

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2019

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 beverages; authorizing~~  
4 ~~licensees to sell cereal malt beverage and beer and cereal malt~~  
5 ~~beverage in certain containers; amending K.S.A. 41-2604 and 41-~~  
6 ~~2619 and K.S.A. 2018 2019 Supp. 41-308 ~~and~~, 41-308d, 41-1201, 41-~~  
7 ~~1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611, 41-~~  
8 ~~2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643, 41-~~  
9 ~~2653, 41-2655, 41-2658 and 41-2659 and repealing the existing section~~  
10 ~~sections.~~  
11

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

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

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

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

25 *(2) sell and deliver alcoholic liquor and cereal malt beverage to a*  
26 *caterer or to the licensed premises of a public venue, club or drinking*  
27 *establishment, if such premises are in the county where the retailer's*  
28 *premises are located or in an adjacent county, for resale by such public*  
29 *venue, club, establishment or caterer; and*

30 *(3) sell and deliver cereal malt beverage and beer containing not*  
31 *more than 6% alcohol by volume to the licensed premises of a cereal*  
32 *malt beverage retailer, as defined in K.S.A. 41-2701, and amendments*

1 thereto, who is licensed for on-premises consumption, if such cereal  
 2 malt beverage premises are in the county where the retailer's premises  
 3 are located or in an adjacent county, for resale by such cereal malt  
 4 beverage retailer.

5 (c) *A retailer may:*

6 (1) *Charge a delivery fee for delivery of alcoholic liquor and cereal*  
 7 *malt beverage to a public venue, club, drinking establishment or caterer*  
 8 *pursuant to subsection (b)(2);*

9 (2) *charge a delivery fee for delivery of cereal malt beverage and*  
 10 *beer containing not more than 6% alcohol by volume to a cereal malt*  
 11 *beverage retailer pursuant to subsection (b)(3);*

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

14 ~~(4)~~ (4) *include in the sale of alcoholic liquor and cereal malt*  
 15 *beverage any goods included by the manufacturer in packaging with the*  
 16 *alcoholic liquor or cereal malt beverage, subject to the approval of the*  
 17 *director;*

18 ~~(4)~~ (5) *distribute to the public, without charge, consumer advertising*  
 19 *specialties bearing advertising matter, subject to rules and regulations of*  
 20 *the secretary limiting the form and distribution of such specialties so*  
 21 *that they are not conditioned on or an inducement to the purchase of*  
 22 *alcoholic liquor or cereal malt beverage;*

23 ~~(5)~~ (6) *store alcoholic liquor and cereal malt beverage in*  
 24 *refrigerators, cold storage units, ice boxes or other cooling devices, and*  
 25 *the licensee may sell such alcoholic liquor and cereal malt beverage to*  
 26 *consumers in a chilled condition; and*

27 ~~(6)~~ (7) *sell any other good or service on the licensed premises,*  
 28 *except that the gross sales of other goods and services, excluding fees*  
 29 *derived from the sale of lottery tickets and revenues from sales of*  
 30 *cigarettes and tobacco products, shall not exceed 20% of the retailer's*  
 31 *total gross sales; and*

32 ~~(7)~~ *sell containers of beer, domestic beer and cereal malt beverage;*  
 33 ~~*as those terms are defined in K.S.A. 41-102, and amendments thereto, that*~~  
 34 ~~*are sold on the licensed premises to consumers and served in refillable*~~  
 35 ~~*and sealable containers for consumption off the licensed premises if such*~~  
 36 ~~*containers;*~~

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

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

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

43 Sec. 2. K.S.A. 2019 Supp. 41-308d is hereby amended to read as

1 follows: 41-308d. (a) Notwithstanding any other provisions of the  
2 Kansas liquor control act to the contrary, any person or entity who is  
3 licensed to sell alcoholic liquor in the original package at retail may  
4 conduct wine, beer and distilled spirit tastings on the licensed  
5 premises, or adjacent premises, monitored and regulated by the  
6 division of alcoholic beverage control, as follows:

7 (1) Wine, beer and spirits for the tastings shall come from the  
8 inventory of the licensee. Except as provided by paragraph (2), a  
9 person other than the licensee or the licensee's agent or employee may  
10 not dispense or participate in the dispensing of alcoholic beverages  
11 under this section.

12 (2) The holder of a supplier's permit or Kansas farm winery  
13 license or such permit holder's or licensee's agent or employee may  
14 participate in and conduct product tastings of alcoholic beverages at a  
15 retail licensee's premises, or adjacent premises, monitored and  
16 regulated by the division of alcoholic beverage control, and may open,  
17 touch, or pour alcoholic beverages, make a presentation, or answer  
18 questions at the tasting. Any alcoholic beverage tasted under this  
19 subsection must be purchased from the retailer on whose premises the  
20 tasting is held. The retailer may not require the purchase of more  
21 alcoholic beverages than are necessary for the tasting. This section  
22 does not authorize the supplier, farm winery licensee or the supplier's  
23 or licensee's agent to withdraw or purchase an alcoholic beverage  
24 from the holder of a distributor's permit or provide an alcoholic  
25 beverage for tasting on a retailer's premises that is not purchased  
26 from the retailer.

27 (3) No charge of any sort may be made for a sample serving.

28 (4) A person may be served more than one sample. Samples may  
29 not be served to a minor. No samples may be removed from the  
30 licensed premises.

31 (5) The act of providing samples to consumers shall be exempt  
32 from the requirement of holding a Kansas food service dealer license  
33 from the department of agriculture under the provisions of chapter 65  
34 of the Kansas Statutes Annotated, and amendments thereto.

35 (b) *Notwithstanding any other provision of the Kansas liquor control*  
36 *act, any person or entity who is licensed to sell alcoholic liquor in the*  
37 *original package at retail may sell containers of beer, domestic beer and*  
38 *cereal malt beverage that are sold on the licensed premises to consumers*  
39 *and served in refillable and sealable containers for consumption off the*  
40 *licensed premises if such containers:*

41 (1) *Contain between 32 and 64 fluid ounces; and*

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

1       (c) **Nothing in this section shall be construed to permit the**  
2 **licensee to sell wine, malt beverages or distilled spirits for on-premises**  
3 **consumption.**

4       ~~(e) The provisions of this section shall take effect and be in force~~  
5 ~~from and after July 1, 2012.~~

6       (d) **All rules and regulations adopted on and after July 1, 2012,**  
7 **and prior to July 1, 2013, to implement this section shall continue to**  
8 **be effective and shall be deemed to be duly adopted rules and**  
9 **regulations of the secretary until revised, amended, revoked or**  
10 **nullified pursuant to law.**

11       (e) **This section shall be a part of and supplemental to the Kansas**  
12 **liquor control act.**

13       **Sec. 3. K.S.A. 2019 Supp. 41-1201 is hereby amended to read as**  
14 **follows: 41-1201. (a) A temporary permit shall allow the permit holder**  
15 **to offer for sale, sell and serve alcoholic liquor or cereal malt beverage**  
16 **for consumption on licensed or unlicensed premises, or on premises**  
17 **that are otherwise subject to a separate temporary permit, that may**  
18 **be open to the public, subject to the terms of such permit. A**  
19 **temporary permit shall also authorize the permit holder to sell, in**  
20 **accordance with rules and regulations adopted by the secretary,**  
21 **alcoholic liquor at a charitable auction, or one or more limited issue**  
22 **porcelain containers containing alcoholic liquor.**

23       (b) **A temporary permit holder may charge a fee for entrance into**  
24 **the premises described in the permit, or any portion thereof.**

25       (c) **The director may issue a temporary permit to any one or more**  
26 **persons or organizations applying for such a permit, in accordance**  
27 **with rules and regulations of the secretary. The permit shall be issued**  
28 **in the names of the persons or organizations to which it is issued.**

