholic beverage control of the
27 department of revenue.

28 (c) ~~"Manufacturer" means a manufacturer as defined by K.S.A. 41-~~
29 ~~402, and amendments thereto.~~

30 (d) ~~"Person" means any individual, firm, partnership, corporation or~~
31 ~~association.~~

32 (e) ~~"Retailer" means any person who is licensed under the Kansas~~
33 ~~cereal malt beverage act and who sells or offers for sale any cereal malt~~
34 ~~beverage or beer containing not more than 6% alcohol by volume for use~~
35 ~~or consumption and not for resale in any form.~~

36 (f) ~~"Place of business" means any place at which cereal malt~~
37 ~~beverages or beer containing not more than 6% alcohol by volume are~~
38 ~~sold.~~

39 (g) ~~"Distributor" means a beer distributor licensed pursuant to the~~
40 ~~Kansas liquor control act.~~

41 (h) ~~"Legal age for consumption of cereal malt beverage" means 21~~
42 ~~years of age, except that "legal age for consumption of cereal malt~~
43 ~~beverage" shall mean 18 years of age if at any time the provisions of P.L.~~

1 98-363 penalizing states for permitting persons under 21 years of age to
2 consume cereal malt beverage are repealed or otherwise invalidated or
3 nullified. "Distributor" means a beer distributor licensed pursuant to the
4 Kansas liquor control act.

5 (d) "Legal age for consumption of cereal malt beverage" means 21
6 years of age, except that "legal age for consumption of cereal malt
7 beverage" means 18 years of age if at any time the provisions of P.L. 98-
8 363 penalizing states for permitting persons under 21 years of age to
9 consume cereal malt beverage are repealed or otherwise invalidated or
10 nullified.

11 (e) "Licensee" means the holder of an on-premise, off-premise or
12 railroad cereal malt beverage retailers' license.

13 (f) "Manufacturer" means a manufacturer as defined by K.S.A. 41-
14 102, and amendments thereto.

15 (g) "Off-premise cereal malt beverage retailer" means any person
16 who is licensed under the Kansas cereal malt beverage act and who sells
17 or offers for sale any cereal malt beverage or beer containing not more
18 than 6% alcohol by volume for consumption off and away from the
19 premises specified in such license.

20 (h) "On-premise cereal malt beverage retailer" means any person
21 who is licensed under the Kansas cereal malt beverage act and who sells
22 or offers for sale any cereal malt beverage or beer containing not more
23 than 6% alcohol by volume for consumption on the premises specified in
24 such license and not for resale in any form.

25 (i) "Person" means any natural person, corporation, partnership,
26 trust or association.

27 (j) "Place of business" means any place where cereal malt beverages
28 or beer containing not more than 6% alcohol by volume are sold.

29 (k) "Retailer" means any person who is licensed under the Kansas
30 cereal malt beverage act and who sells or offers for sale any cereal malt
31 beverage or beer containing not more than 6% alcohol by volume for use
32 or consumption and not for resale in any form.

33 Sec. 6. K.S.A. 41-2702 is hereby amended to read as follows: 41-
34 2702. (a) No ~~retailer person~~ shall sell any cereal malt beverage or beer
35 containing not more than 6% alcohol by volume without having first
36 secured a license for each place of business ~~as herein provided. In case~~
37 ~~such place of business is located within the corporate limits of a city, the~~
38 ~~application for license shall be made to the governing body of such city. In~~
39 ~~all other cases, the application for license shall be made to the board of~~
40 ~~county commissioners in the county in which such place of business is to~~
41 ~~be located, except that the application for license Applications for all~~
42 ~~cereal malt beverage licenses, including licenses to sell on railway cars~~
43 shall be made to the director as hereinafter provided.

