

SENATE BILL No. 221

By Committee on Federal and State Affairs

1 AN ACT concerning alcoholic liquor; relating to clubs and drinking
2 establishments; ~~retailer's license; removal of unconsumed beer and~~
3 ~~cereal malt beverage from licensed premises; amending K.S.A. 2019~~
4 ~~2019 Supp. 41-308 and 41-2653 and repealing the existing~~ ~~seven~~
5 ~~sections.~~ and 41-2722

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

7 Section 1. K.S.A. 2019 Supp. 41-308 is hereby amended to read as
8 follows: 41-308. (a) Except as provided in K.S.A. 2019 Supp. 41-308d,
9 and amendments thereto, a retailer's license shall allow the licensee to
10 sell and offer for sale at retail and deliver in the original package, as
11 therein prescribed, alcoholic liquor and cereal malt beverage for use or
12 consumption off and away from the premises specified in such license.

13 (b) A retailer's license shall permit sale and delivery of alcoholic
14 liquor and cereal malt beverage only on the licensed premises and shall
15 not permit sale of alcoholic liquor and cereal malt beverage for resale in
16 any form, except that a licensed retailer may:

17 (1) Sell alcoholic liquor and cereal malt beverage to a temporary
18 permit holder for resale by such permit holder; and

19 (2) sell and deliver alcoholic liquor and cereal malt beverage to a
20 caterer or to the licensed premises of a public venue, club or drinking
21 establishment, if such premises are in the county where the retailer's
22 premises are located or in an adjacent county, for resale by such public
23 venue, club, establishment or caterer.

24 (c) A retailer may:

25 (1) Charge a delivery fee for delivery of alcoholic liquor and cereal
26 malt beverage to a public venue, club, drinking establishment or caterer
27 pursuant to subsection (b);

28 (2) sell lottery tickets and shares to the public in accordance with
29 the Kansas lottery act, if the retailer is selected as a lottery retailer;

30 (3) include in the sale of alcoholic liquor and cereal malt beverage
31 any goods included by the manufacturer in packaging with the alcoholic
32 liquor or cereal malt beverage, subject to the approval of the director;

33 (4) distribute to the public, without charge, consumer advertising
34

sales of alcoholic liquor and cereal malt beverage; authorizing
sales of certain beer and cereal malt beverage

Proposed Amendments to
Senate Bill No. 221 #3
House Committee on Federal
and State Affairs
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1 specialties bearing advertising matter, subject to rules and regulations of
2 the secretary limiting the form and distribution of such specialties so
3 that they are not conditioned on or an inducement to the purchase of
4 alcoholic liquor or cereal malt beverage;

5 (5) store alcoholic liquor and cereal malt beverage in refrigerators,
6 cold storage units, ice boxes or other cooling devices, and the licensee
7 may sell such alcoholic liquor and cereal malt beverage to consumers in
8 a chilled condition; and

9 (6) sell any other good or service on the licensed premises, except
10 that the gross sales of other goods and services, excluding fees derived
11 from the sale of lottery tickets and revenues from sales of cigarettes and
12 tobacco products, shall not exceed 20% of the retailer's total gross sales;
13 and

14 (7) sell containers of beer, domestic beer and cereal malt beverage,
15 as those terms are defined in K.S.A. 41-102, and amendments thereto, that
16 are sold on the licensed premises to consumers and served in refillable
17 and sealable containers for consumption off the licensed premises if such
18 containers:

19 (A) Contain between 32 and 64 fluid ounces; and

20 (B) have a label affixed that clearly indicates the licensee's name and
21 the type of alcoholic beverage contained in such container.

22 (d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt
23 beverage sold by a holder of a retail license shall be subject to the liquor
24 enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.

25 ~~Section 1.~~ Sec. 2. K.S.A.—~~2018~~ 2019 Supp. 41-2653 is hereby
26 amended to read as follows: 41-2653. (a) In addition to the rights of a
27 licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642,
28 and amendments thereto, a class A club license, class B club license or
29 drinking establishment license shall allow the licensee to allow legal
30 patrons of the club or drinking establishment to remove alcoholic liquor
31 from the licensed premises in accordance with this section.