29       (d) **Applications for temporary permits shall be required to be**  
30 **filed with the director not less than 14 days before the event for which**  
31 **the permit is sought, unless the director waives such requirement for**  
32 **good cause. The application shall be upon a form prescribed by the**  
33 **director. Each application shall be electronically submitted and**  
34 **accompanied by a non-refundable permit fee of \$25 for each day for**  
35 **which the permit is issued, and such fee shall be paid by a check or**  
36 **credit card in the full amount thereof. All permit fees collected by the**  
37 **director pursuant to this section shall be remitted to the state**  
38 **treasurer in accordance with the provisions of K.S.A. 75-4215, and**  
39 **amendments thereto. Upon receipt of each such remittance, the state**  
40 **treasurer shall deposit the entire amount in the state treasury to the**  
41 **credit of the state general fund.**

42       (e) **Each application for a temporary permit shall specify the**  
43 **premises for which they are issued, including a diagram of the**

1 premises covered by the temporary permit. The diagram shall clearly  
2 show the boundaries of the premises, entrances to and exits from the  
3 premises and the area in which the service of alcoholic liquor *or cereal*  
4 *malt beverage* would take place. A temporary permit shall be issued  
5 only for premises where the city, county or township zoning code  
6 allows the use for which the permit is issued. No temporary permit  
7 shall be issued for premises that are not located in a county where the  
8 qualified electors of the county:

9 (1) (A) Approved, by a majority vote of those voting thereon, to  
10 adopt the proposition amending section 10 of article 15 of the  
11 constitution of the state of Kansas at the general election in November,  
12 1986; or

13 (B) have approved a proposition to allow the sale of liquor by the  
14 individual drink in public places within the county at an election  
15 pursuant to K.S.A. 41-2646, and amendments thereto; and

16 (2) have not approved a proposition to prohibit such sales of  
17 alcoholic liquor in such places at a subsequent election pursuant to  
18 K.S.A. 41-2646, and amendments thereto.

19 (f) (1) A temporary permit may be issued for the consumption of  
20 alcoholic liquor *or cereal malt beverage* on a city, county or township  
21 street, alley, road, sidewalk or highway for an event if: (A) Such street,  
22 alley, road, sidewalk or highway is closed to motor vehicle traffic by  
23 the governing body of such city, county or township for such event;  
24 (B) a written request for such consumption and possession of such  
25 alcoholic liquor *or cereal malt beverage* has been made to the local  
26 governing body; and (C) the event has been approved by the  
27 governing body of such city, county or township by ordinance or  
28 resolution.

29 The boundaries of any such event shall be clearly marked by signs,  
30 a posted map or other means which reasonably identify the area in  
31 which alcoholic liquor *or cereal malt beverage* may be possessed or  
32 consumed at such event.

33 (2) Drinking establishments that are immediately adjacent to, or  
34 located within the licensed premises of an event, for which a  
35 temporary permit has been issued and the consumption of alcoholic  
36 liquor *or cereal malt beverage* on public property has been approved,  
37 may request that the drinking establishment's licensed premises be  
38 extended into and made a part of the licensed premises of the event,  
39 for the duration of the temporary permit issued for such event.

40 (3) Each licensee selling alcoholic liquor *or cereal malt beverage*  
41 for consumption on the premises of an event for which a temporary  
42 permit has been issued shall be liable for violations of all laws  
43 governing the sale and consumption of alcoholic liquor *and cereal malt*

1 *beverage.*

2 **(4) Each temporary permit holder selling alcoholic liquor or**  
3 ***cereal malt beverage* for consumption on the permit premises shall be**  
4 **liable for all violations of laws governing the sale and consumption of**  
5 **alcoholic liquor *and cereal malt beverage* that occur in areas covered by**  
6 **multiple temporary permits.**

7 **(g) (1) Except as otherwise provided in this subsection, a**  
8 **temporary permit shall be issued for a period of time not to exceed**  
9 **three consecutive days, the dates and hours of which shall be specified**  
10 **in the permit. An applicant may not be issued more than four**  
11 **temporary permits in a calendar year.**

12 **(2) The director may issue a sufficient number of temporary**  
13 **permits as required by the state fair board, valid for the entire period**  
14 **of time of the Kansas state fair, ~~which~~ *that* authorizes the sale of wine**  
15 **in its original, unopened container and the serving by the drink of**  
16 **wine ~~or~~, beer; ~~or both~~ *cereal malt beverage, or any combination thereof,***  
17 **on the state fairgrounds on premises specified in the temporary**  
18 **permit, by a person who has entered into an agreement with the state**  
19 **fair board for that purpose subject to the conditions imposed by the**  
20 **state fair board. Nothing in this paragraph shall be construed to limit**  
21 **the number of temporary permits the director may issue for the sale of**  
22 **wine ~~or~~, beer; ~~or both~~ *cereal malt beverage, or any combination thereof,***  
23 **on the state fairgrounds consistent with the requirements of the state**  
24 **fair board.**

25 **(3) For an event approved by the governing body of a city, county**  
26 **or township pursuant to subsection (e)(1), the director may issue a**  
27 **temporary permit, ~~which~~ *that* may, at the director's discretion, be valid**  
28 **for the entire period of such event, but in no event shall such permit**  
29 **be issued for a period of time that exceeds 30 consecutive days.**

30 **(h) An application for a temporary permit may be rejected by the**  
31 **director if:**

32 **(1) The applicant has been granted four permits in the current**  
33 **calendar year;**

34 **(2) the application was not filed with the director at least 14 days**  
35 **prior to the event;**

36 **(3) the applicant, or any officer, director, partner, registered**  
37 **agent, trustee, manager or owner of the applicant has previously**  
38 **owned or operated any entity holding a temporary permit, club,**  
39 **drinking establishment or caterer's license, had such permit or license**  
40 **surrendered, and at the time such permit or license was surrendered**  
41 **had been ordered to appear and show cause why the permit or license**  
42 **should not be revoked or suspended;**

43 **(4) the applicant has designated an area for an event that was the**

1 subject of the order to appear and show cause as set forth in  
2 paragraph (3), and it appears that the new application for a  
3 temporary permit covering the premises is an attempt to avoid any  
4 possible remedial action taken by the director against the former  
5 permit or license holder; or

6 (5) the applicant has had a license or permit revoked under the  
7 club and drinking establishment act, or has been convicted of a  
8 violation of the Kansas liquor control act, the club and drinking  
9 establishment act, the Kansas cereal malt beverage act or the  
10 provisions of K.S.A. 79-41a01 et seq., and amendments thereto.

11 (i) (1) A temporary permit holder may purchase and possess  
12 alcoholic liquor *or cereal malt beverage* for resale for a period of three  
13 days prior to the first day of sale of such alcoholic liquor *or cereal malt*  
14 *beverage*. A distributor may, without any further permission from the  
15 director, deliver such alcoholic liquor *or cereal malt beverage* to the  
16 permit premises.

17 (2) If a licensee has sold alcoholic liquor *or cereal malt beverage* to  
18 a temporary permit holder, and a distributor directly delivers such  
19 alcoholic liquor *or cereal malt beverage* to such temporary permit  
20 holder, but such licensee's normal hours of operation make immediate  
21 payment to the distributor impossible, the licensee may pay the  
22 retailer and the retailer may pay the distributor for such alcoholic  
23 liquor *or cereal malt beverage* within 48 hours of the sale.

24 (3) Within three business days after the end of an event  
25 conducted pursuant to a temporary permit, the temporary permit  
26 holder may sell back to the retailer or farm winery from whom  
27 alcoholic liquor *or cereal malt beverage* was purchased any alcoholic  
28 liquor *or cereal malt beverage* sold to the temporary permit holder for  
29 such event.

30 (4) Upon written permission from the director and after four  
31 business days after the end of an event conducted pursuant to a  
32 temporary permit, the temporary permit holder may sell back to the  
33 licensee from whom alcoholic liquor *or cereal malt beverage* was  
34 purchased any alcoholic liquor *or cereal malt beverage* sold to the  
35 temporary permit holder for such event.

36 (j) A temporary permit shall not be transferable or assignable.

