

SENATE BILL No. 56

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning alcoholic beverages; authorizing the delivery of
2 alcoholic liquor and cereal malt beverage by licensed retailers, drinking
3 establishments and third-party delivery services to patrons; amending
4 K.S.A. 41-327, 41-2601, 41-2701 and 41-2728 and K.S.A. 2024 Supp.
5 41-102 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) A third-party delivery service permit shall allow
9 the permit holder to deliver alcoholic liquor or cereal malt beverage on
10 behalf of a licensee in accordance with the provisions of sections 2, 3 and
11 4, and amendments thereto, except that such deliveries shall only occur
12 within this state.

13 (b) An application for a third-party delivery service permit shall be
14 submitted in such form and manner as prescribed by the director and shall
15 include payment of the third-party delivery service permit fee in the
16 amount of \$1,500. Each application shall contain an affirmation by the
17 applicant that the applicant is registered to do business in this state and that
18 all of the following is true for each individual conducting deliveries on
19 behalf of the applicant:

20 (1) The individual is at least 21 years of age and holds a valid driver's
21 license;

22 (2) the individual has not been adjudged guilty of a felony;

23 (3) the individual will maintain or otherwise be covered by primary
24 automobile insurance that meets the minimum coverage requirements in
25 K.S.A. 40-284 and 40-3107, and amendments thereto; and

26 (4) the individual will comply with the provisions of sections 2, 3 and
27 4, and amendments thereto, in conducting deliveries of alcoholic liquor
28 and cereal malt beverage.

29 (c) A third-party delivery service permit shall commence on the date
30 specified on the permit and expire one year after such date.

31 (d) (1) A third-party delivery service shall be liable for violations of
32 K.S.A. 41-715, and amendments thereto, and sections 2, 3 and 4, and
33 amendments thereto, that are committed by any individual conducting
34 deliveries on behalf of such third-party delivery service.

35 (2) An individual conducting deliveries on behalf of a third-party
36 delivery service shall be liable for violations of K.S.A. 41-715, and

1 amendments thereto.

2 (e) The director may enforce the requirements of this section against
3 a third-party delivery service or any individual delivering alcoholic liquor
4 or cereal malt beverage on behalf of such third-party delivery service for
5 any violations committed by such third-party delivery service or such
6 individual. The director may impose a civil fine on a third-party delivery
7 service and an individual delivering alcoholic liquor or cereal malt
8 beverage on behalf of such third-party delivery service for the same
9 violation. Nothing in this section shall be construed to limit the
10 jurisdictional authority of the director in pursuing violations of this section
11 against a third-party delivery service or an individual delivery alcoholic
12 liquor or cereal malt beverage on behalf of such third-party delivery
13 service.

14 (f) Personal data collected solely to comply with the requirements of
15 this section shall be limited to what is adequate, relevant and reasonably
16 necessary in relation to the purposes for which such data is processed, as
17 disclosed to the consumer. Data shall not be sold or used for any purpose
18 other than compliance with this section and sections 2, 3 and 4, and
19 amendments thereto. A licensee or third-party delivery service shall
20 implement and maintain reasonable security procedures and practices,
21 including administrative, physical and technical safeguards appropriate to
22 the nature of the data and the purposes for which the data will be used to
23 protect the data collected from the unauthorized use, disclosure, access,
24 destruction or modification to comply with the requirements of this
25 section, and such security practices and procedures shall be made available
26 to the director upon reasonable request.

27 (g) Nothing in sections 2, 3 and 4, and amendments thereto, shall be
28 construed to require a company that only provides technology services to a
29 licensee to obtain a third-party delivery service permit if the company does
30 not employ or contract with delivery drivers but only provides software or
31 an application that connects consumers and such licensees.

32 (h) At the time of application and for any changes at renewal, a third-
33 party delivery service shall submit an outline of internal or external
34 training for individuals engaged in delivery that addresses topics such as
35 identifying underage persons, intoxicated persons and fake or altered
36 identification.

37 (i) Individuals engaged in a delivery service shall:

38 (1) Use an identification scanning software technology or an
39 alternative method approved by the director, to verify the age of the
40 consumer upon delivery;

41 (2) not have been adjudged guilty of a felony;

42 (3) have completed the delivery service training course as provided in
43 subsection (h) and received a certificate of completion issued by the third-

1 party delivery service; and

2 (4) have in the individual's possession a copy of such certificate of
3 completion when making deliveries on behalf of a third-party delivery
4 service. A copy of the certificate of completion may be either a paper or
5 electronic copy.

6 (j) A third-party delivery service shall require that each individual
7 conducting deliveries on behalf of such third-party delivery service submit
8 to a criminal history record check prior to conducting any such deliveries.

9 (k) The responsibilities of any licensee, regarding delivery of
10 alcoholic liquor or cereal malt beverage to a consumer, are considered
11 satisfied at the time such licensee transfers possession of such alcoholic
12 beverage to the third-party delivery service or the individual employed by,
13 contracted with or acting on behalf of a third-party delivery service.

14 (l) Except for enforcement actions by the director, a licensee shall not
15 be held responsible for any reason under statutory or common law for the
16 actions of a third-party delivery service or an individual engaged in
17 delivery activity on behalf of a third-party delivery service, including, but
18 not limited to:

19 (1) Providing, selling or serving alcohol to a minor or to an
20 intoxicated individual;

21 (2) the delivery of alcoholic liquor in a dry or otherwise illegal area,
22 unless the licensee has contractually agreed to retain responsibility for
23 ensuring that deliveries are not directed to a dry or otherwise illegal area;
24 or

25 (3) any other provision of this section or sections 2, 3 or 4, and
26 amendments thereto.

27 (m) A licensee shall not be required to verify that the third-party
28 delivery service or the individual engaged in delivery on behalf of a third-
29 party delivery service has received the required training.

