

SENATE BILL No. 221

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning alcoholic liquor; relating to clubs and drinking
2 establishments; **retailer's license**; removal of unconsumed beer and
3 cereal malt beverage from licensed premises; amending K.S.A. ~~2018-~~
4 **2019 Supp. 41-308 and** 41-2653 and repealing the existing ~~section~~
5 **sections**.
6

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

8 **Section 1. K.S.A. 2019 Supp. 41-308 is hereby amended to read as**
9 **follows: 41-308. (a) Except as provided in K.S.A. 2019 Supp. 41-308d,**
10 **and amendments thereto, a retailer's license shall allow the licensee to**
11 **sell and offer for sale at retail and deliver in the original package, as**
12 **therein prescribed, alcoholic liquor and cereal malt beverage for use or**
13 **consumption off and away from the premises specified in such license.**

14 **(b) A retailer's license shall permit sale and delivery of alcoholic**
15 **liquor and cereal malt beverage only on the licensed premises and shall**
16 **not permit sale of alcoholic liquor and cereal malt beverage for resale in**
17 **any form, except that a licensed retailer may:**

18 **(1) Sell alcoholic liquor and cereal malt beverage to a temporary**
19 **permit holder for resale by such permit holder; and**

20 **(2) sell and deliver alcoholic liquor and cereal malt beverage to a**
21 **caterer or to the licensed premises of a public venue, club or drinking**
22 **establishment, if such premises are in the county where the retailer's**
23 **premises are located or in an adjacent county, for resale by such public**
24 **venue, club, establishment or caterer.**

25 **(c) A retailer may:**

26 **(1) Charge a delivery fee for delivery of alcoholic liquor and cereal**
27 **malt beverage to a public venue, club, drinking establishment or caterer**
28 **pursuant to subsection (b);**

29 **(2) sell lottery tickets and shares to the public in accordance with**
30 **the Kansas lottery act, if the retailer is selected as a lottery retailer;**

31 **(3) include in the sale of alcoholic liquor and cereal malt beverage**
32 **any goods included by the manufacturer in packaging with the alcoholic**
33 **liquor or cereal malt beverage, subject to the approval of the director;**

34 **(4) distribute to the public, without charge, consumer advertising**

1 *specialties bearing advertising matter, subject to rules and regulations of*
2 *the secretary limiting the form and distribution of such specialties so*
3 *that they are not conditioned on or an inducement to the purchase of*
4 *alcoholic liquor or cereal malt beverage;*

5 *(5) store alcoholic liquor and cereal malt beverage in refrigerators,*
6 *cold storage units, ice boxes or other cooling devices, and the licensee*
7 *may sell such alcoholic liquor and cereal malt beverage to consumers in*
8 *a chilled condition;*~~and~~

9 *(6) sell any other good or service on the licensed premises, except*
10 *that the gross sales of other goods and services, excluding fees derived*
11 *from the sale of lottery tickets and revenues from sales of cigarettes and*
12 *tobacco products, shall not exceed 20% of the retailer's total gross sales;*
13 *and*

14 *(7) sell containers of beer, domestic beer and cereal malt beverage,*
15 *as those terms are defined in K.S.A. 41-102, and amendments thereto, that*
16 *are sold on the licensed premises to consumers and served in refillable*
17 *and sealable containers for consumption off the licensed premises if such*
18 *containers:*

19 *(A) Contain between 32 and 64 fluid ounces; and*

20 *(B) have a label affixed that clearly indicates the licensee's name and*
21 *the type of alcoholic beverage contained in such container.*

22 *(d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt*
23 *beverage sold by a holder of a retail license shall be subject to the liquor*
24 *enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.*

25 ~~Section 1.~~ **Sec. 2.** K.S.A.—2018 **2019** Supp. 41-2653 is hereby
26 amended to read as follows: 41-2653. (a) In addition to the rights of a
27 licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642,
28 and amendments thereto, a class A club license, class B club license or
29 drinking establishment license shall allow the licensee to allow legal
30 patrons of the club or drinking establishment to remove *alcoholic liquor*
31 *from the licensed premises in accordance with this section.*

32 *(b) A patron may remove one or more opened containers of alcoholic*
33 *liquor from the licensed premises, subject to the following conditions:*

34 *(1) It must be legal for the licensee to sell the alcoholic liquor in its*
35 *original container;*

36 *(2) the alcoholic liquor must be in its original container;*

37 *(3) each container of alcoholic liquor must have been purchased by a*
38 *patron and the alcoholic liquor in each container must have been partially*
39 *consumed on the licensed premises;*

40 *(4) the licensee or the licensee's employee must provide the patron*
41 *with a dated receipt for the unfinished container or containers of alcoholic*
42 *liquor; and*

43 *(5) before the container of alcoholic liquor is removed from the*

1 licensed premises, the licensee or the licensee's employee must securely
2 reseal each container, place the container in a tamper-proof, transparent
3 bag which is sealed in a manner that makes it visibly apparent if the bag is
4 subsequently tampered with or opened.

5 *(c) A patron may remove one or more containers of beer, domestic*
6 *beer and cereal malt beverage, as those terms are defined in K.S.A. 41-*
7 *102, and amendments thereto, that are sold on the licensed premises to*
8 *consumers and served in refillable and sealable containers for*
9 *consumption off the licensed premises if such containers:*

10 *(A) Contain between 32 and 64 fluid ounces; and*

11 *(B) have a label affixed that clearly indicates the licensee's name and*
12 *the type of alcoholic beverage contained in such container; and*

13 *(C) are not sold or removed from the premises after 11:00 p.m.*

14 ~~(b)~~*(d) {All alcoholic liquor, cereal malt beverage and nonalcoholic*
15 *malt beverage sold by a licensee shall be subject to the tax imposed by*
16 *K.S.A. 79-41a02, and amendments thereto.*

17 *(e) }This section shall be part of and supplemental to the club and*
18 *drinking establishment act.*

19 ~~Sec. 2.~~ **3.** K.S.A. ~~2018~~ **2019** Supp. **41-308 and** 41-2653 ~~is~~ **are** hereby
20 repealed.

21 ~~Sec. 3.~~ **4.** This act shall take effect and be in force from and after its
22 publication in the statute book.