37 (k) Each temporary permit holder shall not employ or use the  
38 services of any person:

39 (1) Who is under the age of 18 years to serve alcoholic liquor *or*  
40 *cereal malt beverage*;

41 (2) who is under the age of 21 years to mix or dispense drinks  
42 containing alcoholic liquor *or cereal malt beverage*;

43 (3) who is under the age of 21 and not supervised by the

1 temporary permit holder or an employee who is at least 21 years of  
2 age;

3 (4) who has been convicted of a felony or of any crime involving a  
4 morals charge to dispense, mix or serve alcoholic liquor *or cereal malt*  
5 *beverage*; or

6 (5) who has been convicted within the previous two years of a  
7 violation of any intoxicating liquor law of this state, any other state or  
8 the United States; to dispense, mix or serve alcoholic liquor *or cereal*  
9 *malt beverage*.

10 Sec. 4. K.S.A. 2019 Supp. 41-1202 is hereby amended to read as  
11 follows: 41-1202. (a) A temporary permit holder shall only purchase  
12 alcoholic liquor *or cereal malt beverage* from a retailer or a farm  
13 winery and may receive delivery of such alcoholic liquor *or cereal malt*  
14 *beverage* from a distributor.

15 (b) Temporary permit holders shall only purchase alcoholic  
16 liquor *or cereal malt beverage* from a retailer who possesses a federal  
17 wholesaler's basic permit and who has a sign on display at the licensed  
18 premises that states that the licensee is a "Wholesale Liquor Dealer  
19 Under Federal Law." All alcoholic liquor *or cereal malt beverage*  
20 purchased on any one day shall be removed from the licensed  
21 premises of the retailer or farm winery within 48 hours. Temporary  
22 permit holders shall not warehouse any alcoholic liquor *or cereal malt*  
23 *beverage* on the licensed premises of any retailer or farm winery for  
24 more than 48 hours.

25 (c) Each temporary permit holder, when purchasing alcoholic  
26 liquor *or cereal malt beverage* from a retailer or farm winery, shall  
27 obtain and keep for at least one year from the date of purchase a sales  
28 receipt that contains the following information:

29 (1) The date of purchase;

30 (2) the name and address of the retailer or farm winery;

31 (3) the name and address of the temporary permit holder as it  
32 appears on the temporary permit;

33 (4) the brand, size, proof and amount of all alcoholic liquor *or*  
34 *cereal malt beverage* purchased; and

35 (5) the subtotal of the cost of all alcoholic liquor *or cereal malt*  
36 *beverage* purchased, and the total cost of such purchase, including  
37 enforcement tax.

38 (d) Each temporary permit holder shall be responsible for all  
39 violations of the club and drinking establishment act by the following  
40 people while on the permit premises:

41 (1) An employee of the temporary permit holder, or of any person  
42 contracting with the temporary permit holder to provide services or  
43 food in connection with an event; or

1       **(2) any individual dispensing, mixing or serving alcoholic liquor**  
2 ***or cereal malt beverage at an event.***

3       **(e) Except for a temporary permit holder who has obtained such**  
4 **permit for the sale of alcoholic liquor at a charitable auction or for the**  
5 **sale of one or more limited issue porcelain containers containing**  
6 **alcoholic liquor, no temporary permit holder shall sell alcoholic liquor**  
7 ***or cereal malt beverage for removal from or consumption off the***  
8 **licensed premises, except that alcoholic liquor *or cereal malt beverage***  
9 **may be removed to a drinking establishment that has extended its**  
10 **premises into the event area in accordance with K.S.A. 41-2608, and**  
11 **amendments thereto.**

12       **(f) The boundary of any premises covered by a temporary permit**  
13 **shall be marked by a line of demarcation.**

14       **Sec. 5. K.S.A. 2019 Supp. 41-1203 is hereby amended to read as**  
15 **follows: 41-1203. (a) All alcoholic liquor *or cereal malt beverage* sold at**  
16 **an event covered by a temporary permit shall be dispensed only from**  
17 **original containers.**

18       **(b) An individual may carry an original container of alcoholic**  
19 **liquor *or cereal malt beverage* onto the event premises with the**  
20 **approval of the temporary permit holder and under the following**  
21 **conditions:**

22       **(1) The temporary permit holder shall not store any such**  
23 **containers of alcoholic liquor *or cereal malt beverage* on the event**  
24 **premises; and**

25       **(2) each individual carrying any such container onto the event**  
26 **premises shall remove such container when the individual exits the**  
27 **event premises.**

28       **Sec. 6. K.S.A. 2019 Supp. 41-1204 is hereby amended to read as**  
29 **follows: 41-1204. Notwithstanding any other provisions of the Kansas**  
30 **liquor control act or the club and drinking establishment act to the**  
31 **contrary, any person or entity who is issued a temporary permit may**  
32 **provide samples of wine, beer, *cereal malt beverage* and distilled spirits**  
33 **on the permit premises as follows:**

34       **(a) All wine, beer, *cereal malt beverage* and spirits sampled shall**  
35 **come from the inventory of the temporary permit holder. Except as**  
36 **provided by ~~paragraph (2) subsection (b)~~, a person other than the**  
37 **temporary permit holder, or such permit holder's agent or employee,**  
38 **may not dispense or participate in the dispensing of alcoholic**  
39 **~~beverages~~ liquor *or cereal malt beverage* under this section.**

40       **(b) A supplier's permit holder, or such permit holder's agent or**  
41 **employee, may provide samples of wine, beer, *cereal malt beverage* and**  
42 **distilled spirits on the permit premises, and may open, touch or pour**  
43 **such alcoholic liquor *or cereal malt beverage*, make a presentation, or**

1 answer questions at such sampling events. Any alcoholic liquor or  
2 cereal malt beverage sampled under this subsection must be purchased  
3 from a retailer or the temporary permit holder on whose premises the  
4 sampling event is held.

5 (c) No charge of any sort may be made for a sample serving.

6 (d) A person may be served more than one sample. Samples may  
7 not be served to a minor. No samples may be removed from the permit  
8 premises.

9 (e) The act of providing samples to consumers shall be exempt  
10 from the requirement of holding a Kansas food service dealer license  
11 from the department of agriculture under the provisions of chapter 65  
12 of the Kansas Statutes Annotated, and amendments thereto.

13 Sec. 7. K.S.A. 2019 Supp. 41-2601 is hereby amended to read as  
14 follows: 41-2601. As used in the club and drinking establishment act:

15 (a) The following terms ~~shall have the meanings~~ *mean the same as*  
16 provided by K.S.A. 41-102, and amendments thereto: (1) "Alcoholic  
17 liquor"; (2) "director"; (3) "original package"; (4) "person"; (5)  
18 "sale"; and (6) "to sell."

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

23 (c) "Caterer" means an individual, partnership or corporation  
24 ~~which that~~ sells alcoholic liquor or cereal malt beverage by the  
25 individual drink, and provides services related to the serving thereof,  
26 on unlicensed premises ~~which that~~ may be open to the public, but does  
27 not include a holder of a temporary permit, selling alcoholic liquor in  
28 accordance with the terms of such permit.

29 (d) "Cereal malt beverage" ~~has the meaning~~ *means the same as*  
30 provided by K.S.A. 41-2701, and amendments thereto.

31 (e) "Class A club" means a premises ~~which that~~ is owned or leased  
32 by a corporation, partnership, business trust or association and ~~which~~  
33 *that* is operated thereby as a bona fide nonprofit social, fraternal or  
34 war veterans' club, as determined by the director, for the exclusive use  
35 of the corporate stockholders, partners, trust beneficiaries or  
36 associates (hereinafter referred to as members) and their families and  
37 guests accompanying them.

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

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

43 (h) "Drinking establishment" means premises ~~which that~~ may be

1 open to the general public, where alcoholic liquor or cereal malt  
2 beverage by the individual drink is sold. "Drinking establishment"  
3 includes a railway car.

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

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

10 (k) "Hotel" ~~has the meaning~~ means the same as provided by K.S.A.  
11 36-501, and amendments thereto.