30 (n) As used in this section, "licensee" means a retailer, a drinking
31 establishment licensed under the club and drinking establishment act or a
32 cereal malt beverage retailer licensed under the Kansas cereal malt
33 beverage act.

34 (o) The secretary shall adopt rules and regulations necessary to
35 implement the provisions of this section.

36 (p) The provisions of this section shall be a part of and supplemental
37 to the Kansas liquor control act.

38 New Sec. 2. (a) In addition to the rights of a retailer under the Kansas
39 liquor control act, a retailer license shall allow the retailer to deliver
40 alcoholic liquor and cereal malt beverage in the original unopened
41 container that is sold by such retailer to a patron at an address designated
42 by such patron for consumption off the licensed premises and not for
43 resale. Such delivery shall only occur within this state.

1 (b) No container of beer or cereal malt beverage that is subject to the
2 beer and cereal malt beverage keg registration act shall be delivered
3 pursuant to this section.

4 (c) A retailer may establish reasonable minimum and maximum order
5 quantities or minimum or maximum dollar values for an order, or both, for
6 alcoholic liquor and cereal malt beverage delivered pursuant to this
7 section.

8 (d) Prior to any alcoholic liquor or cereal malt beverage being
9 removed from a retailer's licensed premises for delivery under this section,
10 such retailer shall finalize all payments for such alcoholic liquor or cereal
11 malt beverage made by the purchasing patron or obtain a debit or credit
12 card authorization for the total amount charged for such alcoholic liquor or
13 cereal malt beverage, including any additional fees to be charged in
14 connection with the delivery. All alcoholic liquor and cereal malt beverage
15 shall be assembled, packaged and fulfilled for delivery at such retailer's
16 licensed premises and from the retailer's inventory located at such
17 premises.

18 (e) (1) A retailer may authorize deliveries on such retailer's behalf
19 through a contractual agreement with a third-party delivery service. A
20 third-party delivery service shall hold a valid third-party delivery service
21 permit prior to entering into any such contractual agreement with a retailer.

22 (2) A third-party delivery service may offer to conduct deliveries on
23 behalf of a retailer pursuant to this section if the retailer expressly agrees
24 in writing to allow the third-party delivery service to offer the delivery of
25 orders on behalf of such retailer.

26 (3) Any provision in an agreement between a third-party delivery
27 service and a retailer that is in conflict with this subsection is void and
28 unenforceable.

29 (f) (1) A retailer may authorize a third-party delivery service to
30 conduct other delivery-related services. A third-party delivery service that
31 has contracted with a retailer for such services may use electronic means,
32 including, but not limited to, websites and mobile device applications, to
33 market, receive and process orders placed by patrons for alcoholic liquor
34 and cereal malt beverage if:

35 (A) The retailer retains sole discretion to determine whether to accept
36 an order and to complete a sale transaction;

37 (B) the sale transaction is between the patron placing the order and
38 the retailer that accepts such order, and the retailer appears as the merchant
39 of record at all times, including at the time of purchase and acceptance of
40 the delivery; and

41 (C) the retailer receives full payment from the patron placing the
42 order for all alcoholic liquor and cereal malt beverage included in such
43 order, and all moneys collected from such patron are automatically paid or

1 otherwise credited to such retailer.

2 (2) A third-party delivery service conducting deliveries or other
3 delivery-related services on behalf of a retailer shall not:

4 (A) Use a retailer's likeness to falsely suggest sponsorship or
5 endorsement of such third-party delivery service by such retailer;

6 (B) inflate or alter a retailer's pricing, but may assess other charges to
7 the patron if such charges are separately itemized on the receipt provided
8 to the patron; or

9 (C) charge the retailer any fee or other expense unless such fee or
10 other expense is clearly identified in a written agreement executed by both
11 parties.

12 (3) A third-party delivery service shall remove a retailer from such
13 third-party delivery service's delivery and delivery-related services within
14 10 days after receiving a request for such removal from such retailer.

15 (g) (1) All alcoholic liquor and cereal malt beverage that is removed
16 from a retailer's licensed premises for delivery pursuant to this section
17 shall remain in the possession of such retailer or the third-party delivery
18 service. Such alcoholic liquor and cereal malt beverage shall not be
19 transferred to any other person until delivered to the address designated by
20 the patron or, if delivery cannot be completed, returned to the licensed
21 premises of the retailer.

22 (2) Alcoholic liquor and cereal malt beverage shall only be delivered
23 by an individual who:

24 (A) Is at least 21 years of age;

25 (B) has not been adjudged guilty of a felony;

26 (C) holds a valid driver's license;

27 (D) is covered as the driver of a vehicle by primary automobile
28 insurance that meets the minimum coverage requirements in K.S.A. 40-
29 284 and 40-3107, and amendments thereto; and

30 (E) completes a training and certification program for individuals
31 delivering alcoholic liquor and cereal malt beverage in accordance with
32 subsection (i).

33 (h) (1) All alcoholic liquor and cereal malt beverage delivered
34 pursuant to this section shall only be delivered to a location where sales at
35 retail of alcoholic liquor in the original package are permitted and to an
36 individual who is at least 21 years of age and who presents valid
37 government-issued photographic identification verifying the age of such
38 individual. The identity and age of the individual accepting delivery of any
39 alcoholic liquor or cereal malt beverage shall be verified, and such
40 individual shall execute a written or electronic acknowledgment of receipt
41 of such alcoholic liquor or cereal malt beverage and certification of such
42 individual's age. A delivery shall be deemed completed upon proper
43 acceptance of the alcoholic liquor or cereal malt beverage. All completed

1 deliveries shall be final.

