

HOUSE BILL No. 2550

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning alcoholic beverages; amending K.S.A. 41-2640 and
2 41-2722 and repealing the existing sections.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 41-2640 is hereby amended to read as follows: 41-
6 2640. (a) No club, drinking establishment, caterer or holder of a temporary
7 permit, nor any person acting as an employee or agent thereof, shall:

8 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in
9 any form to any person;

10 (2) offer or serve to any person a drink at a price that is less than the
11 acquisition cost of the drink to the licensee or permit holder;

12 (3) sell, offer to sell or serve to any person an unlimited number of
13 drinks during any set period of time for a fixed price, except at private
14 functions not open to the general public or to the general membership of a
15 club;

16 ~~(4) sell, offer to sell or serve any drink to any person at any time at a~~
17 ~~price less than that charged all other purchasers of drinks on that day;~~

18 ~~(5) (4) increase the volume of alcoholic liquor contained in a drink or~~
19 ~~the size of a drink of cereal malt beverage without increasing~~
20 ~~proportionately the price regularly charged for the drink on that day;~~

21 ~~(6) (5) encourage or permit, on the licensed premises, any game or~~
22 ~~contest which involves drinking alcoholic liquor or cereal malt beverage or~~
23 ~~the awarding of drinks as prizes; or~~

24 ~~(7) (6) advertise or promote in any way, whether on or off the~~
25 ~~licensed premises, any of the practices prohibited under subsections (a)(1)~~
26 ~~through (6).~~

27 (b) Nothing in subsection (a) shall be construed to prohibit a club,
28 drinking establishment, caterer or holder of a temporary permit from:

29 (1) Offering free food or entertainment at any time; or

30 (2) selling or delivering wine by the bottle or carafe.

31 (c) Violation of any provision of this section is a misdemeanor
32 punishable as provided by K.S.A. 41-2633, and amendments thereto.

33 (d) Violation of any provision of this section shall be grounds for
34 suspension or revocation of the licensee's license as provided by K.S.A.
35 41-2609, and amendments thereto, and for imposition of a civil fine on the
36 licensee or temporary permit holder as provided by K.S.A. 41-2633a, and

1 amendments thereto.

2 (e) Every licensed club and drinking establishment shall make
3 available at any time upon request a price list showing the club's or
4 drinking establishment's current prices per drink for all drinks.

5 (f) As used in this section, "drink" means an individual serving of any
6 beverage containing alcoholic liquor or an individual serving of cereal
7 malt beverage.

8 Sec. 2. K.S.A. 41-2722 is hereby amended to read as follows: 41-
9 2722. (a) No retailer, or employee or agent of a retailer, licensed to sell
10 cereal malt beverage for consumption on the licensed premises shall:

11 (1) Offer or serve any free cereal malt beverage to any person;

12 (2) offer or serve to any person a drink at a price that is less than the
13 acquisition cost of the drink to the licensee;

14 (3) sell, offer to sell or serve to any person an unlimited number of
15 drinks during any set period of time for a fixed price, except at private
16 functions not open to the general public;

17 ~~(4) sell, offer to sell or serve any drink to any person at any time at a~~
18 ~~price less than that charged the general public on that day, except at private~~
19 ~~functions not open to the general public;~~

20 ~~(5) (4) increase the size of a drink of cereal malt beverage without~~
21 ~~increasing proportionately the price regularly charged for the drink on that~~
22 ~~day;~~

23 ~~(6) (5) encourage or permit, on the licensed premises, any game or~~
24 ~~contest which involves drinking cereal malt beverage or the awarding of~~
25 ~~drinks as prizes; or~~

26 ~~(7) (6) advertise or promote in any way, whether on or off the~~
27 ~~licensed premises, any of the practices prohibited under subsections (a)(1)~~
28 ~~through (6).~~

29 (b) Nothing in subsection (a) shall be construed to prohibit a retailer
30 from offering free food or entertainment at any time.

31 (c) Violation of any provisions of this section is a misdemeanor
32 punishable as provided by K.S.A. 41-2711, and amendments thereto.

33 (d) Violation of any provision of this act shall be grounds for
34 suspension or revocation of the retailer's license as provided by K.S.A. 41-
35 2708, and amendments thereto.

36 (e) Every licensee subject to the provisions of this section shall make
37 available at any time upon request a price list showing the licensee's
38 current prices for all cereal malt beverages.

39 (f) As used in this section, "drink" means an individual serving of
40 cereal malt beverage.

41 (g) This section shall be part of and supplemental to K.S.A. 41-2701
42 through 41-2721, and amendments thereto.

43 Sec. 3. K.S.A. 41-2640 and 41-2722 are hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.