32 (b) A patron may remove one or more opened containers of alcoholic
33 liquor from the licensed premises, subject to the following conditions:

34 (1) It must be legal for the licensee to sell the alcoholic liquor in its
35 original container.

36 (2) the alcoholic liquor must be in its original container;

37 (3) each container of alcoholic liquor must have been purchased by a
38 patron and the alcoholic liquor in each container must have been partially
39 consumed on the licensed premises;

40 (4) the licensee or the licensee's employee must provide the patron
41 with a dated receipt for the unfinished container or containers of alcoholic
42 liquor; and

43 (5) before the container of alcoholic liquor is removed from the

- Sec. 3. K.S.A. 2019 Supp. 41-2722 is hereby amended to read as follows: 41-2722. (a) No retailer, or employee or agent of a retailer, licensed to sell cereal malt beverage and beer containing not more than 6% alcohol by volume for consumption on the licensed premises shall:
- (1) Offer or serve any free cereal malt beverage or beer containing not more than 6% alcohol by volume to any person;
 - (2) offer or serve to any person a drink at a price that is less than the acquisition cost of the drink to the licensee;
 - (3) sell, offer to sell or serve to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the general public;
 - (4) encourage or permit, on the licensed premises, any game or contest which involves drinking cereal malt beverage or beer containing not more than 6% alcohol by volume or the awarding of drinks as prizes; or
 - (5) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (4).
- (b) A retailer may:
- (1) Offer free food or entertainment at any time;
 - (2) sell, offer to sell and serve individual drinks at different prices throughout any day; or
 - (3) sell or serve cereal malt beverage and beer containing not more than 6% alcohol by volume in a pitcher capable of containing not more than 64 fluid ounces; or
 - (4) sell containers of cereal malt beverage and beer containing not more than 6% alcohol by volume that are sold on the licensed premises to consumers and served in refillable and sealable containers if such containers:
- (A) Contain between 32 and 64 fluid ounces; and
 - (B) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container.
- (c) If the retailer is licensed for on-premises consumption, a patron may remove one or more containers of cereal malt beverage or beer containing not more than 6% alcohol by volume that are sold on the licensed premises to consumers, and served in refillable and sealable containers for consumption off the licensed premises if such containers:
- (A) Contain between 32 and 64 fluid ounces;
 - (B) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container; and
 - (C) are not sold or removed from the premises after 11:00 p.m.
- (d) Violation of any provisions of this section is a misdemeanor punishable as provided by K.S.A. 41-2711, and amendments thereto.
- (e) Violation of any provision of this act shall be grounds for suspension or revocation of the retailer's license as provided by K.S.A. 41-2708, and amendments thereto.
- (f) Every licensee subject to the provisions of this section shall make available at any time upon request a price list showing the licensee's current prices for all cereal malt beverages and beer containing not more than 6% alcohol by volume.
- (g) This section shall be part of and supplemental to K.S.A. 41-2701 through 41-2721, and amendments thereto.

1 licensed premises, the licensee or the licensee's employee must securely
2 reseal each container, place the container in a tamper-proof, transparent
3 bag which is sealed in a manner that makes it visibly apparent if the bag is
4 subsequently tampered with or opened.

5 (c) A patron may remove one or more containers of beer, domestic
6 beer and cereal malt beverage, as those terms are defined in K.S.A. 41-
7 102, and amendments thereto, that are sold on the licensed premises to
8 consumers and served in refillable and sealable containers for
9 consumption off the licensed premises if such containers:

10 (A) Contain between 32 and 64 fluid ounces; and

11 (B) have a label affixed that clearly indicates the licensee's name and
12 the type of alcoholic beverage contained in such container; and

13 (C) are not sold or removed from the premises after 11:00 p.m.

14 (D) All alcoholic liquor, cereal malt beverage and nonalcoholic
15 malt beverage sold by a licensee shall be subject to the tax imposed by
16 K.S.A. 79-41a02, and amendments thereto.

17 (e) This section shall be part of and supplemental to the club and
18 drinking establishment act.

19 ~~Sec. 2-3.~~ K.S.A. ~~2019~~ 2019 Supp. 41-308 ~~and~~ 41-2653 ~~is~~ are hereby
20 repealed.

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

and 41-2722

Insert Attachment A