2 (2) No delivery of alcoholic liquor or cereal malt beverage shall be
3 completed if:

4 (A) There is no individual present at the address designated by the
5 patron placing the order who is available to physically accept delivery in
6 the presence of the person making the delivery;

7 (B) the individual attempting to accept delivery is:

8 (i) Less than 21 years of age;

9 (ii) unable to provide valid government-issued photographic
10 identification; or

11 (iii) noticeably intoxicated; or

12 (C) the address designated by the patron placing the order is:

13 (i) Part of any locker, mailbox, package shipping location or similar
14 service or storage facility business;

15 (ii) any place of worship;

16 (iii) any daycare;

17 (iv) any elementary or secondary school;

18 (v) any public or private postsecondary educational institution; or

19 (vi) any place of business that is licensed under the Kansas liquor
20 control act, Kansas cereal malt beverages act or the club and drinking
21 establishment act to manufacture, distribute or sell alcoholic liquor, except
22 that such deliveries may be made to a guest of a hotel for personal
23 consumption and not for resale.

24 (3) Deliveries of alcoholic liquor or cereal malt beverage shall only
25 be made:

26 (A) On the same calendar day that such alcoholic liquor or cereal
27 malt beverage is removed from the retailer's license premises for delivery;

28 (B) during those times when it is lawful for the retailer to sell
29 alcoholic liquor or cereal malt beverage for consumption off the licensed
30 premises; and

31 (C) to a Kansas address that is located within a 25-mile radius from
32 the licensed premises of the retailer that sold such alcoholic liquor or
33 cereal malt beverage.

34 (i) Each retailer delivering alcoholic liquor or cereal malt beverage
35 pursuant to this section and each third-party delivery service shall submit
36 to the director an outline of a training and certification program for
37 individuals delivering alcoholic liquor and cereal malt beverage pursuant
38 to this section that includes, but is not limited to, identifying individuals
39 who are less than 21 years of age or intoxicated and recognizing false or
40 altered forms of identification. The director shall review and approve or
41 deny all submitted program outlines. The director shall provide the
42 specific reason for the denial of any program outline along with notice to
43 the retailer or third-party delivery service that such program outline is

1 denied.

2 (j) In addition to the powers and duties of the director provided in
3 K.S.A. 41-201, and amendments thereto, the director and any employees
4 or agents thereof shall have the authority to conduct an audit of any
5 retailer's or third-party delivery service's records to determine if any
6 provision of this section or any rule or regulation adopted by the secretary
7 has been violated or to secure evidence of any such violation. Retailers or
8 third-party delivery services shall maintain records of alcoholic liquor and
9 cereal malt beverage sales delivered for a period of three years.

10 (k) The director may enforce the requirements of this section against
11 a retailer or a third-party delivery service for any violations committed by
12 a retailer or third-party delivery service contracting with such retailer. The
13 director may impose a civil fine on a retailer and a third-party delivery
14 service for the same violation. Nothing in this section shall be construed to
15 limit the jurisdictional authority of the director in pursuing violations of
16 this section against a retailer or third-party delivery service.

17 (l) A retailer aggrieved by a third-party delivery service that violates
18 the provisions of this section may bring an action to enjoin such violation
19 and may seek damages resulting from such violation, including all profits
20 derived from such violation. A retailer may seek punitive damages in an
21 amount not to exceed three times the amount of profits and damages if the
22 defendant knowingly committed the violation or the violation was
23 committed in bad faith. The prevailing party in any such action may
24 recover reasonable attorney fees and court costs.

25 (m) A retailer may contract with another retailer as a third-party
26 delivery service to conduct deliveries and other delivery-related services
27 on behalf of such other retailer in accordance with the provisions of this
28 section. Such retailer shall hold a valid third-party delivery service permit
29 prior to entering into any such contractual agreement with such other
30 retailer.

31 (n) The secretary shall adopt rules and regulations necessary to
32 implement and enforce the provisions of this section.

33 (o) The provisions of this section shall be a part of and supplemental
34 to the Kansas liquor control act.

35 New Sec. 3. (a) In addition to the rights of a licensee under the club
36 and drinking establishment act, such license shall allow the licensee to
37 deliver alcoholic liquor and cereal malt beverage in accordance with the
38 container limitation provisions of K.S.A. 41-2653, and amendments
39 thereto, that is sold by such licensee to a patron at an address designated
40 by such patron for consumption off the licensed premises and not for
41 resale. Such delivery shall only occur within this state.

42 (b) A licensee may establish reasonable minimum and maximum
43 order quantities or minimum and maximum dollar values for an order, or

1 both, for alcoholic liquor and cereal malt beverage delivered pursuant to
2 this section.

3 (c) Prior to any alcoholic liquor or cereal malt beverage being
4 removed from a licensee's premises for delivery under this section, such
5 licensee shall finalize all payments for such alcoholic liquor or cereal malt
6 beverage made by the purchasing patron or obtain a debit or credit card
7 authorization for the total amount charged for such alcoholic liquor or
8 cereal malt beverage, including any additional fees to be charged in
9 connection with the delivery. All alcoholic liquor and cereal malt beverage
10 shall be assembled, packaged and fulfilled for delivery at such licensee's
11 premises and from such inventory located at such premises.

12 (d) (1) A licensee may authorize deliveries on such licensee's behalf
13 through a contractual agreement with a third-party delivery service. A
14 third-party delivery service shall hold a valid third-party delivery service
15 permit prior to entering into any such contractual agreement with a
16 licensee.

17 (2) A third-party delivery service may offer to conduct deliveries on
18 behalf of a licensee pursuant to this section if the licensee expressly agrees
19 in writing to allow the third-party delivery service to offer the delivery of
20 orders on behalf of such licensee.

21 (3) Any provision in an agreement between a third-party delivery
22 service and a licensee that is in conflict with this subsection is void and
23 unenforceable.