12 (l) "Individual drink" means a beverage containing alcoholic  
13 liquor or cereal malt beverage served to an individual for consumption  
14 by such individual or another individual, but which is not intended to  
15 be consumed by two or more individuals. The term "individual drink"  
16 includes beverages containing not more than: (1) Eight ounces of  
17 wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four  
18 ounces of a single spirit or a combination of spirits.

19 (m) "Minibar" means a closed cabinet, whether nonrefrigerated  
20 or wholly or partially refrigerated, access to the interior of which is  
21 restricted by means of a locking device which requires the use of a key,  
22 magnetic card or similar device.

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

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

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

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

35 (1) Not less than 4,000 permanent seats; and

36 (2) not less than two private suites, ~~which~~ that are enclosed or  
37 semi-enclosed seating areas, having controlled access and separated  
38 from the general admission areas by a permanent barrier.

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

1 (s) "Restaurant" means:

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

7 (2) in the case of a drinking establishment subject to a food sales  
8 requirement under K.S.A. 41-2642, and amendments thereto, a  
9 licensed food service establishment ~~which~~ *that*, as determined by the  
10 director, derives from sales of food for consumption on the licensed  
11 drinking establishment premises not less than 30% of its gross receipts  
12 from all sales of food and beverages on such premises in a 12-month  
13 period; and

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

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

22 (u) "Sample" means a serving of alcoholic liquor *or cereal malt*  
23 *beverage* that contains not more than: (1) One-half ounce of distilled  
24 spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt  
25 beverage. A sample of a mixed alcoholic beverage shall contain not  
26 more than ½ ounce of distilled spirits.

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

28 (w) "Temporary permit" means a temporary permit issued  
29 pursuant to K.S.A. 2019 Supp. 41-1201, and amendments thereto.

30 Sec. 8. K.S.A. 41-2604 is hereby amended to read as follows: 41-  
31 2604. Any person allowing consumption of alcoholic liquor *or cereal*  
32 *malt beverage* in violation of this act on any property owned, leased or  
33 otherwise under ~~his~~ *such person's* control shall thereby subject ~~himself~~  
34 *such person* and the property on which ~~said~~ *such* illegal consumption  
35 takes place to the penalties ~~hereinafter~~ provided *in this section*.

36 (a) The person allowing such consumption shall be guilty of a  
37 misdemeanor and upon conviction thereof shall be subject to a fine  
38 not to exceed ~~five hundred dollars (\$500)~~ \$500 or confinement in the  
39 county jail not to exceed six ~~(6)~~ months, or both such fine and  
40 imprisonment.

41 (b) The property on which the violation takes place is declared to  
42 be a public nuisance and as such is subject to abatement as provided  
43 for any other liquor nuisance in K.S.A. 41-805, *and amendments*

1 *thereto.*

2 **Sec. 9.** K.S.A. 2019 Supp. 41-2608 is hereby amended to read as  
3 follows: 41-2608. (a) Any public venue, club or drinking establishment  
4 license issued pursuant to this act shall be for one particular premises  
5 ~~which~~ *that* shall be stated in the application and in the license. Not  
6 more than one premises licensed under the club and drinking  
7 establishment act shall exist at a single legal address.

8 (b) No license shall be issued for a public venue, club or drinking  
9 establishment unless the city, township or county zoning code allows a  
10 club or drinking establishment at that location.

11 (c) The licensed premises of a license may be ~~extend~~ *extended* into  
12 a city, county or township street, alley, road, sidewalk or highway if:  
13 (1) Such street, alley, road, sidewalk or highway is closed to motor  
14 vehicle traffic by the governing body of such city, county or township  
15 at any time during which alcoholic liquor *or cereal malt beverage* is to  
16 be sold or consumed; and (2) such extension has been approved by the  
17 city, county or township by ordinance or resolution that specifies the  
18 exact times during which alcoholic liquor *or cereal malt beverage* may  
19 be sold or consumed on the street, alley, road, sidewalk or highway.

20 **Sec. 10.** K.S.A. 2019 Supp. 41-2610 is hereby amended to read as  
21 follows: 41-2610. It shall be unlawful for any licensee or holder of a  
22 temporary permit under this act to:

23 (a) Employ any person under the age of 18 years in connection  
24 with the serving of alcoholic liquor *or cereal malt beverage*.

25 (b) Employ knowingly or continue in employment any person in  
26 connection with the dispensing or serving of alcoholic liquor *or cereal*  
27 *malt beverage* or the mixing of drinks containing alcoholic liquor who  
28 has been adjudged guilty of a felony or of any crime involving a  
29 morals charge in this or any other state, or of the United States.

30 (c) Knowingly employ or continue to employ any person in  
31 connection with the dispensing or serving of alcoholic liquor *or cereal*  
32 *malt beverage*, or the mixing of drinks containing alcoholic liquor, who  
33 has been adjudged guilty of two or more violations of K.S.A. 2019  
34 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor  
35 *or cereal malt beverage* to minors or a similar law of any other state, or  
36 of the United States, pertaining to furnishing alcoholic liquor *or cereal*  
37 *malt beverage* to minors within the immediately preceding five years,  
38 or who has been adjudged guilty of three or more violations of any  
39 intoxicating liquor law of this or any other state, or of the United  
40 States, not involving the furnishing of alcoholic liquor *or cereal malt*  
41 *beverage* to minors within the immediately preceding five years.

42 (d) In the case of a club, fail to maintain at the licensed premises  
43 a current list of all members and their residence addresses or refuse to

1 allow the director, any of the director's authorized agents or any law  
2 enforcement officer to inspect such list.

3 (e) Purchase alcoholic liquor *or cereal malt beverage* from any  
4 person except from a person authorized by law to sell such alcoholic  
5 liquor *or cereal malt beverage* to such licensee or permit holder.

6 (f) Permit any employee of the licensee or permit holder who is  
7 under the age of 21 years to work on premises where alcoholic liquor  
8 *or cereal malt beverage* is sold by such licensee or permit holder at any  
9 time when not under the on-premises supervision of either the licensee  
10 or permit holder, or an employee who is 21 years of age or over.

11 (g) Employ any person under 21 years of age in connection with  
12 the mixing or dispensing of drinks containing alcoholic liquor *or*  
13 *cereal malt beverage*.

14 Sec. 11. K.S.A. 2019 Supp. 41-2611 is hereby amended to read as  
15 follows: 41-2611. The director may suspend, involuntarily cancel or  
16 revoke any license issued pursuant to the club and drinking  
17 establishment act for any one or more of the following reasons:

18 (a) The licensee has fraudulently obtained the license by giving  
19 false information in the application therefor or any hearing thereon.

20 (b) The licensee has violated any of the provisions of this act or  
21 any rules or regulations adopted hereunder.

22 (c) The licensee has become ineligible to obtain a license or  
23 permit under this act.

24 (d) The licensee's manager or employee has been intoxicated  
25 while on duty.

26 (e) The licensee, or its manager or employee, has permitted any  
27 disorderly person to remain on premises where alcoholic liquor *or*  
28 *cereal malt beverage* is sold by such licensee.

29 (f) There has been a violation of a provision of the laws of this  
30 state, or of the United States, pertaining to the sale of intoxicating or  
31 alcoholic liquors or cereal malt beverages, or any crime involving a  
32 morals charge, on premises where alcoholic liquor *or cereal malt*  
33 *beverage* is sold by such licensee.

34 (g) The licensee, or its managing officers or any employee, has  
35 purchased and displayed, on premises where alcoholic liquor *or cereal*  
36 *malt beverage* is sold by such licensee, a federal wagering occupational  
37 stamp issued by the United States treasury department.

38 (h) The licensee, or its managing officers or any employee, has  
39 purchased and displayed, on premises where alcoholic liquor *or cereal*  
40 *malt beverage* is sold by such licensee, a federal coin operated  
41 gambling device stamp for the premises issued by the United States  
42 treasury department.

