

HOUSE BILL No. 2137

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning alcoholic beverages; *authorizing the issuance of a*
2 *license to an individual whose spouse is a law enforcement officer;*
3 relating to the sale of cereal malt beverages; authorizing certain
4 licensees under the Kansas liquor control act and the club and drinking
5 establishment act to sell and serve cereal malt beverages; amending
6 K.S.A. 41-2604 and 41-2619 and K.S.A. 2020 Supp. 41-308, *41-311,*
7 *41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-*
8 *2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-*
9 *2643, 41-2653* {, as amended by section 1 of 2021 Senate Bill No. 14},
10 41-2655, 41-2658 and 41-2659 and repealing the existing sections.
11

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

13 Section 1. K.S.A. 2020 Supp. 41-308 is hereby amended to read as
14 follows: 41-308. (a) Except as provided in K.S.A. 2020 Supp. 41-308d,
15 and amendments thereto, a retailer's license shall allow the licensee to sell
16 and offer for sale at retail and deliver in the original package, as therein
17 prescribed, alcoholic liquor and cereal malt beverage for use or
18 consumption off and away from the premises specified in such license.

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

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

25 (2) sell and deliver alcoholic liquor and cereal malt beverage to a
26 caterer or to the licensed premises of a public venue, club or drinking
27 establishment, if such premises are in the county where the retailer's
28 premises are located or in an adjacent county, for resale by such public
29 venue, club, establishment or caterer; *and*

30 (3) *sell and deliver cereal malt beverage and beer containing not*
31 *more than 6% alcohol by volume to the licensed premises of a cereal malt*
32 *beverage retailer, as defined in K.S.A. 41-2701, and amendments thereto,*
33 *who is licensed for on-premises consumption, if such cereal malt beverage*
34 *premises are located in the same county, or an adjacent county to the*

1 *county where the retailer's premises are located, for resale by such cereal*
2 *malt beverage retailer.*

3 (c) A retailer may:

4 (1) Charge a delivery fee for delivery of alcoholic liquor and cereal
5 malt beverage to a public venue, club, drinking establishment or caterer
6 pursuant to subsection (b)(2);

7 (2) *charge a delivery fee for delivery of cereal malt beverage and*
8 *beer containing not more than 6% alcohol by volume to a cereal malt*
9 *beverage retailer pursuant to subsection (b)(3);*

10 (3) sell lottery tickets and shares to the public in accordance with the
11 Kansas lottery act, if the retailer is selected as a lottery retailer;

12 ~~(3)~~(4) include in the sale of alcoholic liquor and cereal malt beverage
13 any goods included by the manufacturer in packaging with the alcoholic
14 liquor or cereal malt beverage, subject to the approval of the director;

15 ~~(4)~~(5) distribute to the public, without charge, consumer advertising
16 specialties bearing advertising matter, subject to rules and regulations of
17 the secretary limiting the form and distribution of such specialties so that
18 they are not conditioned on or an inducement to the purchase of alcoholic
19 liquor or cereal malt beverage;

20 ~~(5)~~(6) store alcoholic liquor and cereal malt beverage in refrigerators,
21 cold storage units, ice boxes or other cooling devices, and the licensee may
22 sell such alcoholic liquor and cereal malt beverage to consumers in a
23 chilled condition; and

24 ~~(6)~~(7) sell any other good or service on the licensed premises, except
25 that the gross sales of other goods and services, excluding fees derived
26 from the sale of lottery tickets and revenues from sales of cigarettes and
27 tobacco products, shall not exceed 20% of the retailer's total gross sales.

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

31 ***Sec. 2. K.S.A. 2020 Supp. 41-311 is hereby amended to read as***
32 ***follows: 41-311. (a) No license of any kind shall be issued pursuant to***
33 ***the liquor control act to a person:***

34 (1) *Who is not a citizen of the United States;*

35 (2) *who has been convicted of a felony under the laws of this state,*
36 *any other state or the United States;*

37 (3) *who has had a license revoked for cause under the provisions of*
38 *the liquor control act, the beer and cereal malt beverage keg registration*
39 *act or who has had any license issued under the cereal malt beverage*
40 *laws of any state revoked for cause except that a license may be issued to*
41 *a person whose license was revoked for the conviction of a misdemeanor*
42 *at any time after the lapse of 10 years following the date of the*
43 *revocation;*

1 (4) *who has been convicted of being the keeper or is keeping any*
2 *property, whether real or personal, where sexual relations are being sold*
3 *or offered for sale by a person who is 18 years of age or older or has*
4 *forfeited bond to appear in court to answer charges of being a keeper of*
5 *any property, whether real or personal, where sexual relations are being*
6 *sold or offered for sale by a person who is 18 years of age or older;*

7 (5) *who has been convicted of being a proprietor of a gambling*
8 *house, pandering or any other crime opposed to decency and morality or*
9 *has forfeited bond to appear in court to answer charges for any of those*
10 *crimes;*

11 (6) *who is not at least 21 years of age;*

12 (7) *who, other than as a member of the governing body of a city or*
13 *county, appoints or supervises any law enforcement officer, who is a law*
14 *enforcement official or who is an employee of the director;*

15 (8) *who intends to carry on the business authorized by the license*
16 *as agent of another;*

