

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2019

SENATE BILL NO. 221

By Committee on Federal and State Affairs

3-7

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. ~~2018~~
4 ~~2019~~ Supp. 41-308 and 41-2653 and repealing the existing ~~sections~~
5 ~~sections~~.
6

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

8 Section 1. K.S.A. 2019 Supp. 41-308 is hereby amended to read as
9 follows: 41-308. (a) Except as provided in K.S.A. 2019 Supp. 41-308d,
10 and amendments thereto, a retailer's license shall allow the licensee to
11 sell and offer for sale at retail and deliver in the original package, as
12 therein prescribed, alcoholic liquor and cereal malt beverage for use or
13 consumption off and away from the premises specified in such license.
14 (b) A retailer's license shall permit sale and delivery of alcoholic
15 liquor and cereal malt beverage only on the licensed premises and shall
16 not permit sale of alcoholic liquor and cereal malt beverage for resale in
17 any form, except that a licensed retailer may:

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

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

25 (c) A retailer may:

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

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

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

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

Strike in lines 22 & 23

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

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 ~~(B)(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. ~~3~~. 3. K.S.A. ~~2018~~ 2019 Supp. 41-308 and 41-2653 ~~is~~ are hereby
20 repealed.

21 Sec. ~~3~~. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.