24 (e) (1) A licensee may authorize a third-party delivery service to
25 conduct other delivery-related services. A third-party delivery service that
26 has contracted with a licensee for such services may use electronic means,
27 including, but not limited to, websites and mobile device applications, to
28 market, receive and process orders placed by patrons for alcoholic liquor
29 and cereal malt beverage if:

30 (A) The licensee retains sole discretion to determine whether to
31 accept an order and to complete a sale transaction;

32 (B) the sale transaction is between the patron placing the order and
33 the licensee that accepts such order, and the licensee appears as the
34 merchant of record at all times, including at the time of purchase and
35 acceptance of the delivery; and

36 (C) the licensee receives full payment from the patron placing the
37 order for all alcoholic liquor and cereal malt beverage included in such
38 order, and all moneys collected from such patron are automatically paid or
39 otherwise credited to such licensee.

40 (2) A third-party delivery service conducting deliveries or other
41 delivery-related services on behalf of a licensee shall not:

42 (A) Use a licensee's likeness to falsely suggest sponsorship or
43 endorsement of such third-party delivery service by such licensee;

1 (B) inflate or alter a licensee's pricing, but may assess other charges
2 to the patron if such charges are separately itemized on the receipt
3 provided to the patron; or

4 (C) charge the licensee any fee or other expense unless such fee or
5 other expense is clearly identified in a written agreement executed by both
6 parties.

7 (3) A third-party delivery service shall remove a licensee from such
8 third-party delivery service's delivery and delivery-related services within
9 10 days after receiving a request for such removal from such licensee.

10 (f) (1) All alcoholic liquor and cereal malt beverage that is removed
11 from a licensee's premises for delivery pursuant to this section shall remain
12 in the possession of such licensee or the third-party delivery service. Such
13 alcoholic liquor and cereal malt beverage shall not be transferred to any
14 other person until delivered to the address designated by the patron or, if
15 delivery cannot be completed, returned to the premises of the licensee.

16 (2) Alcoholic liquor and cereal malt beverage shall only be delivered
17 by an individual who:

18 (A) Is at least 21 years of age;

19 (B) has not been adjudged guilty of a felony;

20 (C) holds a valid driver's license;

21 (D) is covered as the driver of a vehicle by primary automobile
22 insurance that meets the minimum coverage requirements in K.S.A. 40-
23 284 and 40-3107, and amendments thereto; and

24 (E) completes a training and certification program for individuals
25 delivering alcoholic liquor and cereal malt beverage in accordance with
26 subsection (h).

27 (g) (1) All alcoholic liquor and cereal malt beverage delivered
28 pursuant to this section shall only be delivered to a location in a county
29 where the qualified electors of the county approved, by a majority vote of
30 those voting therein, the proposition to amend section 10 of article 15 of
31 the constitution of the state of Kansas at the general election in November
32 1986, or have approved a proposition to allow sales of alcoholic liquor by
33 the individual drink in public places within the county at an election
34 pursuant to K.S.A. 41-2646, and amendments thereto, and to an individual
35 who is at least 21 years of age and who presents valid government-issued
36 photographic identification verifying the age of such individual. The
37 identity and age of the individual accepting delivery of any alcoholic
38 liquor or cereal malt beverage shall be verified, and such individual shall
39 execute a written or electronic acknowledgment of receipt of such
40 alcoholic liquor or cereal malt beverage and certification of such
41 individual's age. A delivery shall be deemed completed upon proper
42 acceptance of the alcoholic liquor or cereal malt beverage. All completed
43 deliveries shall be final.

1 (2) No delivery of alcoholic liquor or cereal malt beverage shall be
2 completed if:

3 (A) There is no individual present at the address designated by the
4 patron placing the order who is available to physically accept delivery in
5 the presence of the person making the delivery;

6 (B) the individual attempting to accept delivery is:

7 (i) Less than 21 years of age;

8 (ii) unable to provide valid government-issued photographic
9 identification; or

10 (iii) noticeably intoxicated; or

11 (C) the address designated by the patron placing the order is:

12 (i) Part of any locker, mailbox, package shipping location or similar
13 service or storage facility business;

14 (ii) any place of worship;

15 (iii) any daycare;

16 (iv) any elementary or secondary school;

17 (v) any public or private postsecondary educational institution; or

18 (vi) any place of business that is licensed under the Kansas liquor
19 control act, Kansas cereal malt beverages act or the club and drinking
20 establishment act to manufacture, distribute or sell alcoholic liquor, except
21 that such deliveries may be made to a guest of a hotel for personal
22 consumption and not for resale.

23 (3) Deliveries of alcoholic liquor or cereal malt beverage shall only
24 be made:

25 (A) On the same calendar day that such alcoholic liquor or cereal
26 malt beverage is removed from the licensee's premises for delivery;

27 (B) during those times when it is lawful for the licensee to sell
28 alcoholic liquor or cereal malt beverage for consumption on the licensed
29 premises; and

30 (C) to a Kansas address that is located within a 25-mile radius from
31 the licensed premises of the licensee that sold such alcoholic liquor or
32 cereal malt beverage.

33 (h) Each licensee delivering alcoholic liquor or cereal malt beverage
34 pursuant to this section and each third-party delivery service shall submit
35 to the director an outline of a training and certification program for
36 individuals delivering alcoholic liquor and cereal malt beverage pursuant
37 to this section that includes, but is not limited to, identifying individuals
38 who are less than 21 years of age or intoxicated and recognizing false or
39 altered forms of identification. The director shall review and approve or
40 deny all submitted program outlines. The director shall provide the
41 specific reason for the denial of any program outline along with notice to
42 the licensee or third-party delivery service that such program outline is
43 denied.

1 (i) In addition to the powers and duties of the director provided in
2 K.S.A. 41-201, and amendments thereto, the director and any employees
3 or agents thereof shall have the authority to conduct an audit of any
4 licensee's or third-party delivery service's records to determine if any
5 provision of this section or any rule or regulation adopted by the secretary
6 has been violated or to secure evidence of any such violation. Licensees or
7 third-party delivery services shall maintain records of alcoholic liquor and
8 cereal malt beverage sales delivered for a period of three years.

