

Alcoholic Beverage Control
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MEMORANDUM

TO: Senator Mike Thompson, Chairman, Senate Federal and State Affairs Committee

FROM: Debbi Beavers, Director, Alcoholic Beverage Control Division. Email: debbi.beavers@ks.gov; Desk Phone 785-368-6290; Cell 785-260-1008.

DATE: March 16, 2023

SUBJECT: Neutral Testimony on HB 2059

Mr. Chairman:

The ABC is neutral on this bill, which appears to make a simple change from “shall” to “may” require public streets or roadways within a common consumption area to be closed during the hours in which alcoholic liquor or cereal malt beverage is consumed.

The House Federal and State Affairs committee amended the bill to address signage to mark the boundaries of the area to address ABC’s concern. The ABC continues to be concerned with public safety if streets are allowed to be open while individuals are consuming alcohol and traffic is moving through an event. In the House committee hearing, there was much discussion about local control and that cities know what is best for their community.

The way the bill currently is written, only the local government would know if the streets are to be open or closed during an event. There is no way for any law enforcement, including the ABC, to know if a street should be closed. This creates confusion.

The common consumption permit holder may be subject to additional potential liability if the streets remain open for traffic during an event where alcohol is being consumed.

Thank you, Mr. Chairman.