43 (i) The licensee holds a license as a class B club, drinking

1 establishment or caterer and has been found guilty of a violation of  
2 article 10 of chapter 44 of the Kansas Statutes Annotated, and  
3 amendments thereto, under a decision or order of the Kansas human  
4 rights commission—~~which~~ *that* has become final, or such licensee has  
5 been found guilty of a violation of K.S.A. 21-4003, prior to its repeal,  
6 or K.S.A. 2019 Supp. 21-6102, and amendments thereto.

7 (j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior  
8 to their repeal, or K.S.A. 2019 Supp. 21-6204, and amendments  
9 thereto, on premises where alcoholic liquor *or cereal malt beverage* is  
10 sold by such licensee.

11 Sec. 12. K.S.A. 2019 Supp. 41-2613 is hereby amended to read as  
12 follows: 41-2613. The right of immediate entry to and inspection of  
13 any premises licensed as a public venue, club or drinking  
14 establishment or any premises where alcoholic liquor *or cereal malt*  
15 *beverage* is sold by a holder of a temporary permit, or any premises  
16 subject to the control of any licensee or temporary permit holder, by  
17 any duly authorized officer or agent of the director, or by any law  
18 enforcement officer, shall be a condition on which every license or  
19 temporary permit is issued, and the application for, and acceptance of,  
20 any license or temporary permit shall conclusively be deemed to be  
21 the consent of the applicant and licensee or permit holder to such  
22 immediate entry and inspection. Such right of immediate entry and  
23 inspection shall be at any time when the premises are occupied and is  
24 not limited to hours when the club or drinking establishment is open  
25 for business. Such consent shall not be revocable during the term of  
26 the license or temporary permit. Refusal of such entry shall be  
27 grounds for revocation of the license or temporary permit.

28 Sec. 13. K.S.A. 2019 Supp. 41-2614 is hereby amended to read as  
29 follows: 41-2614. (a) Except as provided by subsection (c), no public  
30 venue, club or drinking establishment shall allow the serving, mixing  
31 or consumption of alcoholic liquor *or cereal malt beverage* on its  
32 premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

33 (b) No caterer shall allow the serving, mixing or consumption of  
34 alcoholic liquor *or cereal malt beverage* between the hours of 2:00 a.m.  
35 and 6:00 a.m. on any day at an event catered by such caterer.

36 (c) A hotel of which the entire premises are licensed as a drinking  
37 establishment or as a drinking establishment caterer may allow at any  
38 time the serving, mixing and consumption of alcoholic liquor and  
39 cereal malt beverage from a minibar in a guest room by guests  
40 registered to stay in such room, and guests of guests registered to stay  
41 in such room.

42 Sec. 14. K.S.A. 41-2619 is hereby amended to read as follows: 41-  
43 2619. The existence of any place for which a license or temporary

1 permit has not been issued pursuant to this act and which purports, or  
2 is held out to the public or to any person by the proprietors or their  
3 agents or employees, to be a place where alcoholic liquor *or cereal malt*  
4 *beverage* is sold by the individual drink, shall be deemed to be  
5 sufficient probable cause for any judge of the district court to issue a  
6 search warrant to any law enforcement officer of the state or a  
7 subdivision of the state for the purpose of searching such place for  
8 alcoholic liquor *or cereal malt beverage* being sold, possessed or  
9 consumed in violation of this act, any other law of the state or any  
10 ordinance of a municipal subdivision of the state.

11 Sec. 15. K.S.A. 2019 Supp. 41-2623 is hereby amended to read as  
12 follows: 41-2623. (a) No license shall be issued under the provisions of  
13 this act to:

14 (1) Any person described in K.S.A. 41-311(a)(1), (2), (4), (5), (6),  
15 (7), (8), (9), (12), (13) or (15), and amendments thereto, except that the  
16 provisions of ~~subsection K.S.A. 41-311(a)(7) of such section, and~~  
17 ~~amendments thereto~~, shall not apply to nor prohibit the issuance of a  
18 license for a class A club to an officer of a post home of a  
19 congressionally chartered service or fraternal organization, or a  
20 benevolent association or society thereof.

21 (2) A person who has had the person's license revoked for cause  
22 under the provisions of this act.

23 (3) A person who has not been a resident of this state for a period  
24 of at least one year immediately preceding the date of application.

25 (4) A person who has a beneficial interest in the manufacture,  
26 preparation or wholesaling or the retail sale of alcoholic ~~liquors~~ *liquor*  
27 *or cereal malt beverage* or a beneficial interest in any other club,  
28 drinking establishment or caterer licensed hereunder, except that:

29 (A) A license for premises located in a hotel may be granted to a  
30 person who has a beneficial interest in one or more other clubs or  
31 drinking establishments licensed hereunder if such other clubs or  
32 establishments are located in hotels.

33 (B) A license for a club or drinking establishment ~~which~~ *that* is a  
34 restaurant may be issued to a person who has a beneficial interest in  
35 other clubs or drinking establishments ~~which~~ *that* are restaurants.

36 (C) A caterer's license may be issued to a person who has a  
37 beneficial interest in a club or drinking establishment and a license for  
38 a club or drinking establishment may be issued to a person who has a  
39 beneficial interest in a caterer.

40 (D) A license for a class A club may be granted to an organization  
41 of which an officer, director or board member is a distributor or  
42 retailer licensed under the liquor control act if such distributor or  
43 retailer sells no alcoholic liquor to such club.

1 (E) Any person who has a beneficial interest in a microbrewery,  
2 microdistillery or farm winery licensed pursuant to the Kansas liquor  
3 control act may be issued any or all of the following: (1) Class B club  
4 license; (2) drinking establishment license; and (3) caterer's license.

5 (5) A copartnership, unless all of the copartners are qualified to  
6 obtain a license.

7 (6) A corporation, if any officer, manager or director thereof, or  
8 any stockholder owning in the aggregate more than 5% of the  
9 common or preferred stock of such corporation would be ineligible to  
10 receive a license hereunder for any reason other than citizenship and  
11 residence requirements.

12 (7) A corporation, if any officer, manager or director thereof, or  
13 any stockholder owning in the aggregate more than 5% of the  
14 common or preferred stock of such corporation, has been an officer,  
15 manager or director, or a stockholder owning in the aggregate more  
16 than 5% of the common or preferred stock, of a corporation—~~which~~  
17 *that*:

18 (A) Has had a license revoked under the provisions of the club  
19 and drinking establishment act; or

20 (B) has been convicted of a violation of the club and drinking  
21 establishment act or the cereal malt beverage laws of this state.

22 (8) A corporation organized under the laws of any state other  
23 than this state.

24 (9) A trust, if any grantor, beneficiary or trustee would be  
25 ineligible to receive a license under this act for any reason, except that  
26 the provisions of K.S.A. 41-311(a)(6), and amendments thereto, shall  
27 not apply in determining whether a beneficiary would be eligible for a  
28 license.

29 (b) No club or drinking establishment license shall be issued  
30 under the provisions of the club and drinking establishment act to:

31 (1) A person who does not own the premises for which a license is  
32 sought, or does not, at the time the application is submitted, have a  
33 written lease thereon, except that an applicant seeking a license for a  
34 premises—~~which~~ *that* is owned by a city or county, or is a stadium,  
35 arena, convention center, theater, museum, amphitheater or other  
36 similar premises may submit an executed agreement to provide  
37 alcoholic beverage services at the premises listed in the application in  
38 lieu of a lease.

39 (2) A person who is not a resident of the county in which the  
40 premises sought to be licensed are located.

41 Sec. 16. K.S.A. 2019 Supp. 41-2637 is hereby amended to read as  
42 follows: 41-2637. (a) A license for a class A club shall allow the licensee  
43 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*

1 *beverage for consumption on the licensed premises by members and*  
2 *their families, and guests accompanying them; and (2) serve samples*  
3 *of alcoholic liquor or cereal malt beverage free of charge for*  
4 *consumption by members and their families and guests accompanying*  
5 *them.*

6 No charge of any sort may be made for a sample serving. Samples  
7 may not be served to a minor. No samples may be removed from the  
8 licensed premises. No consideration shall be requested or required for  
9 entry onto the premises, participation in any event taking place on the  
10 premises or to remain on the premises.