1 (b) ~~A board of county commissioners~~*The director* shall not issue or
 2 ~~renew~~ a *cereal malt beverage* retailer's license without giving the clerk of
 3 the township where the place of business is to be located written notice by
 4 ~~registered mail~~ of the filing of the application for licensure or renewal. The
 5 township board, may within 10 days, file advisory recommendations as to
 6 the granting of such license ~~or renewal~~, and such advisory
 7 recommendations shall be considered by the ~~board of county~~
 8 ~~commissioners~~ *director* before such license is issued. If an original license
 9 is ~~granted and~~ issued, the ~~board of county commissioners~~ *director* shall
 10 ~~grant and~~ issue renewals thereof upon application of the license holder, if
 11 the license holder is qualified to receive the same and the license has not
 12 been revoked as provided by law.

13 (c) An application for a *cereal malt beverage* retailer's license shall
 14 be verified and upon a form prepared by the ~~attorney general of the state~~
 15 *director* and *with any other documents deemed necessary by the director*
 16 shall contain:

17 (1) The name and residence of the applicant;

18 (2) ~~the length of time that the applicant has resided within the state of~~
 19 ~~Kansas;~~

20 (3) the particular place of business for which a license is desired;

21 (4)(3) the name of the owner of the premises ~~upon which~~ *where* the
 22 place of business is located; and

23 (5)(4) a statement that the applicant is a citizen of the United States
 24 ~~and~~, not less than 21 years of age and ~~that the applicant~~ has not within two
 25 years immediately preceding the date of making application been
 26 convicted of a felony, any crime involving moral turpitude, drunkenness,
 27 driving a motor vehicle while under the influence of intoxicating liquor or
 28 a violation of any other intoxicating liquor law of any state or of the
 29 United States.

30 (d) ~~In addition to the fee provided by subsection (c),~~ Each application
 31 for a retailer's license to sell cereal malt beverages for consumption on the
 32 licensed premises shall be accompanied by a fee as follows:

33 (1) ~~For licensure of a place of business other than a railway car, a fee~~
 34 ~~of not less than \$25 nor more than \$200, as prescribed by the board of~~
 35 ~~county commissioners or the governing body of the city, as the case may~~
 36 ~~be; and~~

37 (2) ~~for licensure to sell on railway cars;~~ *railway cereal malt beverage*
 38 *retailer's license shall be accompanied by a fee of \$100.*

39 (e) Each applicant for ~~a~~ *an on-premise or off-premise cereal malt*
 40 *beverage* retailer's license or renewal of such a license shall submit to the
 41 director a copy of the completed application for such license or license
 42 renewal, together with a fee of ~~\$25~~ *\$50*. ~~Upon receipt of such application,~~
 43 ~~the director shall authorize a state stamp to be affixed to the license. No~~

1 such stamp shall be affixed to any license except such stamps as provided
 2 by the director and no retailer's license shall be issued or renewed unless
 3 such stamp has first been affixed thereto.

4 (f) *Notwithstanding any other provision of the law, the director may*
 5 *refuse to issue a stamp license if the applicant or licensee is not current in*
 6 *the payment of any fines imposed by the director relating to such license*
 7 *or a license previously issued pursuant to this section, the Kansas liquor*
 8 *control act or the club and drinking establishment act.*

9 ~~(g)~~(g) The director shall remit all fees collected by the director to the
 10 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
 11 amendments thereto. Upon receipt of each such remittance, the state
 12 treasurer shall deposit the entire amount in the state treasury to the credit
 13 of the state general fund, except that the director may provide for the
 14 deposit in the cereal malt beverage tax refund fund of such amounts as
 15 necessary for the refund of any license fees collected hereunder.

16 ~~(g)~~(h) The board of county commissioners of the several counties or
 17 the governing body of a city shall issue a license upon application duly
 18 made as otherwise provided for herein, to any retailer engaged in business
 19 in such county or city and qualified to receive such license, to sell only
 20 cereal malt beverages in original and unopened containers, and not for
 21 consumption on the premises may require any application for an on-
 22 premise or off-premise cereal malt beverage retailer's license to obtain a
 23 local license in addition to the requirements of this section.