17 (9) *who at the time of application for renewal of any license issued*
18 *under this act would not be eligible for the license upon a first*
19 *application, except as provided by subsection (a)(12);*

20 (10) *who is the holder of a valid and existing license issued under*
21 *article 27 of chapter 41 of the Kansas Statutes Annotated, and*
22 *amendments thereto, unless the person agrees to and does surrender the*
23 *license to the officer issuing the same upon the issuance to the person of*
24 *a license under this act, except that a retailer licensed pursuant to K.S.A.*
25 *41-2702, and amendments thereto, shall be eligible to receive a retailer's*
26 *license under the Kansas liquor control act;*

27 (11) *who does not own the premises for which a license is sought,*
28 *or does not, at the time of application, have a written lease thereon;*

29 (12) *whose spouse would be ineligible to receive a license under*
30 *this act for any reason other than citizenship, residence requirements or*
31 *age, except that this subsection (a)(12) shall not apply in determining*
32 *eligibility for a renewal license or to a person whose spouse is a law*
33 *enforcement officer in a county other than the county in which the*
34 *premises for which the license is sought is located;*

35 (13) *whose spouse has been convicted of a felony or other crime*
36 *which would disqualify a person from licensure under this section and*
37 *such felony or other crime was committed during the time that the*
38 *spouse held a license under this act;*

39 (14) *who does not provide any data or information required by*
40 *K.S.A. 2020 Supp. 41-311b, and amendments thereto; or*

41 (15) *who, after a hearing before the director, has been found to*
42 *have held an undisclosed beneficial interest in any license issued*
43 *pursuant to the liquor control act which was obtained by means of fraud*

1 *or any false statement made on the application for such license.*

2 *(b) No retailer's license shall be issued to:*

3 *(1) A person who is not a resident of this state;*

4 *(2) a person who has not been a resident of this state for at least*
5 *four years immediately preceding the date of application;*

6 *(3) a person who has a beneficial interest in a manufacturer,*
7 *distributor, farm winery or microbrewery licensed under this act, except*
8 *that the spouse of an applicant for a retailer's license may own and hold*
9 *a farm winery license, microbrewery license, or both, if the spouse does*
10 *not hold a retailer's license issued under this act;*

11 *(4) a person who has a beneficial interest in any other retail*
12 *establishment licensed under this act, except that the spouse of a*
13 *licensee may own and hold a retailer's license for another retail*
14 *establishment;*

15 *(5) a copartnership, unless all of the copartners are qualified to*
16 *obtain a license;*

17 *(6) a corporation; or*

18 *(7) a trust, if any grantor, beneficiary or trustee would be ineligible*
19 *to receive a license under this act for any reason, except that the*
20 *provisions of subsection (a)(6) shall not apply in determining whether a*
21 *beneficiary would be eligible for a license.*

22 *(c) No manufacturer's license shall be issued to:*

23 *(1) A corporation, if any officer or director thereof, or any*
24 *stockholder owning in the aggregate more than 25% of the stock of the*
25 *corporation would be ineligible to receive a manufacturer's license for*
26 *any reason other than citizenship and residence requirements;*

27 *(2) a copartnership, unless all of the copartners shall have been*
28 *residents of this state for at least five years immediately preceding the*
29 *date of application and unless all the members of the copartnership*
30 *would be eligible to receive a manufacturer's license under this act;*

31 *(3) a trust, if any grantor, beneficiary or trustee would be ineligible*
32 *to receive a license under this act for any reason, except that the*
33 *provisions of subsection (a)(6) shall not apply in determining whether a*
34 *beneficiary would be eligible for a license;*

35 *(4) an individual who is not a resident of this state;*

36 *(5) an individual who has not been a resident of this state for at*
37 *least five years immediately preceding the date of application; or*

38 *(6) a person who has a beneficial interest in a distributor, retailer,*
39 *farm winery or microbrewery licensed under this act, except as provided*
40 *in K.S.A. 41-305, and amendments thereto.*

41 *(d) No distributor's license shall be issued to:*

42 *(1) A corporation, if any officer, director or stockholder of the*
43 *corporation would be ineligible to receive a distributor's license for any*

1 *reason. It shall be unlawful for any stockholder of a corporation*
2 *licensed as a distributor to transfer any stock in the corporation to any*
3 *person who would be ineligible to receive a distributor's license for any*
4 *reason, and any such transfer shall be null and void, except that: (A) If*
5 *any stockholder owning stock in the corporation dies and an heir or*
6 *devisee to whom stock of the corporation descends by descent and*
7 *distribution or by will is ineligible to receive a distributor's license, the*
8 *legal representatives of the deceased stockholder's estate and the*
9 *ineligible heir or devisee shall have 14 months from the date of the death*
10 *of the stockholder within which to sell the stock to a person eligible to*
11 *receive a distributor's license, any such sale by a legal representative to*
12 *be made in accordance with the provisions of the probate code; or (B) if*
13 *the stock in any such corporation is the subject of any trust and any*
14 *trustee or beneficiary of the trust who is 21 years of age or older is*
15 *ineligible to receive a distributor's license, the trustee, within 14 months*
16 *after the effective date of the trust, shall sell the stock to a person eligible*
17 *to receive a distributor's license and hold and disburse the proceeds in*
18 *accordance with the terms of the trust. If any legal representatives, heirs,*
19 *devisees or trustees fail, refuse or neglect to sell any stock as required by*
20 *this subsection, the stock shall revert to and become the property of the*
21 *corporation, and the corporation shall pay to the legal representatives,*
22 *heirs, devisees or trustees the book value of the stock. During the period*
23 *of 14 months prescribed by this subsection, the corporation shall not be*
24 *denied a distributor's license or have its distributor's license revoked if*
25 *the corporation meets all of the other requirements necessary to have a*
26 *distributor's license;*