9 (j) The director may enforce the requirements of this section against a
10 licensee or a third-party delivery service for any violations committed by a
11 licensee or third-party delivery service contracting with such licensee. The
12 director may impose a civil fine on a licensee and a third-party delivery
13 service for the same violation. Nothing in this section shall be construed to
14 limit the jurisdictional authority of the director in pursuing violations of
15 this section against a licensee or third-party delivery service.

16 (k) A licensee aggrieved by a third-party delivery service that violates
17 the provisions of this section may bring an action to enjoin such violation
18 and may seek damages resulting from such violation, including all profits
19 derived from such violation. A licensee may seek punitive damages in an
20 amount not to exceed three times the amount of profits and damages if the
21 defendant knowingly committed the violation or the violation was
22 committed in bad faith. The prevailing party in any such action may
23 recover reasonable attorney fees and court costs.

24 (l) A licensee may contract with another licensee as a third-party
25 delivery service to conduct deliveries and other delivery-related services
26 on behalf of such other licensee in accordance with the provisions of this
27 section. Such licensee shall hold a valid third-party delivery service permit
28 prior to entering into any such contractual agreement with such other
29 licensee.

30 (m) The secretary shall adopt rules and regulations necessary to
31 implement and enforce the provisions of this section.

32 (n) As used in this section, "licensee" means a licensed drinking
33 establishment.

34 (o) The provisions of this section shall be a part of and supplemental
35 to the club and drinking establishment act.

36 New Sec. 4. (a) In addition to the rights of a retailer under the Kansas
37 cereal malt beverage act, a retailer license shall allow the retailer to deliver
38 cereal malt beverage and beer containing not more than 6% alcohol by
39 volume in the original unopened container that is sold by such retailer to a
40 patron at an address designated by such patron for consumption off the
41 licensed premises and not for resale. Such delivery shall only occur within
42 this state.

43 (b) No container of cereal malt beverage or beer containing not more

1 than 6% alcohol by volume that is subject to the beer and cereal malt
2 beverage keg registration act shall be delivered pursuant to this section.

3 (c) A retailer may establish reasonable minimum and maximum order
4 quantities or minimum and maximum dollar values for an order, or both,
5 for cereal malt beverage and beer containing not more than 6% alcohol by
6 volume delivered pursuant to this section.

7 (d) Prior to any cereal malt beverage and beer containing not more
8 than 6% alcohol by volume being removed from a retailer's licensed
9 premises for delivery under this section, such retailer shall finalize all
10 payments for such cereal malt beverage and beer containing not more than
11 6% alcohol by volume made by the purchasing patron or obtain a debit or
12 credit card authorization for the total amount charged for such cereal malt
13 beverage and beer containing not more than 6% alcohol by volume,
14 including any additional fees to be charged in connection with the delivery.
15 All cereal malt beverage and beer containing not more than 6% alcohol by
16 volume shall be assembled, packaged and fulfilled for delivery at such
17 retailer's licensed premises and from the retailer's inventory located at such
18 premises.

19 (e) (1) A retailer may authorize deliveries on such retailer's behalf
20 through a contractual agreement with a third-party delivery service. A
21 third-party delivery service shall hold a valid third-party delivery service
22 permit prior to entering into any such contractual agreement with a retailer.

23 (2) A third-party delivery service may offer to conduct deliveries on
24 behalf of a retailer pursuant to this section if the retailer expressly agrees
25 in writing to allow the third-party delivery service to offer the delivery of
26 orders on behalf of such retailer.

27 (3) Any provision in an agreement between a third-party delivery
28 service and a retailer that is in conflict with this subsection is void and
29 unenforceable.

30 (f) (1) A retailer may authorize a third-party delivery service to
31 conduct other delivery-related services. A third-party delivery service that
32 has contracted with a retailer for such services may use electronic means,
33 including, but not limited to, websites and mobile device applications, to
34 market, receive and process orders placed by patrons for cereal malt
35 beverage and beer containing not more than 6% alcohol by volume if:

36 (A) The retailer retains sole discretion to determine whether to accept
37 an order and to complete a sale transaction;

38 (B) the sale transaction is between the patron placing the order and
39 the retailer that accepts such order, and the retailer appears as the merchant
40 of record at all times, including at the time of purchase and acceptance of
41 the delivery; and

42 (C) the retailer receives full payment from the patron placing the
43 order for all cereal malt beverage and beer containing not more than 6%

1 alcohol by volume included in such order, and all moneys collected from
2 such patron are automatically paid or otherwise credited to such retailer.

3 (2) A third-party delivery service conducting deliveries or other
4 delivery-related services on behalf of a retailer shall not:

5 (A) Use a retailer's likeness to falsely suggest sponsorship or
6 endorsement of such third-party delivery service by such retailer;

7 (B) inflate or alter a retailer's pricing, but may assess other charges to
8 the patron if such charges are separately itemized on the receipt provided
9 to the patron; or

10 (C) charge the retailer any fee or other expense unless such fee or
11 other expense is clearly identified in a written agreement executed by both
12 parties.

13 (3) A third-party delivery service shall remove a retailer from such
14 third-party delivery service's delivery and delivery-related services within
15 10 days after receiving a request for such removal from such retailer.

16 (g) (1) All cereal malt beverage and beer containing not more than
17 6% alcohol by volume that is removed from a retailer's licensed premises
18 for delivery pursuant to this section shall remain in the possession of such
19 retailer or the third-party delivery service conducting the delivery on
20 behalf of such retailer. Such cereal malt beverage and beer containing not
21 more than 6% alcohol by volume shall not be transferred to any other
22 person until delivered to the address designated by the patron, or if
23 delivery cannot be completed, returned to the licensed premises of the
24 retailer.