24 (i) *If a local license is required as provided in subsection (h), no on-*
 25 *premise or off-premise cereal malt beverage retailer shall operate until it*
 26 *has obtained such license. The annual license fee for such license, which*
 27 *shall be in addition to the fee provided by subsection (e), shall be not less*
 28 *than \$25 nor more than \$50 \$200.*

29 ~~(h)~~(j) No license issued under this act shall be transferable.

30 Sec. 7. K.S.A. 2024 Supp. 41-2703 is hereby amended to read as
 31 follows: 41-2703. (a) After examination of an application for a *any cereal*
 32 *malt beverage* retailer's license, the board of county commissioners or the
 33 director shall, if they approve the same *approved*, issue a license to the
 34 applicant. The governing body of the city shall, if the applicant is qualified
 35 as provided by law, issue a license to such applicant.

36 (b) No *cereal malt beverage* retailer's license shall be issued to:

- 37 (1) A person who is not a citizen of the United States;
- 38 (2) a person who, within two years immediately preceding the date of
 39 application approval, has been convicted of, released from incarceration
 40 for or released from probation or parole for a felony or any crime
 41 involving moral turpitude, drunkenness, driving a motor vehicle while
 42 under the influence of intoxicating liquor or violation of any other
 43 intoxicating liquor law of any state or of the United States;

1 (3) a partnership, unless all the members of the partnership are
2 otherwise qualified to obtain a license;

3 (4) a corporation, if any manager, officer or director thereof, or any
4 stockholder owning in the aggregate more than 25% of the stock of such
5 corporation, would be ineligible to receive a license hereunder for any
6 reason other than the citizenship requirements;

7 (5) a person whose place of business is conducted by a manager or
8 agent unless the manager or agent possesses all the qualifications of a
9 licensee;

10 (6) a person whose spouse would be ineligible to receive a *cereal*
11 *malt beverage* retailer's license for any reason other than citizenship
12 requirements or age, except that this paragraph shall not apply in
13 determining eligibility for a renewal license; and

14 (7) a person whose spouse has been convicted of a felony or other
15 crime that would disqualify a person from licensure under this section and
16 such felony or other crime was committed during the time that the spouse
17 held a license under this act.

18 (c) After examination of an application for a *cereal malt beverage*
19 retailer's license, ~~the board of county commissioners or the governing body~~
20 ~~of a city director~~ may deny a license to a person, partnership or
21 corporation if any manager, officer or director thereof, or any stockholder
22 owning in the aggregate more than 25% of the stock of such corporation,
23 has been an officer, manager, director or a stockholder owning in the
24 aggregate more than 25% of the stock, of a corporation that has:

25 (1) Had a *cereal malt beverage* retailer's license revoked under
26 K.S.A. 41-2708, and amendments thereto; or

27 (2) been convicted of a violation of the club and drinking
28 establishment act or the cereal malt beverage laws of this state.

29 (d) Notwithstanding any generally applicable grant of discretion that
30 may be provided pursuant to subsection (a), if an applicant has been issued
31 a farm winery license pursuant to K.S.A. 41-316, and amendments thereto,
32 or a producer's license pursuant to K.S.A. 41-355, and amendments
33 thereto, an application for a retailers' license shall be approved by the
34 ~~board of county commissioners, the governing body of the city or the~~
35 ~~director~~, subject to the requirements of subsections (b) and (c).