27 *(2) a copartnership, unless all of the copartners are eligible to*
28 *receive a distributor's license;*

29 *(3) a trust, if any grantor, beneficiary or trustee would be ineligible*
30 *to receive a license under this act for any reason, except that the*
31 *provisions of subsection (a)(6) shall not apply in determining whether a*
32 *beneficiary would be eligible for a license; or*

33 *(4) a person who has a beneficial interest in a manufacturer,*
34 *retailer, farm winery or microbrewery licensed under this act.*

35 *(e) No nonbeverage user's license shall be issued to a corporation,*
36 *if any officer, manager or director of the corporation or any stockholder*
37 *owning in the aggregate more than 25% of the stock of the corporation*
38 *would be ineligible to receive a nonbeverage user's license for any*
39 *reason other than citizenship and residence requirements.*

40 *(f) No microbrewery license, microdistillery license or farm winery*
41 *license shall be issued to a:*

42 *(1) Person who is not a resident of this state;*

43 *(2) person who has a beneficial interest in a manufacturer or*

1 *distributor licensed under this act, except as provided in K.S.A. 41-305,*
2 *and amendments thereto;*

3 (3) *person, copartnership or association which has a beneficial*
4 *interest in any retailer licensed under this act or under K.S.A. 41-2702,*
5 *and amendments thereto, except that the spouse of an applicant for a*
6 *microbrewery or farm winery license may own and hold a retailer's*
7 *license if the spouse does not hold a microbrewery or farm winery*
8 *license issued under this act;*

9 (4) *copartnership, unless all of the copartners are qualified to*
10 *obtain a license;*

11 (5) *corporation, unless stockholders owning in the aggregate 50%*
12 *or more of the stock of the corporation would be eligible to receive such*
13 *license and all other stockholders would be eligible to receive such*
14 *license except for reason of citizenship or residency; or*

15 (6) *a trust, if any grantor, beneficiary or trustee would be ineligible*
16 *to receive a license under this act for any reason, except that the*
17 *provisions of subsection (a)(6) shall not apply in determining whether a*
18 *beneficiary would be eligible for a license.*

19 (g) *The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3),*
20 *(f)(1) and K.S.A. 2020 Supp. 41-311b, and amendments thereto, shall*
21 *not apply in determining eligibility for the 10th, or a subsequent,*
22 *consecutive renewal of a license if the applicant has appointed a citizen*
23 *of the United States who is a resident of Kansas as the applicant's agent*
24 *and filed with the director a duly authenticated copy of a duly executed*
25 *power of attorney, authorizing the agent to accept service of process*
26 *from the director and the courts of this state and to exercise full*
27 *authority, control and responsibility for the conduct of all business and*
28 *transactions within the state relative to alcoholic liquor and the business*
29 *licensed. The agent must be satisfactory to and approved by the director,*
30 *except that the director shall not approve as an agent any person who:*

31 (1) *Has been convicted of a felony under the laws of this state, any*
32 *other state or the United States;*

33 (2) *has had a license issued under the alcoholic liquor or cereal*
34 *malt beverage laws of this or any other state revoked for cause, except*
35 *that a person may be appointed as an agent if the person's license was*
36 *revoked for the conviction of a misdemeanor and 10 years have lapsed*
37 *since the date of the revocation;*

38 (3) *has been convicted of being the keeper or is keeping any*
39 *property, whether real or personal, where sexual relations are being sold*
40 *or offered for sale by a person who is 18 years of age or older or has*
41 *forfeited bond to appear in court to answer charges of being a keeper of*
42 *any property, whether real or personal, where sexual relations are being*
43 *sold or offered for sale by a person who is 18 years of age or older;*

1 (4) *has been convicted of being a proprietor of a gambling house,*
2 *pandering or any other crime opposed to decency and morality or has*
3 *forfeited bond to appear in court to answer charges for any of those*
4 *crimes; or*

5 (5) *is less than 21 years of age.*

6 Sec. ~~2~~ 3. K.S.A. 2020 Supp. 41-1201 is hereby amended to read as
7 follows: 41-1201. (a) A temporary permit shall allow the permit holder to
8 offer for sale, sell and serve alcoholic liquor *or cereal malt beverage* for
9 consumption on licensed or unlicensed premises, or on premises that are
10 otherwise subject to a separate temporary permit, that may be open to the
11 public, subject to the terms of such permit. A temporary permit shall also
12 authorize the permit holder to sell, in accordance with rules and
13 regulations adopted by the secretary, alcoholic liquor at a charitable
14 auction, or one or more limited issue porcelain containers containing
15 alcoholic liquor.

