

SENATE BILL No. 328

By Committee on Federal and State Affairs

2-15

AN ACT concerning alcoholic and cereal malt beverages; requiring certain licensees to maintain records of purchasers of certain containers of beer or cereal malt beverage.

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

Section 1. (a) The sale at retail of any beer in a container having a liquid capacity of four or more gallons through the registration of such containers shall be regulated in the manner provided by this section. Any ordinance or resolution adopted by a city or county which is in conflict with or contrary to the provisions of this section shall be null and void.

(b) Except as provided by this section, prior to the sale at retail of any beer in a container having a liquid capacity of four or more gallons, the retailer or the retailer's employee or agent shall affix to the beer container a keg identification number. At the time of sale at retail of any such container of beer, the retailer or the retailer's employee or agent shall record the keg number; the date of the sale; the purchaser's name, address and signature; and the number of a piece of identification bearing both the purchaser's picture and the purchaser's signature. Such record shall be kept by the retailer for not less than six months at the premises where the purchase was made.

(c) For the purpose of investigating violations of laws prohibiting the possession or consumption of beer by persons under age 21 and if there is reason to believe that such retailer provided the beer container to such person, records required to be kept by this section shall be available for inspection by any law enforcement officer during normal business hours of the retailer or at any other reasonable time.

(d) Upon a determination that a retailer or a retailer's employee or agent has violated this section or any rules and regulations adopted pursuant to this section, the director may suspend or revoke the retailer's license in the manner provided by K.S.A. 41-320, and amendments thereto, and may impose a fine as provided by K.S.A. 41-328, and amendments thereto.

(e) It is a class B nonperson misdemeanor to: (1) Remove from a beer container all or part of a keg identification number required pursuant to this section; (2) make unreadable all or any part of a keg identification

1 number required by this section to be affixed to a beer container; or (3)
2 possess a beer container that does not have the keg identification number
3 required by this section.

4 (f) The secretary of revenue shall adopt any rules and regulations
5 necessary to implement the provisions of this section. Such rules and
6 regulations may include, but shall not be limited to, provisions establish-
7 ing standards for marking and handling containers which are required to
8 be registered under this section.

9 (g) The secretary of revenue shall provide any forms and keg iden-
10 tification tags or labels necessary under the provisions of this section.
11 There shall be no charge for such forms, tags or labels provided by the
12 secretary. Any tag or label which requires the same information required
13 on the tag or label designed by the secretary may be used by a retailer to
14 comply with the requirements of this section.

15 (h) It shall be a defense to any criminal prosecution or civil action
16 under this section if the defendant sold beer in compliance with the pro-
17 visions of this section and any rules and regulations adopted pursuant
18 thereto.

19 (i) The provisions of this section shall not apply to sales by retailers
20 to clubs, drinking establishments and caterers licensed under the club
21 and drinking establishment act.

22 (j) This section shall be part of and supplemental to the Kansas liquor
23 control act. Words or phrases used in this section shall have the meaning
24 ascribed thereto by K.S.A. 41-102, and amendments thereto.

25 Sec. 2. (a) The sale at retail of any cereal malt beverage in a container
26 having a liquid capacity of four or more gallons through the registration
27 of such containers shall be regulated in the manner provided by this
28 section. Any ordinance or resolution adopted by a city or county which is
29 in conflict with or contrary to the provisions of this section shall be null
30 and void.

31 (b) Prior to the sale by a retailer or a retailer's employee or agent of
32 any cereal malt beverage in a container having a liquid capacity of four
33 or more gallons, the retailer or the retailer's employee or agent shall affix
34 to the cereal malt beverage container a keg identification number. At the
35 time of sale of any such container of cereal malt beverage, the retailer,
36 or the retailer's employee or agent, shall record the keg number; the date
37 of the sale; the purchaser's name, address and signature; and the number
38 of a piece of identification bearing both the purchaser's picture and the
39 purchaser's signature. Such record shall be kept by the retailer for not
40 less than six months at the premises where the purchase was made.

41 (c) No person under the age of 21 shall sell at retail any cereal malt
42 beverage in a container having a liquid capacity of four or more gallons.

43 (d) For the purpose of investigating violations of laws prohibiting the

1 possession or consumption of cereal malt beverage by persons under age
2 21 and if there is reason to believe that such retailer provided the cereal
3 malt beverage container to such person, records required to be kept pur-
4 suant to this section shall be available for inspection by any law enforce-
5 ment officer during normal business hours or at any other reasonable
6 time.

7 (e) Upon a determination that a retailer or a retailer's employee or
8 agent has violated this section or any rules and regulations adopted pur-
9 suant to this section, the director may suspend or revoke the retailer's
10 license in the manner provided by K.S.A. 41-2708, and amendments
11 thereto, and may impose a fine pursuant to K.S.A. 41-2711, and amend-
12 ments thereto.

13 (f) It is a class B nonperson misdemeanor to: (1) Remove from a
14 cereal malt beverage container all or part of a keg identification number
15 required pursuant to this section; (2) make unreadable all or any part of
16 a keg identification number required by this section to be affixed to a
17 cereal malt beverage container; or (3) possess a cereal malt beverage
18 container that does not have the keg identification number required by
19 this section.

20 (g) The secretary of revenue shall adopt any rules and regulations
21 necessary to implement the provisions of this section. Such rules and
22 regulations may include, but shall not be limited to, provisions establish-
23 ing standards for marking and handling of containers which are required
24 to be registered under this section.

25 (h) The secretary of revenue shall provide any forms and keg iden-
26 tification tags or labels necessary under the provisions of this act. There
27 shall be no charge for such forms, tags or labels provided by the secretary.
28 Any tag or label which requires the same information required on the tag
29 or label designed by the secretary may be used by a retailer to comply
30 with the requirements of this section.

31 (i) It shall be a defense to any criminal prosecution or civil action
32 under this section if the defendant sold cereal malt beverage in compliance
33 with the provisions of this section and any rules and regulations adopted
34 pursuant thereto.

35 (j) This section shall be part of and supplemental to K.S.A. 41-2701
36 *et seq.*, and amendments thereto. Words and phrases used in this section
37 shall have the meaning ascribed thereto by K.S.A. 41-2701, and amend-
38 ments thereto.

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

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