36 (e) *Cereal malt beverage* retailers' licenses shall be issued ~~either on~~
37 ~~an annual basis or for the calendar year. If such licenses are issued on an~~
38 ~~annual basis, the board of county commissioners or the governing body of~~
39 ~~the city shall notify the distributors supplying the county or city on or~~
40 ~~before April 1 of the year if a retailer's license is not renewed for a period~~
41 ~~of one year, beginning on the effective date of the license and ending one~~
42 ~~year thereafter.~~

43 (f) In addition to, and consistent with the requirements of K.S.A. 41-

1 2701 et seq., and amendments thereto, the board of county commissioners
2 of any county or the governing body of any city may provide ~~by a~~
3 resolution or ordinance ~~for the issuance of~~ *requesting the director to issue*
4 a special event retailers' permit that shall allow the permit holder to offer
5 for sale, sell and serve cereal malt beverage for consumption on
6 unpermitted premises, that may be open to the public, subject to the
7 following:

8 (1) A special event retailers' permit shall specify the premises for
9 which the permit is issued;

10 (2) a special event retailers' permit shall be issued for the duration of
11 the special event, the dates and hours of which shall be specified in the
12 permit;

13 (3) not more than four special event retailers' permits may be issued
14 to any one applicant in a calendar year; and

15 (4) a special event retailers' permit shall not be transferable or
16 assignable.

17 (g) A special event retailers' permit holder shall not be subject to the
18 provisions of the beer and cereal malt beverage keg registration act, K.S.A.
19 41-2901 et seq., and amendments thereto.

20 Sec. 8. K.S.A. 2024 Supp. 41-2704 is hereby amended to read as
21 follows: 41-2704. (a) In addition to and consistent with the requirements
22 of the Kansas cereal malt beverage act, the board of county commissioners
23 of any county or the governing body of any city may prescribe hours of
24 closing, standards of conduct and rules and regulations concerning the
25 moral, sanitary and health conditions of places licensed pursuant to this act
26 and may establish zones within which no such place may be located.

27 (b) Within any city where the days of sale at retail of cereal malt
28 beverage in the original package have not been expanded as provided by
29 K.S.A. 41-2911, and amendments thereto, or have been so expanded and
30 subsequently restricted as provided by K.S.A. 41-2911, and amendments
31 thereto, no cereal malt beverages or beer containing not more than 6%
32 alcohol by volume may be sold:

33 (1) Between the hours of 12 midnight and 6 a.m.; or

34 (2) on Sunday, except in a place of business that is licensed to sell
35 cereal malt beverage for consumption on the premises and that is located
36 in a county where such sales on Sunday have been authorized by
37 resolution of the board of county commissioners of the county or in a city
38 where such sales on Sunday have been authorized by ordinance of the
39 governing body of the city.

40 (c) Within any city where the days of sale at retail of cereal malt
41 beverage in the original package have been expanded as provided by
42 K.S.A. 41-2911, and amendments thereto, and have not been subsequently
43 restricted as provided in K.S.A. 41-2911, and amendments thereto, no

1 person shall sell at retail cereal malt beverage or beer containing not more
2 than 6% alcohol by volume:

- 3 (1) Between the hours of 12 midnight and 6 a.m.;
- 4 (2) in the original package not earlier than 9 a.m. and not later than 8
5 p.m. on Sunday;
- 6 (3) on Easter Sunday; or
- 7 (4) for consumption on the licensed premises on Sunday, except in a
8 place of business that is licensed to sell cereal malt beverage for
9 consumption on the premises and that is located in a county where such
10 sales on Sunday have been authorized by resolution of the board of county
11 commissioners of the county or in a city where such sales on Sunday have
12 been authorized by ordinance of the governing body of the city.

13 (d) No private rooms or closed booths shall be operated in a place of
14 business, but this provision shall not apply if the licensed premises also are
15 licensed as a club pursuant to the club and drinking establishment act.