16 (b) A temporary permit holder may charge a fee for entrance into the
17 premises described in the permit, or any portion thereof.

18 (c) The director may issue a temporary permit to any one or more
19 persons or organizations applying for such a permit, in accordance with
20 rules and regulations of the secretary. The permit shall be issued in the
21 names of the persons or organizations to which it is issued.

22 (d) Applications for temporary permits shall be required to be filed
23 with the director not less than 14 days before the event for which the
24 permit is sought, unless the director waives such requirement for good
25 cause. The application shall be upon a form prescribed by the director.
26 Each application shall be electronically submitted and accompanied by a
27 non-refundable permit fee of \$25 for each day for which the permit is
28 issued, and such fee shall be paid by a check or credit card in the full
29 amount thereof. All permit fees collected by the director pursuant to this
30 section shall be remitted to the state treasurer in accordance with the
31 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
32 each such remittance, the state treasurer shall deposit the entire amount in
33 the state treasury to the credit of the state general fund.

34 (e) Each application for a temporary permit shall specify the premises
35 for which they are issued, including a diagram of the premises covered by
36 the temporary permit. The diagram shall clearly show the boundaries of
37 the premises, entrances to and exits from the premises and the area in
38 which the service of alcoholic liquor *or cereal malt beverage* would take
39 place. A temporary permit shall be issued only for premises where the city,
40 county or township zoning code allows the use for which the permit is
41 issued. No temporary permit shall be issued for premises that are not
42 located in a county where the qualified electors of the county:

43 (1) (A) Approved, by a majority vote of those voting thereon, to

1 adopt the proposition amending section 10 of article 15 of the constitution
2 of the state of Kansas at the general election in November, 1986; or

3 (B) have approved a proposition to allow the sale of liquor by the
4 individual drink in public places within the county at an election pursuant
5 to K.S.A. 41-2646, and amendments thereto; and

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

9 (f) (1) A temporary permit may be issued for the consumption of
10 alcoholic liquor *or cereal malt beverage* on a city, county or township
11 street, alley, road, sidewalk or highway for an event if: (A) Such street,
12 alley, road, sidewalk or highway is closed to motor vehicle traffic by the
13 governing body of such city, county or township for such event; (B) a
14 written request for such consumption and possession of such alcoholic
15 liquor *or cereal malt beverage* has been made to the local governing body;
16 and (C) the event has been approved by the governing body of such city,
17 county or township by ordinance or resolution.

18 The boundaries of any such event shall be clearly marked by signs, a
19 posted map or other means which reasonably identify the area in which
20 alcoholic liquor *or cereal malt beverage* may be possessed or consumed at
21 such event.

22 (2) Drinking establishments that are immediately adjacent to, or
23 located within the licensed premises of an event, for which a temporary
24 permit has been issued and the consumption of alcoholic liquor *or cereal*
25 *malt beverage* on public property has been approved, may request that the
26 drinking establishment's licensed premises be extended into and made a
27 part of the licensed premises of the event, for the duration of the temporary
28 permit issued for such event.

29 (3) Each licensee selling alcoholic liquor *or cereal malt beverage* for
30 consumption on the premises of an event for which a temporary permit has
31 been issued shall be liable for violations of all laws governing the sale and
32 consumption of alcoholic liquor *or cereal malt beverage*.

33 (4) Each temporary permit holder selling alcoholic liquor *or cereal*
34 *malt beverage* for consumption on the permit premises shall be liable for
35 all violations of laws governing the sale and consumption of alcoholic
36 liquor *and cereal malt beverage* that occur in areas covered by multiple
37 temporary permits.

38 (g) (1) Except as otherwise provided in this subsection, a temporary
39 permit shall be issued for a period of time not to exceed three consecutive
40 days, the dates and hours of which shall be specified in the permit. An
41 applicant may not be issued more than four temporary permits in a
42 calendar year.

43 (2) The director may issue a sufficient number of temporary permits

1 as required by the state fair board, valid for the entire period of time of the
2 Kansas state fair, ~~which that~~ authorizes the sale of wine in its original,
3 unopened container and the serving by the drink of wine ~~or~~, beer, ~~or both~~
4 *cereal malt beverage, or any combination thereof*, on the state fairgrounds
5 on premises specified in the temporary permit, by a person who has
6 entered into an agreement with the state fair board for that purpose subject
7 to the conditions imposed by the state fair board. Nothing in this paragraph
8 shall be construed to limit the number of temporary permits the director
9 may issue for the sale of wine ~~or~~, beer, ~~or both~~ *cereal malt beverage, or*
10 *any combination thereof*, on the state fairgrounds consistent with the
11 requirements of the state fair board.

12 (3) For an event approved by the governing body of a city, county or
13 township pursuant to subsection (e)(1), the director may issue a temporary
14 permit, ~~which that~~ may, at the director's discretion, be valid for the entire
15 period of such event, but in no event shall such permit be issued for a
16 period of time that exceeds 30 consecutive days.