11 (b) (1) Subject to the provisions of subsection (b)(2), any two or  
12 more class A or class B clubs may permit, by an agreement filed with  
13 and approved by the director, the members of each such club to have  
14 access to all other clubs ~~which that~~ are parties to such agreement. The  
15 privileges extended to the visiting members of other clubs under such  
16 an agreement shall be determined by the agreement and, if the  
17 agreement so provides, any club ~~which that~~ is a party to such  
18 agreement may sell, offer for sale and serve, to any person who is a  
19 member of another club ~~which that~~ is a party to such agreement,  
20 *alcoholic liquor or cereal malt beverage for consumption on the*  
21 *licensed premises by such person and such person's family, and guests*  
22 *accompanying them.*

23 (2) A class B club may enter into a reciprocal agreement  
24 authorized by subsection (b)(1) only if the class B club is a restaurant.

25 (c) A licensee may store on its premises wine sold to a customer  
26 for consumption at a later date on its premises in the unopened  
27 container. Such wine must be kept separate from all other alcohol  
28 stock and in a secure locked area separated by customer. Such wine  
29 shall not be removed from the licensed premises in its unopened  
30 condition.

31 Sec. 17. K.S.A. 2019 Supp. 41-2641 is hereby amended to read as  
32 follows: 41-2641. (a) A license for a class B club shall allow the licensee  
33 to: (1) Offer for sale, sell and serve *alcoholic liquor or cereal malt*  
34 *beverage for consumption on the licensed premises by members of*  
35 *such club and guests accompanying them; and (2) serve samples of*  
36 *alcoholic liquor or cereal malt beverage free of charge on the licensed*  
37 *premises for consumption by such members and their families and*  
38 *guests accompanying them.*

39 No charge of any sort may be made for a sample serving. Samples  
40 may not be served to a minor. No samples may be removed from the  
41 licensed premises. Providing samples is prohibited for any licensee  
42 who charges a cover charge or entry fee at any time during the  
43 business day. No consideration shall be requested or required for

1 entry onto the premises, participation in any event taking place on the  
2 premises or to remain on the premises.

3 (b) (1) Subject to the provisions of subsection (b)(2), any two or  
4 more class A or class B clubs may permit, by an agreement filed with  
5 and approved by the director, the members of each such club to have  
6 access to all other clubs ~~which~~ *that* are parties to such agreement. The  
7 privileges extended to the visiting members of other clubs under such  
8 an agreement shall be determined by the agreement and, if the  
9 agreement so provides, any club ~~which~~ *that* is a party to such  
10 agreement may sell, offer for sale and serve, to any person who is a  
11 member of another club ~~which~~ *that* is a party to such agreement,  
12 alcoholic liquor *or cereal malt beverage* for consumption on the  
13 licensed premises by such person and such person's family, and guests  
14 accompanying them.

15 (2) A class B club may enter into a reciprocal agreement  
16 authorized by subsection (b)(1) only if the class B club is a restaurant.

17 (c) Except as provided by subsection (d), an applicant for  
18 membership in a class B club shall, before becoming a member of such  
19 club:

20 (1) Be screened by the club for good moral character; and

21 (2) pay an annual membership fee of not less than \$10.

22 (d) Notwithstanding the membership fee requirement of  
23 subsection (c):

24 (1) Any class B club located on the premises of a hotel or RV  
25 resort may establish rules whereby a guest, who registered at the hotel  
26 or RV resort and who is not a resident of the county in which the club  
27 is located, may file application for temporary membership in such  
28 club. The membership, if granted, shall be valid only for the period of  
29 time that the guest is a bona fide registered guest at the hotel or RV  
30 resort and such temporary membership shall not be subject to the fee  
31 requirement of this section.

32 (2) Any class B club located on property which is owned or  
33 operated by a municipal airport authority and upon which  
34 consumption of alcoholic liquor *or cereal malt beverage* is authorized  
35 by law may establish rules whereby an air traveler who is a holder of a  
36 current airline ticket may file application for temporary membership  
37 in such club for the day such air traveler's ticket is valid, and such  
38 temporary membership shall not be subject to the fee requirement of  
39 this section.

40 (3) Any class B club may establish rules whereby military  
41 personnel of the armed forces of the United States on temporary duty  
42 and housed at or near any military installation located within the  
43 exterior boundaries of the state of Kansas may file application for

1 temporary membership in such club. The membership, if granted,  
2 shall be valid only for the period of the training, not to exceed 20  
3 weeks. Any person wishing to make application for temporary  
4 membership in a class B club under this ~~subsection (d)(3) paragraph~~  
5 shall present the temporary duty orders to the club. Temporary  
6 membership issued under this ~~subsection (d)(3) paragraph~~ shall not be  
7 subject to the fee requirements of this section.

8 (4) Any class B club may enter into a written agreement with a  
9 hotel or RV resort whereby a guest who is registered at the hotel or  
10 RV resort and who is not a resident of the county in which the club is  
11 located may file application for temporary membership in such club.  
12 The temporary membership, if granted, shall be valid only for the  
13 period of time that the guest is a bona fide registered guest at the hotel  
14 or RV resort and shall not be subject to the fee requirement of this  
15 section. A club may enter into a written agreement with a hotel or RV  
16 resort pursuant to this provision only if: (A) The hotel or RV resort is  
17 located in the same county as the club; (B) there is no class B club  
18 located on the premises of the hotel or RV resort; and (C) no other  
19 club has entered into a written agreement with the hotel or RV resort  
20 pursuant to this section.

21 (5) Any class B club located in a racetrack facility where races  
22 with parimutuel wagering are conducted under the Kansas  
23 parimutuel racing act may establish rules whereby persons attending  
24 such races may file an application for temporary membership in such  
25 club for the day such person is attending such races, and such  
26 temporary membership shall not be subject to the fee requirement of  
27 this section.

28 (e) A licensee may store on its premises wine sold to a customer  
29 for consumption at a later date on its premises in the unopened  
30 container. Such wine must be kept separate from all other alcohol  
31 stock and in a secure locked area separated by customer. Such wine  
32 shall not be removed from the licensed premises in its unopened  
33 condition.

34 Sec. 18. K.S.A. 2019 Supp. 41-2642 is hereby amended to read as  
35 follows: 41-2642. (a) A license for a drinking establishment shall allow  
36 the licensee to offer for sale, sell and serve alcoholic liquor *or cereal*  
37 *malt beverage* for consumption on the licensed premises which may be  
38 open to the public, and to serve samples of alcoholic liquor *or cereal*  
39 *malt beverage* free of charge on licensed premises subject to the  
40 requirements of subsection (c), but only if such premises are located in  
41 a county where the qualified electors of the county:

42 (1) (A) Approved, by a majority vote of those voting thereon, the  
43 proposition to amend section 10 of article 15 of the constitution of the

1 state of Kansas at the general election in November 1986; or (B) have  
2 approved a proposition to allow sales of alcoholic liquor by the  
3 individual drink in public places within the county at an election  
4 pursuant to K.S.A. 41-2646, and amendments thereto; and

5 (2) have not approved a proposition to prohibit such sales of  
6 alcoholic liquor in such places at a subsequent election pursuant to  
7 K.S.A. 41-2646, and amendments thereto.

8 (b) A drinking establishment shall be required to derive from  
9 sales of food for consumption on the licensed premises not less than  
10 30% of all the establishment's gross receipts from sales of food and  
11 beverages on such premises unless the licensed premises are located in  
12 a county where the qualified electors of the county:

13 (1) Have approved, at an election pursuant to K.S.A. 41-2646,  
14 and amendments thereto, a proposition to allow sales of alcoholic  
15 liquor by the individual drink in public places within the county  
16 without a requirement that any portion of their gross receipts be  
17 derived from the sale of food; and

18 (2) have not approved a proposition to prohibit such sales of  
19 alcoholic liquor in such places at a subsequent election pursuant to  
20 K.S.A. 41-2646, and amendments thereto.