16 (e) ~~Each place of business shall be open to the public and to law~~
17 ~~enforcement officers at all times during business hours, except that a~~
18 ~~premises licensed as a club pursuant to the club and drinking establishment~~
19 ~~act shall be open to law enforcement officers and not to the public~~*The*
20 *right of immediate entry to and inspection of any premises licensed as an*
21 *on-premise or off-premise cereal malt beverage retailer, or any premises*
22 *subject to the control of any such licensee, by any duly authorized officer*
23 *or agent of the director, or by any law enforcement officer, shall be a*
24 *condition upon which every license is issued, and the application for, and*
25 *acceptance of, any license shall conclusively be deemed to be the consent*
26 *of the applicant and licensee to such immediate entry and inspection. Such*
27 *right of immediate entry and inspection shall be at any time when the*
28 *premises are occupied and is not limited to hours when the licensee is*
29 *open for business. Such consent shall not be revocable during the term of*
30 *the license. Refusal of such entry shall be grounds for revocation of the*
31 *license.*

32 (f) Except as otherwise provided by this subsection, no licensee shall
33 permit a person under the legal age for consumption of cereal malt
34 beverage or beer containing not more than 6% alcohol by volume to
35 consume or purchase any cereal malt beverage in or about a place of
36 business. A licensee's employee who is not less than 18 years of age may
37 dispense or sell cereal malt beverage or beer containing not more than 6%
38 alcohol by volume, if:

39 (1) The licensee's place of business is licensed ~~only to sell at retail~~
40 ~~cereal malt beverage or beer containing not more than 6% alcohol by~~
41 ~~volume in the original package and not for consumption on the premises~~
42 ~~as an off-premise cereal malt beverage retailer; or~~

43 (2) the licensee's place of business is a licensed food service

1 establishment, as defined by K.S.A. 36-501, and amendments thereto, and
2 not less than 50% of the gross receipts from the licensee's place of
3 business is derived from the sale of food for consumption on the premises
4 of the licensed place of business.

5 (g) No person shall have any alcoholic liquor, except beer containing
6 not more than 6% alcohol by volume, in such person's possession while in
7 a place of business, unless the premises are currently licensed as a club or
8 drinking establishment pursuant to the club and drinking establishment act
9 or the business is a farm winery licensed pursuant to K.S.A. 41-316, and
10 amendments thereto, or a producer licensed pursuant to K.S.A. 41-355,
11 and amendments thereto.

12 (h) Cereal malt beverages may be sold on premises that are licensed
13 pursuant to both the Kansas cereal malt beverage act and the club and
14 drinking establishment act at any time when alcoholic liquor is allowed by
15 law to be served on the premises.

16 Sec. 9. K.S.A. 41-2705 is hereby amended to read as follows: 41-
17 2705. (a) Except to the extent permitted pursuant to K.S.A. 41-703, and
18 amendments thereto, no ~~retailer~~ licensee, or any officer, associate,
19 member, representative or agent thereof, shall accept, receive or borrow
20 money or anything else of value, or accept or receive credit, directly or
21 indirectly, from: (1) Any manufacturer or distributor; (2) any person
22 connected with, in any way representing or a member of the family of a
23 manufacturer or distributor; (3) any stockholders in a manufacturer or
24 distributor; or (4) any officer, manager, agent or representative of a
25 manufacturer or distributor.

26 (b) ~~Any~~ licensee who shall permit or assent, or be a party in any
27 way, to any violation or infringement of the provisions of this section or of
28 K.S.A. 41-702 or 41-703, and amendments thereto, shall be deemed guilty
29 of a violation of this act, and any money loaned contrary to a provision of
30 this section shall not be recovered, or any note, mortgage or other evidence
31 of indebtedness, or security, or any lease or contract obtained or made
32 contrary to this act shall be unenforceable and void.

33 Sec. 10. K.S.A. 41-2706 is hereby amended to read as follows: 41-
34 2706. (a) Except as provided by subsection (b), no person shall sell or
35 furnish cereal malt beverages or beer containing not more than 6% alcohol
36 by volume at retail to any person on credit; on a passbook; on order on a
37 store; in exchange for any goods, wares or merchandise; or in payment for
38 any services rendered. If any person extends credit for such purpose, the
39 debt attempted to be created shall not be recoverable at law and, in
40 addition, such person shall be subject to the penalties provided in K.S.A.
41 41-2707, and amendments thereto.