25 (2) Cereal malt beverage and beer containing not more than 6%
26 alcohol by volume shall only be delivered by an individual who:

27 (A) Is at least 21 years of age;

28 (B) has not been adjudged guilty of a felony;

29 (C) holds a valid driver's license;

30 (D) is covered as the driver of a vehicle by primary automobile
31 insurance that meets the minimum coverage requirements in K.S.A. 40-
32 284 and 40-3107, and amendments thereto; and

33 (E) completes a training and certification program for individuals
34 delivering cereal malt beverage and beer containing not more than 6%
35 alcohol by volume in accordance with subsection (i).

36 (h) (1) All cereal malt beverage and beer containing not more than
37 6% alcohol by volume delivered pursuant to this section shall only be
38 delivered to an individual who is at least 21 years of age and who presents
39 valid government-issued photographic identification verifying the age of
40 such individual. The identity and age of the individual accepting delivery
41 of any cereal malt beverage and beer containing not more than 6% alcohol
42 by volume shall be verified, and such individual shall execute a written or
43 electronic acknowledgment of receipt of such cereal malt beverage and

1 beer containing not more than 6% alcohol by volume and certification of
2 such individual's age. A delivery shall be deemed completed upon proper
3 acceptance of the cereal malt beverage and beer containing not more than
4 6% alcohol by volume. All completed deliveries shall be final.

5 (2) No delivery of cereal malt beverage and beer containing not more
6 than 6% alcohol by volume shall be completed if:

7 (A) There is no individual present at the address designated by the
8 patron placing the order who is available to physically accept delivery in
9 the presence of the person making the delivery;

10 (B) the individual attempting to accept delivery is:

11 (i) Less than 21 years of age;

12 (ii) unable to provide valid government-issued photographic
13 identification; or

14 (iii) noticeably intoxicated; or

15 (C) the address designated by the patron placing the order is:

16 (i) Part of any locker, mailbox, package shipping location or similar
17 service or storage facility business;

18 (ii) any place of worship;

19 (iii) any daycare;

20 (iv) any elementary or secondary school;

21 (v) any public or private postsecondary educational institution; or

22 (vi) any place of business that is licensed under the Kansas liquor
23 control act, Kansas cereal malt beverages act or the club and drinking
24 establishment act to manufacture, distribute or sell alcoholic liquor, except
25 that such deliveries may be made to a guest of a hotel for personal
26 consumption and not for resale.

27 (3) Deliveries of cereal malt beverage and beer containing not more
28 than 6% alcohol by volume shall only be made:

29 (A) On the same calendar day that such cereal malt beverage and beer
30 containing not more than 6% alcohol by volume is removed from the
31 retailer's license premises for delivery;

32 (B) during those times when it is lawful for the retailer to sell cereal
33 malt beverage and beer containing not more than 6% alcohol by volume
34 for consumption off the licensed premises; and

35 (C) to a Kansas address that is located within a 25-mile radius from
36 the licensed premises of the retailer that sold such cereal malt beverage
37 and beer containing not more than 6% alcohol by volume.

38 (i) Each retailer delivering cereal malt beverage and beer containing
39 not more than 6% alcohol by volume pursuant to this section and each
40 third-party delivery service shall submit to the director an outline of a
41 training and certification program for individuals delivering cereal malt
42 beverage and beer containing not more than 6% alcohol by volume
43 pursuant to this section that includes, but is not limited to, identifying

1 individuals who are less than 21 years of age or intoxicated and
2 recognizing false or altered forms of identification. The director shall
3 review and approve or deny all submitted program outlines. The director
4 shall provide the specific reason for the denial of any program outline
5 along with notice to the retailer or third-party delivery service that such
6 program outline is denied.

7 (j) In addition to the powers and duties of the director provided in
8 K.S.A. 41-201, and amendments thereto, the director and any employees
9 or agents thereof shall have the authority to conduct an audit of any
10 retailer's or third-party delivery service's records to determine if any
11 provision of this section or any rule or regulation adopted by the secretary
12 has been violated or to secure evidence of any such violation. A retailer or
13 third-party delivery service shall maintain records of cereal malt beverage
14 and beer containing not more than 6% alcohol by volume sales delivered
15 for a period of three years.

16 (k) The director may enforce the requirements of this section against
17 a retailer or a third-party delivery service for any violations committed by
18 such retailer or third-party delivery service contracting with such retailer
19 or third-party delivery service. The director may impose a civil fine on a
20 retailer and a third-party delivery service for the same violation. Nothing
21 in this section shall be construed to limit the jurisdictional authority of the
22 director in pursuing violations of this section against any retailer or third-
23 party delivery service.

24 (l) A retailer aggrieved by a third-party delivery service that violates
25 the provisions of this section may bring an action to enjoin such violation
26 and may seek damages resulting from such violation, including all profits
27 derived from such violation. A retailer may seek punitive damages in an
28 amount not to exceed three times the amount of profits and damages if the
29 defendant knowingly committed the violation or the violation was
30 committed in bad faith. The prevailing party in any such action may
31 recover reasonable attorney fees and court costs.

32 (m) A retailer may contract with another retailer as a third-party
33 delivery service to conduct deliveries and other delivery-related services
34 on behalf of such other retailer in accordance with the provisions of this
35 section. Such retailer shall hold a valid third-party delivery service permit
36 prior to entering into any such contractual agreement with such other
37 retailer.

38 (n) The secretary shall adopt rules and regulations necessary to
39 implement and enforce the provisions of this section.

40 (o) The provisions of this section shall be a part of and supplemental
41 to the Kansas cereal malt beverage act.

42 Sec. 5. K.S.A. 2024 Supp. 41-102 is hereby amended to read as
43 follows: 41-102. As used in this act, unless the context clearly requires

1 otherwise:

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

6 (b) "Alcoholic candy" means:

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

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

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

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

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

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

23 (g) "Cereal malt beverage" means the same as defined by K.S.A. 41-
24 2701, and amendments thereto.