17 (h) An application for a temporary permit may be rejected by the
18 director if:

19 (1) The applicant has been granted four permits in the current
20 calendar year;

21 (2) the application was not filed with the director at least 14 days
22 prior to the event;

23 (3) the applicant, or any officer, director, partner, registered agent,
24 trustee, manager or owner of the applicant has previously owned or
25 operated any entity holding a temporary permit, club, drinking
26 establishment or caterer's license, had such permit or license surrendered,
27 and at the time such permit or license was surrendered had been ordered to
28 appear and show cause why the permit or license should not be revoked or
29 suspended;

30 (4) the applicant has designated an area for an event that was the
31 subject of the order to appear and show cause as set forth in paragraph (3),
32 and it appears that the new application for a temporary permit covering the
33 premises is an attempt to avoid any possible remedial action taken by the
34 director against the former permit or license holder; or

35 (5) the applicant has had a license or permit revoked under the club
36 and drinking establishment act, or has been convicted of a violation of the
37 Kansas liquor control act, the club and drinking establishment act, the
38 Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et
39 seq., and amendments thereto.

40 (i) (1) A temporary permit holder may purchase and possess alcoholic
41 liquor *or cereal malt beverage* for resale for a period of three days prior to
42 the first day of sale of such alcoholic liquor *or cereal malt beverage*. A
43 distributor may, without any further permission from the director, deliver

1 such alcoholic liquor *or cereal malt beverage* to the permit premises.

2 (2) If a licensee has sold alcoholic liquor *or cereal malt beverage* to a
3 temporary permit holder, and a distributor directly delivers such alcoholic
4 liquor *or cereal malt beverage* to such temporary permit holder, but such
5 licensee's normal hours of operation make immediate payment to the
6 distributor impossible, the licensee may pay the retailer and the retailer
7 may pay the distributor for such alcoholic liquor *or cereal malt beverage*
8 within 48 hours of the sale.

9 (3) Within three business days after the end of an event conducted
10 pursuant to a temporary permit, the temporary permit holder may sell back
11 to the retailer or farm winery from whom alcoholic liquor *or cereal malt*
12 *beverage* was purchased any alcoholic liquor *or cereal malt beverage* sold
13 to the temporary permit holder for such event.

14 (4) Upon written permission from the director and after four business
15 days after the end of an event conducted pursuant to a temporary permit,
16 the temporary permit holder may sell back to the licensee from whom
17 alcoholic liquor *or cereal malt beverage* was purchased any alcoholic
18 liquor *or cereal malt beverage* sold to the temporary permit holder for
19 such event.

20 (j) A temporary permit shall not be transferable or assignable.

21 (k) Each temporary permit holder shall not employ or use the services
22 of any person:

23 (1) Who is under the age of 18 years to serve alcoholic liquor *or*
24 *cereal malt beverage*;

25 (2) who is under the age of 21 years to mix or dispense drinks
26 containing alcoholic liquor *or cereal malt beverage*;

27 (3) who is under the age of 21 and not supervised by the temporary
28 permit holder or an employee who is at least 21 years of age;

29 (4) who has been convicted of a felony or of any crime involving a
30 morals charge to dispense, mix or serve alcoholic liquor *or cereal malt*
31 *beverage*; or

32 (5) who has been convicted within the previous two years of a
33 violation of any intoxicating liquor law of this state, any other state or the
34 United States; to dispense, mix or serve alcoholic liquor *or cereal malt*
35 *beverage*.

36 ~~Sec. 3.~~ 4. K.S.A. 2020 Supp. 41-1202 is hereby amended to read as
37 follows: 41-1202. (a) A temporary permit holder shall only purchase
38 alcoholic liquor *or cereal malt beverage* from a retailer or a farm winery
39 and may receive delivery of such alcoholic liquor *or cereal malt beverage*
40 from a distributor.

41 (b) Temporary permit holders shall only purchase alcoholic liquor *or*
42 *cereal malt beverage* from a retailer who possesses a federal wholesaler's
43 basic permit and who has a sign on display at the licensed premises that

1 states that the licensee is a "Wholesale Liquor Dealer Under Federal Law."
2 All alcoholic liquor *or cereal malt beverage* purchased on any one day
3 shall be removed from the licensed premises of the retailer or farm winery
4 within 48 hours. Temporary permit holders shall not warehouse any
5 alcoholic liquor *or cereal malt beverage* on the licensed premises of any
6 retailer or farm winery for more than 48 hours.

7 (c) Each temporary permit holder, when purchasing alcoholic liquor
8 *cereal malt beverage* from a retailer or farm winery, shall obtain and keep
9 for at least one year from the date of purchase a sales receipt that contains
10 the following information:

11 (1) The date of purchase;

12 (2) the name and address of the retailer or farm winery;

13 (3) the name and address of the temporary permit holder as it appears
14 on the temporary permit;

15 (4) the brand, size, proof and amount of all alcoholic liquor *or cereal*
16 *malt beverage* purchased; and

17 (5) the subtotal of the cost of all alcoholic liquor *or cereal malt*
18 *beverage* purchased, and the total cost of such purchase, including
19 enforcement tax.

20 (d) Each temporary permit holder shall be responsible for all
21 violations of the club and drinking establishment act by the following
22 people while on the permit premises:

23 (1) An employee of the temporary permit holder, or of any person
24 contracting with the temporary permit holder to provide services or food in
25 connection with an event; or

26 (2) any individual dispensing, mixing or serving alcoholic liquor *or*
27 *cereal malt beverage* at an event.