42 (b) ~~A licensed retailer~~ licensee may sell cereal malt beverages or beer
43 containing not more than 6% alcohol by volume to a consumer on credit

1 pursuant to a credit card ~~which~~ *that* entitles the user to purchase goods or
2 services from at least 100 persons not related to the issuer of the credit
3 card.

4 Sec. 11. K.S.A. 41-2707 is hereby amended to read as follows: 41-
5 2707. No distributor shall sell or furnish cereal malt beverages to a ~~retailer~~
6 *licensee* on credit; on a passbook; on order on a store; in exchange for any
7 goods, wares or merchandise; in payment for any service rendered or to be
8 rendered; or by any extension of credit of any kind, type or class. Any
9 distributor or retailer who violates any of the terms of this section or
10 K.S.A. 41-2706, and amendments thereto, shall be subject to all penalties
11 and forfeitures provided by K.S.A. 41-2705 and 41-2708, and amendments
12 thereto, and any debt attempted to be created in violation hereof shall not
13 be recoverable at law.

14 Sec. 12. K.S.A. 41-2708 is hereby amended to read as follows: 41-
15 2708. (a) ~~The board of county commissioners or the governing body of~~
16 ~~any city, upon five days' notice to the persons holding a license, director~~
17 ~~may revoke or suspend the~~ *a license issued pursuant to this act* for any one
18 of the following reasons:

19 (1) The licensee has violated any of the provisions of ~~K.S.A. 41-2701~~
20 ~~et seq., and amendments thereto, the Kansas cereal malt beverage act or~~
21 ~~any rules or regulations made by the board or the city, as the case may be;~~

22 (2) drunkenness of the licensee or permitting any intoxicated person
23 to remain in or upon the licensee's place of business;

24 (3) the sale of cereal malt beverages or beer containing not more than
25 6% alcohol by volume to any person under the legal age for consumption
26 of cereal malt beverage;

27 (4) permitting any person to mix drinks with materials purchased in
28 or upon the place of business or brought in for that purpose;

29 (5) the sale or possession of, or permitting any person to use or
30 consume on the licensed premises, any alcoholic liquor as defined by
31 K.S.A. 41-102, and amendments thereto, except beer containing not more
32 than 6% alcohol by volume; or

33 (6) the licensee has been convicted of a violation of the beer and
34 cereal malt beverage keg registration act.

35 (b) The provisions of subsections (a)(4) and (5) shall not apply if the
36 place of business or premises also are currently licensed as a club or
37 drinking establishment pursuant to the club and drinking establishment act.

38 (c) ~~The board of county commissioners or the governing body of any~~
39 ~~city, upon five days' notice to the persons holding a license, director~~ shall
40 revoke or suspend the license for any one of the following reasons:

41 (1) The licensee has fraudulently obtained the license by giving false
42 information in the application therefor;

43 (2) the licensee has become ineligible to obtain a license under this

1 act;

2 (3) the nonpayment of any license fees;

3 (4) permitting any gambling in or upon the licensee's place of
4 business;

5 (5) the employment of persons under 18 years of age in dispensing or
6 selling cereal malt beverages or beer containing not more than 6% alcohol
7 by volume;

8 (6) the employment or continuation in employment of a person in
9 connection with the sale, serving or dispensing of cereal malt beverages if
10 the licensee knows such person has been, within the preceding two years,
11 adjudged guilty of a felony or of any violation of the intoxicating liquor
12 laws of this state, another state or the United States; or

13 (7) there has been a violation of K.S.A. 21-4106 or 21-4107, prior to
14 their repeal, or K.S.A. 21-6204, and amendments thereto, in or upon the
15 licensee's place of business.