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

27 (i) "Director" means the director of alcoholic beverage control of the
28 department of revenue.

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

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

36 (l) "Domestic fortified wine" means wine which contains more than
37 16%, but not more than 20% alcohol by volume and which is
38 manufactured in this state.

39 (m) "Domestic table wine" means wine which contains not more than
40 16% alcohol by volume and which is manufactured without rectification or
41 fortification in this state.

42 (n) "Drinking establishment" means the same as defined by K.S.A.
43 41-2601, and amendments thereto.

- 1 (o) "Farm winery" means a winery licensed by the director to
2 manufacture, store and sell domestic table wine and domestic fortified
3 wine.
- 4 (p) "Fulfillment house" means any location or facility for any in-state
5 or out-of-state entity that handles logistics, including warehousing,
6 packaging, order fulfillment or shipping services on behalf of the holder of
7 a special order shipping license issued pursuant to K.S.A. 41-350, and
8 amendments thereto.
- 9 (q) "Hard cider" means any alcoholic beverage that:
- 10 (1) Contains less than 8.5% alcohol by volume;
- 11 (2) has a carbonation level that does not exceed 6.4 grams per liter;
- 12 and
- 13 (3) is obtained by the normal alcoholic fermentation of the juice of
14 sound, ripe apples or pears, including such beverages containing sugar
15 added for the purpose of correcting natural deficiencies.
- 16 (r) "Manufacture" means to distill, rectify, ferment, brew, make, mix,
17 concoct, process, blend, bottle or fill an original package with any
18 alcoholic liquor, beer or cereal malt beverage.
- 19 (s) (1) "Manufacturer" means every brewer, fermenter, distiller,
20 rectifier, wine maker, blender, processor, bottler or person who fills or
21 refills an original package and others engaged in brewing, fermenting,
22 distilling, rectifying or bottling alcoholic liquor, beer or cereal malt
23 beverage.
- 24 (2) "Manufacturer" does not include a microbrewery, microdistillery
25 or a farm winery.
- 26 (t) "Microbrewery" means a brewery licensed by the director to
27 manufacture, store and sell domestic beer and hard cider.
- 28 (u) "Microdistillery" means a facility which produces spirits from any
29 source or substance that is licensed by the director to manufacture, store
30 and sell spirits.
- 31 (v) "Minor" means any person under 21 years of age.
- 32 (w) "Nonbeverage user" means any manufacturer of any of the
33 products set forth and described in K.S.A. 41-501, and amendments
34 thereto, when the products contain alcohol or wine, and all laboratories
35 using alcohol for nonbeverage purposes.
- 36 (x) "Original package" means any bottle, flask, jug, can, cask, barrel,
37 keg, hogshead or other receptacle or container whatsoever, used, corked or
38 capped, sealed and labeled by the manufacturer of alcoholic liquor, to
39 contain and to convey any alcoholic liquor. Original container does not
40 include a sleeve.
- 41 (y) "Person" means any natural person, corporation, partnership, trust
42 or association.
- 43 (z) *"Personal data" means any information that is linked or*

1 *reasonably linkable to an identified natural person. "Personal data" does*
2 *not include aggregate data or publicly available information.*

3 (aa) "Powdered alcohol" means alcohol that is prepared in a
4 powdered or crystal form for either direct use or for reconstitution in a
5 nonalcoholic liquid.

6 ~~(aa)~~(bb) "Primary American source of supply" means the
7 manufacturer, the owner of alcoholic liquor at the time it becomes a
8 marketable product or the manufacturer's or owner's exclusive agent who,
9 if the alcoholic liquor cannot be secured directly from such manufacturer
10 or owner by American wholesalers, is the source closest to such
11 manufacturer or owner in the channel of commerce from which the
12 product can be secured by American wholesalers.

13 ~~(bb)~~(cc) (1) "Retailer" means a person who is licensed under the
14 Kansas liquor control act and sells at retail, or offers for sale at retail,
15 alcoholic liquors or cereal malt beverages.

16 (2) "Retailer" does not include a microbrewery, microdistillery or a
17 farm winery.

18 ~~(ee)~~(dd) "Sale" means any transfer, exchange or barter in any manner
19 or by any means whatsoever for a consideration and includes all sales
20 made by any person, whether principal, proprietor, agent, servant or
21 employee.

22 ~~(dd)~~(ee) "Salesperson" means any natural person who:

23 (1) Procures or seeks to procure an order, bargain, contract or
24 agreement for the sale of alcoholic liquor or cereal malt beverage; or

25 (2) is engaged in promoting the sale of alcoholic liquor or cereal malt
26 beverage, or in promoting the business of any person, firm or corporation
27 engaged in the manufacturing and selling of alcoholic liquor or cereal malt
28 beverage, whether the seller resides within the state of Kansas and sells to
29 licensed buyers within the state of Kansas, or whether the seller resides
30 without the state of Kansas and sells to licensed buyers within the state of
31 Kansas.

32 ~~(ee)~~(ff) "Sample" means a serving of alcoholic liquor that contains not
33 more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or
34 (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed
35 alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

36 ~~(ff)~~(gg) "Secretary" means the secretary of revenue.

37 ~~(gg)~~(hh) (1) "Sell at retail" and "sale at retail" refer to and mean sales
38 for use or consumption and not for resale in any form and sales to clubs,
39 licensed drinking establishments, licensed caterers or holders of temporary
40 permits.

41 (2) "Sell at retail" and "sale at retail" do not refer to or mean sales by
42 a distributor, a microbrewery, a farm winery, a licensed club, a licensed
43 drinking establishment, a licensed caterer or a holder of a temporary

1 permit.

