

## HOUSE BILL No. 2226

By Committee on Federal and State Affairs

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AN ACT concerning alcoholic beverages; amending K.S.A. 41-2610 and 41-2704 and K.S.A. 2002 Supp. 41-2708 and repealing the existing sections.

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

Section 1. K.S.A. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor, *except that a licensee's or permit holder's employee who is 16 or more years of age may take orders and collect payment for drinks containing alcoholic liquor.*

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

(c) Employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or mixing of drinks containing alcoholic liquor who has been adjudged guilty of a violation of any intoxicating liquor law of this or any other state, or of the United States, during the two-year period immediately following such adjudging.

(d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

(e) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.

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

1 (g) Employ any person under 21 years of age in connection with the  
2 mixing or dispensing of drinks containing alcoholic liquor.

3 Sec. 2. K.S.A. 41-2704 is hereby amended to read as follows: 41-  
4 2704. (a) In addition to and consistent with the requirements of this act,  
5 the board of county commissioners of any county or the governing body  
6 of any city may prescribe hours of closing, standards of conduct and rules  
7 and regulations concerning the moral, sanitary and health conditions of  
8 places licensed pursuant to this act and may establish zones within which  
9 no such place may be located.

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

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

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

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

24 (d) Each place of business shall be open to the public and to law  
25 enforcement officers at all times during business hours, except that a  
26 premises licensed as a club pursuant to the club and drinking establish-  
27 ment act shall be open to law enforcement officers and not to the public.

28 (e) No licensee shall permit a person under the legal age for con-  
29 sumption of cereal malt beverage to consume or purchase any cereal malt  
30 beverage in or about a place of business, and no licensee shall permit a  
31 person under the legal age for consumption of cereal malt beverage to  
32 possess cereal malt beverage in or about a place of business, except that:

33 (1) A licensee's employee who is not less than 18 years of age may  
34 dispense or sell cereal malt beverage, if: ~~(1)~~ (A) The licensee's place of  
35 business is licensed only to sell cereal malt beverage at retail in original  
36 and unopened containers and not for consumption on the premises; or  
37 ~~(2)~~ (B) the licensee's place of business is a licensed food service estab-  
38 lishment, as defined by K.S.A. 36-501 and amendments thereto, and not  
39 less than 50% of the gross receipts from the licensee's place of business  
40 is derived from the sale of food for consumption on the premises of the  
41 licensed place of business; and

42 (2) a licensee's employee who is 16 or more years of age may take  
43 orders and collect payment for cereal malt beverage if the licensee's place

1 *of business is a licensed food service establishment, as defined by K.S.A.*  
2 *36-501, and amendments thereto, which is licensed to sell cereal malt*  
3 *beverage for consumption on the licensed premises and not less than 50%*  
4 *of the gross receipts from the licensee's place of business is derived from*  
5 *the sale of food for consumption on the premises of the licensed place of*  
6 *business.*

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

11 (g) Cereal malt beverages may be sold on premises which are licensed  
12 pursuant to both the acts contained in article 27 of chapter 41 of the  
13 Kansas Statutes Annotated, *and amendments thereto*, and the club and  
14 drinking establishment act at any time when alcoholic liquor is allowed  
15 by law to be served on the premises.

16 Sec. 3. K.S.A. 2002 Supp. 41-2708 is hereby amended to read as  
17 follows: 41-2708. (a) The board of county commissioners or the governing  
18 body of any city, upon five days' notice to the persons holding a license,  
19 shall revoke or suspend the license for any one of the following reasons:

20 (1) The licensee has fraudulently obtained the license by giving false  
21 information in the application therefor;

22 (2) the licensee has violated any of the provisions of K.S.A. 41-2701  
23 et seq., and amendments thereto, or any rules or regulations made by the  
24 board or the city, as the case may be;

25 (3) the licensee has become ineligible to obtain a license under this  
26 act;

27 (4) drunkenness of the licensee or permitting any intoxicated person  
28 to remain in the licensee's place of business;

29 (5) the sale of cereal malt beverages to any person under the legal  
30 age for consumption of cereal malt beverage;

31 (6) the nonpayment of any license fees;

32 (7) permitting any gambling in or upon the licensee's place of  
33 business;

34 (8) permitting any person to mix drinks with materials purchased in  
35 the place of business or brought in for that purpose;

36 (9) the employment of persons under 18 years of age in dispensing  
37 or selling cereal malt beverages, *except that a licensee may employ persons*  
38 *16 or more years of age to take orders and collect payment for cereal malt*  
39 *beverage if the licensee's place of business is a licensed food service estab-*  
40 *lishment, as defined by K.S.A. 36-501, and amendments thereto, which is*  
41 *licensed to sell cereal malt beverage for consumption on the licensed prem-*  
42 *ises and not less than 50% of the gross receipts from the licensee's place*  
43 *of business is derived from the sale of food for consumption on the licensed*

1 *premises;*

2 (10) the employment or continuation in employment of a person in  
3 connection with the sale, serving or dispensing of cereal malt beverages  
4 if the licensee knows such person has been, within the preceding two  
5 years, adjudged guilty of a felony or of any violation of the intoxicating  
6 liquor laws of this state, another state or the United States;

7 (11) the sale or possession of, or permitting any person to use or  
8 consume on the licensed premises, any alcoholic liquor as defined by  
9 K.S.A. 41-102, and amendments thereto; or

10 (12) the licensee has been convicted of a violation of the beer and  
11 cereal malt beverage keg registration act.

12 (b) The provisions of subsections (a)(8) and (11) shall not apply if the  
13 place of business or premises are also currently licensed as a club or  
14 drinking establishment pursuant to the club and drinking establishment  
15 act.

16 (c) Within 20 days after the order of the board revoking or suspending  
17 any license, the licensee may appeal to the district court and the district  
18 court shall proceed to hear such appeal as though such court had original  
19 jurisdiction of the matter. Any appeal taken from an order revoking or  
20 suspending the license shall not suspend the order of revocation or sus-  
21 pension during the pendency of any such appeal. In case of the revocation  
22 of the license of any licensee, no new license shall be issued to the former  
23 licensee, or to any person acting for or on the former licensee's behalf,  
24 for a period of six months thereafter.

25 Sec. 4. K.S.A. 41-2610 and 41-2704 and K.S.A. 2002 Supp. 41-2708  
26 are hereby repealed.

27 Sec. 5. This act shall take effect and be in force from and after its  
28 publication in the statute book.

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