16 (d) ~~Within 20 days after the order of the board revoking or~~
17 ~~suspending any license, the licensee may appeal to the district court and~~
18 ~~the district court shall proceed to hear such appeal as though such court~~
19 ~~had original jurisdiction of the matter. Any appeal taken from an order~~
20 ~~revoking or suspending the license shall not suspend the order of~~
21 ~~revocation or suspension during the pendency of any such appeal.~~
22 *All proceedings involving the suspension or revocation of a license pursuant*
23 *to this section shall be conducted in accordance with the provisions of the*
24 *Kansas administrative procedure act. No license shall be suspended or*
25 *revoked except after an opportunity for a hearing before the director.*

26 (e) (1) (A) *At any time, the governing body of any city or county may*
27 *request the director to hold a hearing on whether any license issued*
28 *pursuant to this act should be revoked or suspended. The governing body*
29 *shall provide the director reasonable cause to believe that a hearing is*
30 *necessary based upon factors included in rules and regulations by the*
31 *secretary. The director may refuse the governing body's request absent*
32 *such reasonable cause to hold a hearing;*

33 (B) *Any hearing held pursuant to this section shall be conducted in*
34 *accordance with the provisions of the Kansas administrative procedure act*
35 *as provided in subsection (d).*

36 (2) *At any hearing held pursuant to this section, the governing body*
37 *of such city or county shall have the right to appear before the director*
38 *and present testimony and evidence and make recommendations regarding*
39 *the granting or refusal to grant such license or renewal, or whether such*
40 *license should be revoked or suspended. In determining whether to grant*
41 *or to refuse to grant such license or renewal, or to revoke or suspend such*
42 *license, the director shall take into consideration the testimony and*
43 *evidence and recommendations of the governing body of such city or*

1 *county. The director may refuse to grant such license or renewal, or may*
 2 *revoke or suspend such license based on the evidence gathered at such*
 3 *hearing, in the interest of protecting the public welfare and in accordance*
 4 *with rules and regulations adopted by the secretary.*

5 Sec. 13. K.S.A. 41-2722 is hereby amended to read as follows: 41-
 6 2722. (a) ~~No on-premise or off-premise cereal malt beverage retailer, or~~
 7 ~~employee or agent of a retailer, licensed to sell cereal malt beverage and~~
 8 ~~beer containing not more than 6% alcohol by volume for consumption on~~
 9 ~~the licensed premises shall:~~

10 (1) ~~Offer~~Sell or serve any free cereal malt beverage or beer
 11 containing not more than 6% alcohol by volume to any person;

12 (2) ~~offer~~sell or serve to any person a drink at a price that is less than
 13 the acquisition cost of the drink to the licensee;

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

17 (4) encourage or permit, on the licensed premises, any game or
 18 contest ~~which~~ that involves drinking cereal malt beverage or beer
 19 containing not more than 6% alcohol by volume or the awarding of drinks
 20 as prizes; or

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

24 (b) (1) ~~An on-premise or off-premise cereal malt beverage retailer~~
 25 ~~may:~~

26 ~~(1)~~ offer free food or entertainment at any time;

27 (2) *An on-premise cereal malt beverage retailer may:*

28 (A) Sell, offer to sell and serve individual drinks at different prices
 29 throughout any day; or

30 ~~(3)~~(B) sell or serve cereal malt beverage *or beer containing not more*
 31 *than 6% alcohol by volume* in a pitcher capable of containing not more
 32 than 64 fluid ounces.

33 (c) Violation of any provisions of this section is a misdemeanor
 34 punishable as provided by K.S.A. 41-2711, and amendments thereto.

35 (d) Violation of any provision of this act shall be grounds for
 36 suspension or revocation of the retailer's license as provided by K.S.A. 41-
 37 2708, and amendments thereto.

38 (e) Every licensee subject to the provisions of this section shall make
 39 available at any time upon request a price list showing the licensee's
 40 current prices for all cereal malt beverages and beer containing not more
 41 than 6% alcohol by volume.

42 (f) This section shall be part of and supplemental to K.S.A. 41-2701
 43 through 41-2721, and amendments thereto.