28 (e) Except for a temporary permit holder who has obtained such
29 permit for the sale of alcoholic liquor at a charitable auction or for the sale
30 of one or more limited issue porcelain containers containing alcoholic
31 liquor, no temporary permit holder shall sell alcoholic liquor *or cereal*
32 *malt beverage* for removal from or consumption off the licensed premises,
33 except that alcoholic liquor *or cereal malt beverage* may be removed to a
34 drinking establishment that has extended its premises into the event area in
35 accordance with K.S.A. 41-2608, and amendments thereto.

36 (f) The boundary of any premises covered by a temporary permit
37 shall be marked by a line of demarcation.

38 Sec. ~~4~~ 5. K.S.A. 2020 Supp. 41-1203 is hereby amended to read as
39 follows: 41-1203. (a) All alcoholic liquor *or cereal malt beverage* sold at
40 an event covered by a temporary permit shall be dispensed only from
41 original containers.

42 (b) An individual may carry an original container of alcoholic liquor
43 *or cereal malt beverage* onto the event premises with the approval of the

1 temporary permit holder and under the following conditions:

2 (1) The temporary permit holder shall not store any such containers
3 of alcoholic liquor *or cereal malt beverage* on the event premises; and

4 (2) each individual carrying any such container onto the event
5 premises shall remove such container when the individual exits the event
6 premises.

7 Sec. ~~5~~ 6. K.S.A. 2020 Supp. 41-1204 is hereby amended to read as
8 follows: 41-1204. Notwithstanding any other provisions of the Kansas
9 liquor control act or the club and drinking establishment act to the
10 contrary, any person or entity who is issued a temporary permit may
11 provide samples of wine, beer, *cereal malt beverage* and distilled spirits on
12 the permit premises as follows:

13 (a) All wine, beer, *cereal malt beverage* and *distilled* spirits sampled
14 shall come from the inventory of the temporary permit holder. Except as
15 provided by ~~paragraph (2)~~ subsection (b), a person other than the
16 temporary permit holder, or such permit holder's agent or employee, may
17 not dispense or participate in the dispensing of alcoholic ~~beverages~~ liquor
18 *or cereal malt beverage* under this section.

19 (b) A supplier's permit holder, or such permit holder's agent or
20 employee, may provide samples of wine, beer, *cereal malt beverage* and
21 distilled spirits on the permit premises, and may open, touch or pour such
22 alcoholic liquor *or cereal malt beverage*, make a presentation, or answer
23 questions at such sampling events. Any alcoholic liquor *or cereal malt*
24 *beverage* sampled under this subsection must be purchased from a retailer
25 or the temporary permit holder on whose premises the sampling event is
26 held.

27 (c) No charge of any sort may be made for a sample serving.

28 (d) A person may be served more than one sample. Samples may not
29 be served to a minor. No samples may be removed from the permit
30 premises.

31 (e) The act of providing samples to consumers shall be exempt from
32 the requirement of holding a Kansas food service dealer license from the
33 department of agriculture under the provisions of chapter 65 of the Kansas
34 Statutes Annotated, and amendments thereto.

35 Sec. ~~6~~ 7. K.S.A. 2020 Supp. 41-2601 is hereby amended to read as
36 follows: 41-2601. As used in the club and drinking establishment act:

37 (a) The following terms ~~shall have the meanings~~ *mean the same as*
38 provided by K.S.A. 41-102, and amendments thereto:

39 (1) "Alcoholic liquor";

40 (2) "director";

41 (3) "original package";

42 (4) "person";

43 (5) "sale"; and

1 (6) "to sell."

2 (b) "Beneficial interest" shall not include any interest a person may
3 have as owner, operator, lessee or franchise holder of a licensed hotel or
4 motel on the premises of which a club or drinking establishment is located.

5 (c) "Caterer" means an individual, partnership or corporation ~~which~~
6 *that* sells alcoholic liquor *or cereal malt beverage* by the individual drink,
7 and provides services related to the serving thereof, on unlicensed
8 premises ~~which that~~ may be open to the public, but does not include a
9 holder of a temporary permit, selling alcoholic liquor *or cereal malt*
10 *beverage* in accordance with the terms of such permit.

11 (d) "Cereal malt beverage" ~~has the meaning~~ *means the same as*
12 provided by K.S.A. 41-2701, and amendments thereto.

13 (e) "Class A club" means a premises ~~which that~~ is owned or leased by
14 a corporation, partnership, business trust or association and ~~which that~~ is
15 operated thereby as a bona fide nonprofit social, fraternal or war veterans'
16 club, as determined by the director, for the exclusive use of the corporate
17 stockholders, partners, trust beneficiaries or associates (hereinafter referred
18 to as members) and their families and guests accompanying them.

19 (f) "Class B club" means a premises operated for profit by a
20 corporation, partnership or individual, to which members of such club may
21 resort for the consumption of food or alcoholic beverages and for
22 entertainment.

23 (g) "Club" means a class A or class B club.

24 (h) "Drinking establishment" means premises ~~which that~~ may be
25 open to the general public, where alcoholic liquor *or cereal malt beverage*
26 by the individual drink is sold. Drinking establishment includes a railway
27 car.