2 ~~(hh)~~(ii) "To sell" includes to solicit or receive an order for, to keep or
3 expose for sale and to keep with intent to sell.

4 ~~(ii)~~(jj) "Sleeve" means a package of two or more 50-milliliter or 3.2-
5 fluid-ounce containers of spirits.

6 ~~(jj)~~(kk) "Spirits" means any beverage which contains alcohol obtained
7 by distillation, mixed with water or other substance in solution, and
8 includes brandy, rum, whiskey, gin or other spirituous liquors, and such
9 liquors when rectified, blended or otherwise mixed with alcohol or other
10 substances.

11 ~~(kk)~~(ll) "Supplier" means a manufacturer of alcoholic liquor or cereal
12 malt beverage or an agent of such manufacturer, other than a salesperson.

13 ~~(H)~~(mm) "Temporary permit" means the same as defined by K.S.A.
14 41-2601, and amendments thereto.

15 ~~(mm)~~(nn) *"Third-party delivery service" means any person, including*
16 *any limited liability company or other legally recognized entity, that:*

17 (1) *Is registered to do business in this state;*

18 (2) *does not hold any license issued under the Kansas liquor control*
19 *act, the club and drinking establishment act or the Kansas cereal malt*
20 *beverage act, except:*

21 (A) *A retailers license issued under the Kansas liquor control act;*

22 (B) *a drinking establishment license issued under the club and*
23 *drinking establishment act; or*

24 (C) *a cereal malt beverage retailers license issued under the Kansas*
25 *cereal malt beverage act;*

26 (3) *is not affiliated with any licensed manufacturer;*

27 (4) *holds a third-party delivery service permit issued pursuant to*
28 *section 1, and amendments thereto; and*

29 (5) *uses employees or independent contractors to deliver.*

30 (oo) "Wine" means any alcoholic beverage obtained by the normal
31 alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or
32 other agricultural products, including such beverages containing added
33 alcohol or spirits or containing sugar added for the purpose of correcting
34 natural deficiencies. "Wine" includes hard cider and any other product that
35 is commonly known as a subset of wine.

36 Sec. 6. K.S.A. 41-327 is hereby amended to read as follows: 41-327.
37 Any licensee *or permittee* may renew ~~his~~ *such* license at the expiration
38 thereof if ~~he~~ *such licensee or permittee* is then qualified to receive a
39 license *or permit* and the premises for which such renewal license *or*
40 *permit* is sought are suitable for such purpose.

41 Sec. 7. K.S.A. 41-2601 is hereby amended to read as follows: 41-
42 2601. As used in the club and drinking establishment act:

43 (a) The following terms mean the same as ~~provided~~ *by defined in*

1 K.S.A. 41-102, and amendments thereto:

2 (1) "Alcoholic liquor";

3 (2) "director";

4 (3) "original package";

5 (4) "person";

6 (5) "sale"; ~~and~~

7 (6) "to sell"; *and*

8 (7) *"third-party delivery service."*

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

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

18 (d) "Cereal malt beverage" means the same as provided by K.S.A. 41-
19 2701, and amendments thereto.

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

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

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

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

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

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

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

43 (l) "Individual drink" means a beverage containing alcoholic liquor or

1 cereal malt beverage served to an individual for consumption by such
2 individual or another individual, but which is not intended to be consumed
3 by two or more individuals. The term "individual drink" includes
4 beverages containing not more than:

5 (1) Eight ounces of wine;
6 (2) ~~thirty-two~~32 ounces of beer or cereal malt beverage; or
7 (3) four ounces of a single spirit or a combination of spirits.

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

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

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

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

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

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

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

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

33 (s) "Restaurant" means:

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

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

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

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

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

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

11 (2) one ounce of wine; or

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

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

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

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

18 Sec. 8. K.S.A. 41-2701 is hereby amended to read as follows: 41-
19 2701. As used in this act unless the context otherwise requires:

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

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

27 (c) "Manufacturer" means a manufacturer as defined by K.S.A. 41-
28 102, and amendments thereto.

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

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

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

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

40 (h) "Legal age for consumption of cereal malt beverage" means 21
41 years of age, except that "legal age for consumption of cereal malt
42 beverage" shall mean 18 years of age if at any time the provisions of P.L.
43 98-363 penalizing states for permitting persons under 21 years of age to

1 consume cereal malt beverage are repealed or otherwise invalidated or
2 nullified.

3 (i) *"Third-party delivery service" means the same as defined in K.S.A.*
4 *41-102, and amendments thereto.*

5 Sec. 9. K.S.A. 41-2728 is hereby amended to read as follows: 41-
6 2728. ~~From and after November 15, 2005:~~

7 (a) K.S.A. 41-2701 through 41-2727, *and amendments thereto*, and
8 section ~~14~~ 4, and amendments thereto, shall be known and may be cited as
9 the Kansas cereal malt beverage act.

10 (b) Except as specifically provided in the Kansas cereal malt
11 beverage act, the power to regulate all phases of the manufacture,
12 distribution, sale, possession, transportation and traffic in cereal malt
13 beverages is vested exclusively in the state and shall be exercised as
14 provided in the Kansas cereal malt beverage act. No city or county shall
15 enact any ordinance or resolution ~~which~~ *that* is in conflict with the
16 provisions of the Kansas cereal malt beverage act and any such ordinance
17 or resolution shall be null and void.

18 (c) The provisions of this act are severable. If any provision of this
19 act is held to be invalid or unconstitutional, it shall be presumed
20 conclusively that the legislature would have enacted the remainder of this
21 act without such invalid or unconstitutional provision.

22 Sec. 10. K.S.A. 41-327, 41-2601, 41-2701 and 41-2728 and K.S.A.
23 2024 Supp. 41-102 are hereby repealed.

24 Sec. 11. This act shall take effect and be in force from and after its
25 publication in the statute book.