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MEMORANDUM

To: Chairman Brunk
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: February 18, 2015

Subject: HB 2223 – Alcoholic liquor; dispensing liquor and infusing flavor.

House Bill No. 2223 would authorize drinking establishments (namely, bars and restaurants) to dispense alcoholic liquor from a machine or container where the liquor has been mixed or infused with flavor additives. Such additives may include spices, herbs, fruits, vegetables, candy, or any other substance fit for human consumption.

The bill also requires caterers to provide electronic notification to the Director of ABC prior to any catered event where alcoholic liquor is to be served. K.S.A. 41-2643, a copy of which is attached to this memorandum, already requires caterer's to provide notice to the Director at least 10 days prior to a catered event. The caterer is also required by current law to notify local law enforcement of the event. HB 2223 places additional requirements on a licensed caterer. Placing the electronic notification requirement contained in Section 3 of the bill in K.S.A. 41-2643 would keep all caterer requirements in a single statute.

If enacted these amendments would become effective on July 1, 2015.

41-2643. Caterer's license; rights of licensee. (a) A caterer's license shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986, or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(b) A caterer shall be required to derive from sales of food at catered events not less than 30% of the caterer's gross receipts from all sales of food and beverages at catered events in a 12-month period unless the caterer offers for sale, sells and serves alcoholic liquor only in counties where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) Each caterer shall maintain the caterer's principal place of business in a county in this state where the caterer is authorized by this section to sell alcoholic liquor by the individual drink in a public place. All records of the caterer relating to the caterer's licensed business and the caterer's license shall be kept at such place of business. The caterer's principal place of business shall be stated in the application for a caterer's license and the caterer shall notify the director of any change in its location within 10 days after such change.

(d) A caterer shall notify the director at least 10 days prior to any event at which the caterer will sell alcoholic liquor by the individual drink unless the director waives the 10-day requirement for good cause shown. In addition, prior to the event, the caterer shall notify:

(1) The police chief of the city where the event will take place, if the event will take place within the corporate limits of a city; or

(2) the county sheriff of the county where the event will take place, if the event will be outside the corporate limits of any city.

(e) A caterer may rebate a portion of the caterer's receipts from the sale of alcoholic liquor at an event to the person or organization contracting with the caterer to sell alcoholic liquor at such event.

History: L. 1987, ch. 182, § 89; L. 1990, ch. 179, § 7; July 1.