28 (i) "Food" means any raw, cooked or processed edible substance or
29 ingredient, other than alcoholic liquor or cereal malt beverage, used or
30 intended for use or for sale, in whole or in part, for human consumption.

31 (j) "Food service establishment" ~~has the meaning~~ *means the same as*
32 provided by K.S.A. 36-501, and amendments thereto.

33 (k) "Hotel" ~~has the meaning~~ *means the same as* provided by K.S.A.
34 36-501, and amendments thereto.

35 (l) "Individual drink" means a beverage containing alcoholic liquor or
36 cereal malt beverage served to an individual for consumption by such
37 individual or another individual, but which is not intended to be consumed
38 by two or more individuals. The term "individual drink" includes
39 beverages containing not more than:

40 (1) Eight ounces of wine;

41 (2) thirty-two ounces of beer or cereal malt beverage; or

42 (3) four ounces of a single spirit or a combination of spirits.

43 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or

1 wholly or partially refrigerated, access to the interior of which is restricted
2 by means of a locking device—~~which~~ *that* requires the use of a key,
3 magnetic card or similar device.

4 (n) "Minor" means a person under 21 years of age.

5 (o) "Morals charge" means a charge involving the sale of sexual
6 relations; procuring any person; soliciting of a child under 18 years of age
7 for any immoral act involving sex; possession or sale of narcotics,
8 marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal
9 cohabitation; adultery; bigamy; or a crime against nature.

10 (p) "Municipal corporation" means the governing body of any county
11 or city.

12 (q) "Public venue" means an arena, stadium, hall or theater, used
13 primarily for athletic or sporting events, live concerts, live theatrical
14 productions or similar seasonal entertainment events, not operated on a
15 daily basis, and containing:

16 (1) Not ~~less~~ *fewer* than 4,000 permanent seats; and

17 (2) not ~~less~~ *fewer* than two private suites, ~~which~~ *that* are enclosed or
18 semi-enclosed seating areas, having controlled access and separated from
19 the general admission areas by a permanent barrier.

20 (r) "Railway car" means a locomotive drawn conveyance used for the
21 transportation and accommodation of human passengers that is confined to
22 a fixed rail route and which derives from sales of food for consumption on
23 the railway car not less than 30% of its gross receipts from all sales of food
24 and beverages in a 12-month period.

25 (s) "Restaurant" means:

26 (1) In the case of a club, a licensed food service establishment—~~which~~
27 *that*, as determined by the director, derives from sales of food for
28 consumption on the licensed club premises not less than 50% of its gross
29 receipts from all sales of food and beverages on such premises in a 12-
30 month period;

31 (2) in the case of a drinking establishment subject to a food sales
32 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
33 food service establishment—~~which~~ *that*, as determined by the director,
34 derives from sales of food for consumption on the licensed drinking
35 establishment premises not less than 30% of its gross receipts from all
36 sales of food and beverages on such premises in a 12-month period; and

37 (3) in the case of a drinking establishment subject to no food sales
38 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
39 food service establishment.

40 (t) "RV resort" means premises where a place to park recreational
41 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered
42 for pay, primarily to transient guests, for overnight or longer use while
43 such recreational vehicles are used as sleeping or living accommodations.

1 (u) "Sample" means a serving of alcoholic liquor *or cereal malt*
2 *beverage* that contains not more than:

- 3 (1) One-half ounce of distilled spirits;
- 4 (2) one ounce of wine; or
- 5 (3) two ounces of beer or cereal malt beverage.

6 A sample of a mixed alcoholic beverage shall contain not more than $\frac{1}{2}$
7 ounce of distilled spirits.

8 (v) "Secretary" means the secretary of revenue.

9 (w) "Temporary permit" means a temporary permit issued pursuant to
10 K.S.A. 2020 Supp. 41-1201, and amendments thereto.

11 Sec. ~~7~~ **8**. K.S.A. 41-2604 is hereby amended to read as follows: 41-
12 2604. (a) Any person allowing consumption of alcoholic liquor *or cereal*
13 *malt beverage* in violation of this act on any property owned, leased or
14 otherwise under ~~his~~ *such person's* control shall thereby subject ~~himself~~
15 *such person* and the property on which ~~said~~ *such* illegal consumption takes
16 place to the penalties ~~hereinafter~~ *provided in this section*.

17 ~~(a)~~(b) The person allowing such consumption shall be guilty of a
18 misdemeanor and upon conviction thereof shall be subject to a fine not to
19 exceed ~~five hundred dollars (\$500)~~ *\$500* or confinement in the county jail
20 not to exceed six ~~(6)~~ months, or both such fine and imprisonment.

21 ~~(b)~~(c) The property on which the violation takes place is declared to
22 be a public nuisance, and as such is subject to abatement as provided for
23 any other liquor nuisance in K.S.A. 41-805, *and amendments thereto*.

24 Sec. ~~8~~ **9**. K.S.A. 2020 Supp. 41-2608 is hereby amended to read as
25 follows: 41-2608. (a) Any public venue, club or drinking establishment
26 license issued pursuant to this act shall be for one particular premises
27 ~~which~~ *that* shall be stated in the application and in the license. Not more
28 than one premises licensed under the club and drinking establishment act
29 shall exist at a single legal address.