1 Sec. 14. K.S.A. 41-2726 is hereby amended to read as follows: 41-
2 2726. (a) No *off-premise cereal malt beverage* retailer ~~licensed under~~
3 ~~K.S.A. 41-2701 et seq., and amendments thereto, to sell cereal malt~~
4 ~~beverage or beer containing not more than 6% alcohol by volume in~~
5 ~~original and unopened containers and not for consumption on the licensed~~
6 ~~premises shall sell or offer for sale directly or indirectly any cereal malt~~
7 ~~beverage or beer containing not more than 6% alcohol by volume at a~~
8 ~~price that is less than the acquisition cost of such cereal malt beverage or~~
9 ~~beer containing not more than 6% alcohol by volume to the licensee.~~

10 (b) The director may issue to ~~a~~ *an off-premise cereal malt beverage*
11 retailer a permit authorizing the retailer to sell cereal malt beverage or beer
12 containing not more than 6% alcohol by volume at less than the
13 acquisition cost thereof, if:

14 (1) The retailer is actually closing out the retailer's stock for the
15 purpose of completely discontinuing sale of the item for a period of not
16 less than 12 months;

17 (2) the item is damaged or deteriorated in quality and notice is given
18 to the public thereof; or

19 (3) the sale of the item is by an officer acting under the order of a
20 court.

21 (c) Violation of this section is a misdemeanor punishable as provided
22 by K.S.A. 41-2711, and amendments thereto.

23 (d) Violation of this section shall be grounds for suspension or
24 revocation of the retailer's license as provided by K.S.A. 41-2708, and
25 amendments thereto.

26 Sec. 15. K.S.A. 41-2730 is hereby amended to read as follows: 41-
27 2730. (a) The director, or any properly designated agent of the director,
28 may issue a citation *to a licensee* for any violation of the Kansas cereal
29 malt beverage act, *the Kansas liquor control act, the Kansas club and*
30 *drinking establishment act* or any rules and regulations promulgated
31 thereunder, ~~with regard to the sale, consumption or possession of beer~~
32 ~~containing not more than 6% alcohol by volume.~~ Any such citation shall
33 be issued in accordance with the provisions of K.S.A. 41-106, and
34 amendments thereto.

35 (b) In addition to or in lieu of any other civil or criminal penalty
36 provided by law, the director, upon a finding that a ~~retailer, as defined by~~
37 ~~K.S.A. 41-2701(e), and amendments thereto,~~ *licensee* has violated a
38 provision of the Kansas liquor control act, *the Kansas club and drinking*
39 *establishment act* or the Kansas cereal malt beverage act, or any rules and
40 regulations promulgated thereunder, ~~with regard to the sale, consumption~~
41 ~~or possession of beer containing not more than 6% alcohol by volume~~ may
42 impose upon such ~~retailer~~ *licensee* a civil fine not exceeding \$1,000 for
43 each violation.

1 (c) No fine shall be imposed pursuant to this section except upon the
2 written order of the director to the ~~retailer~~ *licensee* who committed the
3 violation. Such order shall state the violation, the fine to be imposed and
4 the right of the retailer to appeal the order. Such order shall be subject to
5 appeal and review in accordance with the Kansas administrative procedure
6 act.

7 (d) Any fine imposed pursuant to this section shall be remitted to the
8 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
9 amendments thereto. Upon receipt of each such remittance, the state
10 treasurer shall deposit the entire amount in the state treasury to the credit
11 of the state general fund.

12 (e) This section shall be a part of and supplemental to the Kansas
13 cereal malt beverage act.

14 Sec. 16. K.S.A. 41-304, 41-2601, 41-2701, 41-2702, 41-2705, 41-
15 2706, 41-2707, 41-2708, 41-2722, 41-2726 and 41-2730 and K.S.A. 2024
16 Supp. 41-102, 41-104, 41-2703 and 41-2704 are hereby repealed.

17 Sec. 17. This act shall take effect and be in force from and after its
18 publication in the statute book.