21 (c) No charge of any sort may be made for a sample serving.  
22 Samples may not be served to a minor. No samples may be removed  
23 from the licensed premises. Providing samples is prohibited for any  
24 licensee who charges a cover charge or entry fee at any time during  
25 the business day. No consideration shall be requested or required for  
26 entry onto the premises, participation in any event taking place on the  
27 premises or to remain on the premises.

28 (d) A drinking establishment shall specify in the application for a  
29 license or renewal of a license the premises to be licensed, which may  
30 include all premises which are in close proximity and are under the  
31 control of the applicant or licensee.

32 (e) Notwithstanding any other provision of law to the contrary,  
33 any hotel of which the entire premises are licensed as a drinking  
34 establishment or as a drinking establishment caterer may sell alcoholic  
35 liquor or cereal malt beverage by means of minibars located in guest  
36 rooms of such hotel, subject to the following:

37 (1) The key, magnetic card or other device required to attain  
38 access to a minibar in a guest room shall be provided only to guests  
39 who are registered to stay in such room and who are 21 or more years  
40 of age;

41 (2) containers or packages of spirits or wine sold by means of a  
42 minibar shall hold not less than 50 nor more than 200 milliliters; and

43 (3) a minibar shall be restocked with alcoholic liquor or cereal

1 malt beverage only during hours when the hotel is permitted to sell  
2 alcoholic liquor and cereal malt beverage as a drinking establishment.

3 (f) A drinking establishment may store on its premises wine sold  
4 to a customer for consumption at a later date on its premises in the  
5 unopened container. Such wine must be kept separate from all other  
6 alcohol stock and in a secure locked area separated by customer. Such  
7 wine shall not be removed from the licensed premises in its unopened  
8 condition.

9 Sec. 19. K.S.A. 2019 Supp. 41-2643 is hereby amended to read as  
10 follows: 41-2643. (a) A caterer's license shall allow the licensee to offer  
11 for sale, sell and serve alcoholic liquor *or cereal malt beverage* for  
12 consumption on unlicensed premises, ~~which~~ *that* may be open to the  
13 public, but only if such premises are located in a county where the  
14 qualified electors of the county:

15 (1) (A) Approved, by a majority vote of those voting thereon, the  
16 proposition to amend section 10 of article 15 of the constitution of the  
17 state of Kansas at the general election in November, 1986; or (B) have  
18 approved a proposition to allow sales of alcoholic liquor by the  
19 individual drink in public places within the county at an election  
20 pursuant to K.S.A. 41-2646, and amendments thereto; and

21 (2) have not approved a proposition to prohibit such sales of  
22 alcoholic liquor in such places at a subsequent election pursuant to  
23 K.S.A. 41-2646, and amendments thereto.

24 (b) A caterer shall be required to derive from sales of food at  
25 catered events not less than 30% of the caterer's gross receipts from  
26 all sales of food and beverages at catered events in a 12-month period  
27 unless the caterer offers for sale, sells and serves alcoholic liquor *or*  
28 *cereal malt beverage* only in counties where the qualified electors of the  
29 county:

30 (1) Have approved, at an election pursuant to K.S.A. 41-2646,  
31 and amendments thereto, a proposition to allow sales of alcoholic  
32 liquor by the individual drink in public places within the county  
33 without a requirement that any portion of their gross receipts be  
34 derived from the sale of food; and

35 (2) have not approved a proposition to prohibit such sales of  
36 alcoholic liquor in such places at a subsequent election pursuant to  
37 K.S.A. 41-2646, and amendments thereto.

38 (c) Each caterer shall maintain the caterer's principal place of  
39 business in a county in this state where the caterer is authorized by  
40 this section to sell alcoholic liquor by the individual drink in a public  
41 place. All records of the caterer relating to the caterer's licensed  
42 business and the caterer's license shall be kept at such place of  
43 business. The caterer's principal place of business shall be stated in

1 the application for a caterer's license and the caterer shall notify the  
2 director of any change in its location within 10 days after such change.

3 (d) Except as otherwise provided herein, a caterer shall provide  
4 electronic notification to the director at least 48 hours prior to any  
5 event at which the caterer will sell alcoholic liquor *or cereal malt*  
6 *beverage* by the individual drink. The director shall make the  
7 electronic notification available to local law enforcement. Notice shall  
8 consist of the time, location and the names of the contracting parties of  
9 the event. For events where ~~alcohol~~ *alcoholic liquor or cereal malt*  
10 *beverage* is served, a licensee shall retain all documents for a period of  
11 three years for inspection by the director. The documents retained  
12 shall include agreements, receipts, employees assigned to the event  
13 and records of ~~alcohol~~ *alcoholic liquor and cereal malt beverage*  
14 purchased. Notification shall not be required for weddings, funerals,  
15 events sponsored by religious institutions, or for business, industry or  
16 trade sponsored meetings, including, but not limited to, awards  
17 presentations and retirement celebrations.

18 (e) A caterer may rebate a portion of the caterer's receipts from  
19 the sale of alcoholic liquor *or cereal malt beverage* at an event to the  
20 person or organization contracting with the caterer to sell alcoholic  
21 liquor *or cereal malt beverage* at such event.

22 ~~Section 4. Sec. 2.~~ 20. K.S.A. ~~2018~~ 2019 Supp. 41-2653 is hereby  
23 amended to read as follows: 41-2653. (a) In addition to the rights of a  
24 licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642,  
25 and amendments thereto, a class A club license, class B club license or  
26 drinking establishment license shall allow the licensee to allow legal  
27 patrons of the club or drinking establishment to remove *alcoholic liquor or*  
28 **cereal malt beverage** from the licensed premises *in accordance with this*  
29 *section.*

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

33 (1) It must be legal for the licensee to sell the alcoholic liquor **or**  
34 **cereal malt beverage** in its original container;

35 (2) the alcoholic liquor **or cereal malt beverage** must be in its  
36 original container;

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

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

1 (5) before the container of alcoholic liquor **or cereal malt beverage**  
 2 is removed from the licensed premises, the licensee or the licensee's  
 3 employee must securely reseal each container, place the container in a  
 4 tamper-proof, transparent bag ~~which~~ **that** is sealed in a manner that makes  
 5 it visibly apparent if the bag is subsequently tampered with or opened.

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

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

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

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

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

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

20 **Sec. 21. K.S.A. 2019 Supp. 41-2655 is hereby amended to read as**  
 21 **follows: 41-2655. (a) A license for a public venue shall allow the**  
 22 **licensee to:**

23 **(1) Offer for sale, sell and serve alcoholic liquor or cereal malt**  
 24 **beverage by the individual drink for consumption on the licensed**  
 25 **premises;**

26 **(2) offer for sale, sell and serve unlimited drinks for a fixed price**  
 27 **in designated areas of the licensed premises;**

28 **(3) offer for sale and sell ~~all-inclusive~~ all-inclusive packages ~~which~~**  
 29 **that include unlimited drinks in designated areas of the licensed**  
 30 **premises;**

31 **(4) offer for sale, sell and serve alcoholic liquor or cereal malt**  
 32 **beverage in the original container for consumption on the licensed**  
 33 **premises in private suites, ~~which~~ that are enclosed or semi-enclosed**  
 34 **seating areas, having controlled access and separated from the general**  
 35 **admission areas by a permanent barrier;**

36 **(5) store, in each private suite, ~~which~~ that is an enclosed or semi-**  
 37 **enclosed seating area, having controlled access and separated from the**  
 38 **general admission areas by a permanent barrier, alcoholic liquor or**  
 39 **cereal malt beverage sold in the original container to a customer in that**  
 40 **private suite; and**

41 **(6) with the approval of the retailer or distributor, return for a**  
 42 **full refund of the original purchase price unopened containers of**  
 43 **alcoholic liquor or cereal malt beverage to the retailer or distributor**

1 from whom such items were purchased upon the conclusion of an  
2 event if the next scheduled event for that premises is more than 90  
3 days from the date of the concluded event.

