

## HOUSE BILL No. 2195

By Committee on Federal and State Affairs

1-29

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AN ACT concerning the sale of cereal malt beverages; amending K.S.A. 41-2704 and repealing the existing section.

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

Section 1. K.S.A. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of this act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

~~(b) Except as provided by subsection (g), no cereal malt beverages may be sold:~~

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

~~(2) on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.~~

~~(b) Except as provided by subsection (g), cereal malt beverages shall not be sold between the hours of 12 midnight or 6 a.m.~~

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

(d) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, ~~except that a~~ Premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers ~~and during nonbusiness hours~~ but not to the public.

(e) No licensee shall permit a person under the legal age for consumption of cereal malt beverage to consume or purchase any cereal malt beverage in or about a place of business, ~~and~~ No licensee shall permit a

1 person under the legal age for consumption of cereal malt beverage to  
2 possess cereal malt beverage in or about a place of business, ~~except that~~  
3 A licensee's employee who is not less than 18 years of age may dispense  
4 or sell cereal malt beverage, if:

5 (1) The licensee's place of business is licensed only to sell cereal malt  
6 beverage at retail in original and unopened containers and not for con-  
7 sumption on the premises; or

8 (2) the licensee's place of business is a licensed food service estab-  
9 lishment, as defined by K.S.A. 36-501, and amendments thereto, and not  
10 less than 50% of the gross receipts from the licensee's place of business  
11 is derived from the sale of food for consumption on the premises of the  
12 licensed place of business.

13 (f) No person shall have any alcoholic liquor in such person's posses-  
14 sion while in a place of business, unless the premises are currently li-  
15 censed as a club or drinking establishment pursuant to the club and drink-  
16 ing establishment act.

17 (g) Cereal malt beverages may be sold on premises which are licensed  
18 pursuant to both the acts contained in article 27 of chapter 41 of the  
19 Kansas Statutes Annotated and the club and drinking establishment act  
20 at any time when alcoholic liquor is allowed by law to be served on the  
21 premises.

22 Sec. 2. K.S.A. 41-2704 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its  
24 publication in the statute book.

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