

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2239

By Committee on Local Government

2-12

1 AN ACT concerning alcoholic liquor; relating to common consumption
2 areas; amending K.S.A. 2018 Supp. 41-2659 and repealing the existing
3 section.
4

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

6 Section 1. K.S.A. 2018 Supp. 41-2659 is hereby amended to read as
7 follows: 41-2659. (a) (1) A city or a county may establish one or more
8 common consumption areas within the limits of the city or within the
9 unincorporated portion of the county, as applicable, by ordinance or
10 resolution, respectively, and authorize the possession and consumption of
11 alcoholic liquor within the common consumption area. The ordinance or
12 resolution shall designate the boundaries of any common consumption
13 area and prescribe the times during which alcoholic liquor may be
14 consumed therein. The ordinance or resolution shall require that any public
15 street or roadway that lies within a common consumption area shall be
16 blocked from motorized traffic during the hours in which alcohol is
17 consumed.

18 (2) The city or county shall immediately notify the director of the
19 division of alcoholic beverage control of the establishment of a common
20 consumption area and submit a copy of the ordinance or resolution along
21 with such notice.

22 (b) A common consumption area permit shall allow the consumption
23 of alcoholic liquor in any area designated by such permit. The director
24 may issue common consumption area permits to the city or county or any
25 one person who shall be a resident of Kansas or an organization that has its
26 principal place of business in Kansas and that has been approved by the
27 respective city or county, in accordance with rules and regulations adopted
28 by the secretary of revenue.

29 (c) Applications for common consumption area permits shall be
30 submitted to the director, subject to the following:

31 (1) A copy of any ordinance or resolution promulgated in accordance
32 with subsection (a) shall accompany any application for a common
33 consumption area permit.

34 (2) Each application shall be accompanied by a non-refundable
35 permit fee of \$100. All permit fees collected by the director pursuant to
36 this section shall be remitted to the state treasurer in accordance with the

1 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
2 each such remittance, the state treasurer shall deposit the entire amount in
3 the state treasury to the credit of the state general fund.

4 (3) A common consumption area permit shall be issued for a period
5 of not to exceed one year. A common consumption area permit shall not be
6 transferable or assignable.

7 (d) Any licensee immediately adjacent to, or located within a
8 common consumption area may request that the licensee's licensed
9 premises participate in the common consumption area for the duration of
10 the common consumption area permit. Such a request shall be made upon
11 forms prescribed by the director.

12 (e) (1) Any licensee who has requested and received permission to
13 participate in the common consumption area may allow its legal patrons to
14 remove alcoholic liquor purchased from the licensee into the premises
15 described by the common consumption area permit. All alcoholic
16 beverages removed from a licensed premises in such fashion shall be
17 served in a container that displays the licensee's trade name or logo or
18 other identifying mark that is unique to the licensee.

19 (2) *In addition to their licensed premises, one or more licensees that*
20 *have requested and received permission to participate in a common*
21 *consumption area may offer for sale, sell and serve alcoholic liquor for*
22 *consumption from one non-contiguous service area within the common*
23 *consumption area, as designated and approved by the common*
24 *consumption area permit holder. **The licensee shall prominently display***
25 **a copy of its drinking establishment license and the approval of the**
26 **common consumption area permit holder at its noncontiguous service**
27 **area.**

28 (f) (1) Each licensee within a common consumption area shall be
29 liable for violations of all liquor laws governing the sale and consumption
30 of alcoholic liquor that occur on the licensee's premises.

31 (2) Each common consumption area permit holder shall be liable for
32 violations that occur off the licensee's premises, but within the common
33 consumption area identified in the permit. No permit holder shall permit
34 any person to remove any open container of alcoholic liquor from the
35 boundaries of the common consumption area.

36 (g) For the purposes of this section, "common consumption area"
37 shall mean a defined indoor or outdoor area not otherwise subject to a
38 license issued pursuant to the Kansas liquor control act or the club and
39 drinking establishment act where the possession and consumption of
40 alcoholic liquor is allowed pursuant to a common consumption area
41 permit. The boundaries of any common consumption area must be clearly
42 marked using a physical barrier or any apparent line of demarcation.

43 (h) The secretary shall adopt rules and regulations to implement this

1 section.

2 (i) This section shall be a part of and supplemental to the club and
3 drinking establishment act.

4 Sec. 2. K.S.A. 2018 Supp. 41-2659 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.