4 (b) An applicant or public venue licensee shall specify in the  
5 application for a license, or renewal of a license, the premises to be  
6 licensed. No public venue licensee may offer for sale, sell or serve any  
7 alcoholic liquor *or cereal malt beverage* in any area not included in the  
8 licensed premises.

9 (c) The term "designated areas" for purposes of this section shall  
10 mean *means* an area identified in the license application, which may  
11 include suites, that has controlled access and is separated from the  
12 general admission by a barrier.

13 ~~(d) The provisions of this section shall take effect and be in force~~  
14 ~~from and after July 1, 2012.~~

15 ~~(e)(d)~~ All rules and regulations adopted on and after July 1, 2012,  
16 and prior to July 1, 2013, to implement this section shall continue to  
17 be effective and shall be deemed to be duly adopted rules and  
18 regulations of the secretary until revised, amended, revoked or  
19 nullified pursuant to law.

20 ~~(f)(e)~~ This section shall be a part of and supplemental to the club  
21 and drinking establishment act.

22 Sec. 22. K.S.A. 2019 Supp. 41-2658 is hereby amended to read as  
23 follows: 41-2658. (a) Alcoholic liquor *and cereal malt beverage* shall be  
24 dispensed only from original containers, except any drinking  
25 establishment licensee or its agent or employee, may dispense:

26 (1) Alcoholic liquor *or cereal malt beverage* from a machine or  
27 container used to mix alcoholic liquor with other liquids or solids  
28 intended for human consumption;

29 (2) alcoholic liquor *or cereal malt beverage* from a machine or  
30 container used to chill alcoholic liquor, which may contain additional  
31 liquids or solids intended for human consumption; or

32 (3) infused alcoholic liquor *or cereal malt beverage* from a  
33 container used to infuse alcoholic liquor with other substances  
34 intended for human consumption.

35 (b) A drinking establishment licensee, or its agent or employee,  
36 shall not refill any original container with any alcoholic liquor, *cereal*  
37 *malt beverage* or any other substance.

38 (c) Any drinking establishment licensee, or its agent or employee,  
39 may infuse alcoholic liquor *or cereal malt beverage* with spices, herbs,  
40 fruits, vegetables, candy or other substances intended for human  
41 consumption if no additional fermentation occurs during the process.

42 (d) As used in this section:

43 (1) "Dispense" means to portion out servings of alcoholic liquor

1 *or cereal malt beverage for consumption. This term shall include*  
2 *includes the pouring of drinks of alcoholic liquor or cereal malt*  
3 *beverage and opening original containers of alcoholic liquor or cereal*  
4 *malt beverage by the licensee or licensee's employee for consumption*  
5 **by customers, and shall not include any self-dispensing by a customer.**

6 (2) "Infuse" means to add flavor or scent to a liquid by steeping  
7 additional ingredients in the liquid.

8 (e) This section shall be a part of and supplemental to the club  
9 and drinking establishment act.

10 Sec. 23. K.S.A. 2019 Supp. 41-2659 is hereby amended to read as  
11 follows: 41-2659. (a) (1) A city or a county may establish one or more  
12 common consumption areas within the limits of the city or within the  
13 unincorporated portion of the county, as applicable, by ordinance or  
14 resolution, respectively, and authorize the possession and consumption  
15 of alcoholic liquor *or cereal malt beverage* within the common  
16 consumption area. The ordinance or resolution shall designate the  
17 boundaries of any common consumption area and prescribe the times  
18 during which alcoholic liquor *or cereal malt beverage* may be  
19 consumed therein. The ordinance or resolution shall require that any  
20 public street or roadway that lies within a common consumption area  
21 shall be blocked from motorized traffic during the hours in which  
22 ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is consumed.

23 (2) The city or county shall immediately notify the director of the  
24 division of alcoholic beverage control of the establishment of a  
25 common consumption area and submit a copy of the ordinance or  
26 resolution along with such notice.

27 (b) A common consumption area permit shall allow the  
28 consumption of alcoholic liquor *or cereal malt beverage* in any area  
29 designated by such permit. The director may issue common  
30 consumption area permits to the city or county or any one person who  
31 shall be a resident of Kansas or an organization that has its principal  
32 place of business in Kansas and that has been approved by the  
33 respective city or county, in accordance with rules and regulations  
34 adopted by the secretary of revenue.

35 (c) Applications for common consumption area permits shall be  
36 submitted to the director, subject to the following:

37 (1) A copy of any ordinance or resolution promulgated in  
38 accordance with subsection (a) shall accompany any application for a  
39 common consumption area permit.

40 (2) Each application shall be accompanied by a non-refundable  
41 permit fee of \$100. All permit fees collected by the director pursuant  
42 to this section shall be remitted to the state treasurer in accordance  
43 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon

1 receipt of each such remittance, the state treasurer shall deposit the  
2 entire amount in the state treasury to the credit of the state general  
3 fund.

4 (3) A common consumption area permit shall be issued for a  
5 period of not to exceed one year. A common consumption area permit  
6 shall not be transferable or assignable.

7 (d) Any licensee immediately adjacent to, or located within a  
8 common consumption area may request that the licensee's licensed  
9 premises participate in the common consumption area for the  
10 duration of the common consumption area permit. Such a request  
11 shall be made upon forms prescribed by the director.

12 (e) (1) Any licensee who has requested and received permission to  
13 participate in the common consumption area may allow its legal  
14 patrons to remove alcoholic liquor *or cereal malt beverage* purchased  
15 from the licensee into the premises described by the common  
16 consumption area permit. All alcoholic ~~beverages~~ *liquor and cereal malt*  
17 *beverage* removed from a licensed premises in such fashion shall be  
18 served in a container that displays the licensee's trade name or logo or  
19 other identifying mark that is unique to the licensee.

20 (2) In addition to their licensed premises, one or more licensees  
21 that have requested and received permission to participate in a  
22 common consumption area may offer for sale, sell and serve alcoholic  
23 liquor *or cereal malt beverage* for consumption from one non-  
24 contiguous service area within the common consumption area, as  
25 designated and approved by the common consumption area permit  
26 holder. The licensee shall prominently display a copy of its drinking  
27 establishment license and the approval of the common consumption  
28 area permit holder at its non-contiguous service area.

29 (f) (1) Each licensee within a common consumption area shall be  
30 liable for violations of all liquor laws governing the sale and  
31 consumption of alcoholic liquor *and cereal malt beverage* that occur on  
32 the licensee's premises.

33 (2) Each common consumption area permit holder shall be liable  
34 for violations that occur off the licensee's premises, but within the  
35 common consumption area identified in the permit. No permit holder  
36 shall permit any person to remove any open container of alcoholic  
37 liquor *or cereal malt beverage* from the boundaries of the common  
38 consumption area.

39 (g) For the purposes of this section, "common consumption area"  
40 ~~shall mean~~ *means* a defined indoor or outdoor area not otherwise  
41 subject to a license issued pursuant to the Kansas liquor control act or  
42 the club and drinking establishment act where the possession and  
43 consumption of alcoholic liquor *or cereal malt beverage* is allowed

1 pursuant to a common consumption area permit. The boundaries of  
2 any common consumption area must be clearly marked using a  
3 physical barrier or any apparent line of demarcation.

4 (h) The secretary shall adopt rules and regulations to implement  
5 this section.

6 (i) This section shall be a part of and supplemental to the club  
7 and drinking establishment act.

8 Sec. ~~2-3~~ 24. K.S.A. 41-2604 and 41-2619 and K.S.A. ~~2018~~ 2019  
9 Supp. ~~41-308-and~~, 41-308d, 41-1201, 41-1202, 41-1203, 41-1204, 41-  
10 2601, 41-2608, 41-2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2637,  
11 41-2641, 41-2642, 41-2643, 41-2653-is, 41-2655, 41-2658 and 41-2659  
12 are hereby repealed.

13 Sec. ~~3-4~~ 25. This act shall take effect and be in force from and after  
14 its publication in the statute book.