

SENATE BILL No. 405

By Committee on Federal and State Affairs

1-22

AN ACT concerning the consumption of alcoholic liquor in certain places; amending K.S.A. 41-719 and repealing the existing section.

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

Section 1. K.S.A. 41-719 is hereby amended to read as follows: 41-719. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes

1 incidental thereto.

2 (2) In any state-owned or operated building or structure, and on the
3 surrounding premises, which is furnished to and occupied by any state
4 officer or employee as a residence.

5 (3) On premises licensed as a club or drinking establishment and
6 located on property owned or operated by an airport authority created
7 pursuant to chapter 27 of the Kansas Statutes Annotated or established
8 by a city having a population of more than 200,000.

9 ~~(4) On the state fair grounds on the day of any race held thereon
10 pursuant to the Kansas parimutuel racing act.~~

11 ~~(5) On the state fairgrounds, if such liquor is domestic wine or wine
12 imported under subsection (c) of K.S.A. 41-308a, and amendments
13 thereto, and is consumed only for purposes of judging competitions.~~

14 ~~(6)~~ (4) In the state historical museum provided for by K.S.A. 76-2036,
15 and amendments thereto, on the surrounding premises and in any other
16 building on such premises, as authorized by rules and regulations of the
17 state historical society.

18 ~~(7)~~ (5) On the premises of any state-owned historic site under the
19 jurisdiction and supervision of the state historical society, on the sur-
20 rounding premises and in any other building on such premises, as au-
21 thorized by rules and regulations of the state historical society.

22 ~~(8)~~ (6) In a lake resort within the meaning of K.S.A. 32-867, and
23 amendments thereto, on state-owned or leased property.

24 ~~(9)~~ (7) In the Hiram Price Dillon house or on its surrounding prem-
25 ises, subject to limitations established in policies adopted by the legislative
26 coordinating council, as provided by K.S.A. 75-3682, and amendments
27 thereto.

28 ~~(10)~~ (8) On the premises of the Kansas national guard regional train-
29 ing center located in Saline county, and any building on such premises,
30 as authorized by rules and regulations of the adjutant general and upon
31 approval of the Kansas military board.

32 ~~(11)~~ (9) On property exempted from this subsection (c) pursuant to
33 subsection (d), (e), (f), (g), (h) ~~or (i)~~, (i) or (j).

34 (d) Any city may exempt, by ordinance, from the provisions of sub-
35 section (c) specified property the title of which is vested in such city.

36 (e) The board of county commissioners of any county may exempt,
37 by resolution, from the provisions of subsection (c) specified property the
38 title of which is vested in such county.

39 (f) The state board of regents may exempt from the provisions of
40 subsection (c) the Sternberg museum on the campus of Fort Hays state
41 university, or other specified property which is under the control of such
42 board and which is not used for classroom instruction, where alcoholic
43 liquor may be consumed in accordance with policies adopted by such

1 board.

2 (g) The board of regents of Washburn university may exempt from
3 the provisions of subsection (c) the Mulvane art center and the Bradbury
4 Thompson alumni center on the campus of Washburn university, and
5 other specified property the title of which is vested in such board and
6 which is not used for classroom instruction, where alcoholic liquor may
7 be consumed in accordance with policies adopted by such board.

8 (h) Any city may exempt, by ordinance, from the provisions of sub-
9 section (c) any national guard armory in which such city has a leasehold
10 interest, if the Kansas military board consents to the exemption.

11 (i) The board of trustees of a community college may exempt from
12 the provisions of subsection (c) specified property which is under the
13 control of such board and which is not used for classroom instruction,
14 where alcoholic liquor may be consumed in accordance with policies
15 adopted by such board.

16 (j) *The state fair board may exempt from the provisions of subsection*
17 *(c) the state fairgrounds and any building on the state fairgrounds, where*
18 *alcoholic liquor may be consumed in accordance with and subject to lim-*
19 *itations established by the board in policies adopted by the board.*

20 (k) Violation of any provision of this section is a misdemeanor pun-
21 ishable by a fine of not less than \$50 or more than \$200 or by impris-
22 onment for not more than six months, or both.

23 Sec. 2. K.S.A. 41-719 is hereby repealed.

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

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