30 (b) No license shall be issued for a public venue, club or drinking
31 establishment unless the city, township or county zoning code allows a
32 club or drinking establishment at that location.

33 (c) The licensed premises of a license may be extend into a city,
34 county or township street, alley, road, sidewalk or highway if:

35 (1) Such street, alley, road, sidewalk or highway is closed to motor
36 vehicle traffic by the governing body of such city, county or township at
37 any time during which alcoholic liquor *or cereal malt beverage* is to be
38 sold or consumed; and

39 (2) such extension has been approved by the city, county or township
40 by ordinance or resolution that specifies the exact times during which
41 alcoholic liquor *or cereal malt beverage* may be sold or consumed on the
42 street, alley, road, sidewalk or highway.

43 Sec. ~~9~~ **10**. K.S.A. 2020 Supp. 41-2610 is hereby amended to read as

1 follows: 41-2610. It shall be unlawful for any licensee or holder of a
2 temporary permit under this act to:

3 (a) Employ any person under the age of 18 years in connection with
4 the serving of alcoholic liquor *or cereal malt beverage*.

5 (b) Employ knowingly or continue in employment any person in
6 connection with the dispensing or serving of alcoholic liquor *or cereal*
7 *malt beverage* or the mixing of drinks containing alcoholic liquor *or*
8 *cereal malt beverage* who has been adjudged guilty of a felony or of any
9 crime involving a morals charge in this or any other state, or of the United
10 States.

11 (c) Knowingly employ or continue to employ any person in
12 connection with the dispensing or serving of alcoholic liquor *or cereal*
13 *malt beverage*, or the mixing of drinks containing alcoholic liquor *or*
14 *cereal malt beverage*, who has been adjudged guilty of two or more
15 violations of K.S.A. 2020 Supp. 21-5607, and amendments thereto,
16 furnishing alcoholic liquor *or cereal malt beverage* to minors or a similar
17 law of any other state, or of the United States, pertaining to furnishing
18 alcoholic liquor *or cereal malt beverage* to minors within the immediately
19 preceding five years, or who has been adjudged guilty of three or more
20 violations of any intoxicating liquor law of this or any other state, or of the
21 United States, not involving the furnishing of alcoholic liquor *or cereal*
22 *malt beverage* to minors within the immediately preceding five years.

23 (d) In the case of a club, fail to maintain at the licensed premises a
24 current list of all members and their residence addresses or refuse to allow
25 the director, any of the director's authorized agents or any law enforcement
26 officer to inspect such list.

27 (e) Purchase alcoholic liquor *or cereal malt beverage* from any
28 person except from a person authorized by law to sell such alcoholic liquor
29 *or cereal malt beverage* to such licensee or permit holder.

30 (f) Permit any employee of the licensee or permit holder who is under
31 the age of 21 years to work on premises where alcoholic liquor *or cereal*
32 *malt beverage* is sold by such licensee or permit holder at any time when
33 not under the on-premises supervision of either the licensee or permit
34 holder, or an employee who is 21 years of age or over.

35 (g) Employ any person under 21 years of age in connection with the
36 mixing or dispensing of drinks containing alcoholic liquor *or cereal malt*
37 *beverage*.

38 ~~Sec. 10.~~ **II.** K.S.A. 2020 Supp. 41-2611 is hereby amended to read as
39 follows: 41-2611. The director may suspend, involuntarily cancel or
40 revoke any license issued pursuant to the club and drinking establishment
41 act for any one or more of the following reasons:

42 (a) The licensee has fraudulently obtained the license by giving false
43 information in the application therefor or any hearing thereon.

1 (b) The licensee has violated any of the provisions of this act or any
2 rules or regulations adopted hereunder.

3 (c) The licensee has become ineligible to obtain a license or permit
4 under this act.

5 (d) The licensee's manager or employee has been intoxicated while
6 on duty.

7 (e) The licensee, or its manager or employee, has permitted any
8 disorderly person to remain on premises where alcoholic liquor *or cereal*
9 *malt beverage* is sold by such licensee.

10 (f) There has been a violation of a provision of the laws of this state,
11 or of the United States, pertaining to the sale of intoxicating or alcoholic
12 ~~liquors~~ *liquor* or cereal malt ~~beverages~~ *beverage*, or any crime involving a
13 morals charge, on premises where alcoholic liquor *or cereal malt beverage*
14 is sold by such licensee.

15 (g) The licensee, or its managing officers or any employee, has
16 purchased and displayed, on premises where alcoholic liquor *or cereal*
17 *malt beverage* is sold by such licensee, a federal wagering occupational
18 stamp issued by the United States treasury department.

19 (h) The licensee, or its managing officers or any employee, has
20 purchased and displayed, on premises where alcoholic liquor *or cereal*
21 *malt beverage* is sold by such licensee, a federal coin operated gambling
22 device stamp for the premises issued by the United States treasury
23 department.

24 (i) The licensee holds a license as a class B club, drinking
25 establishment or caterer and has been found guilty of a violation of article
26 10 of chapter 44 of the Kansas Statutes Annotated, and amendments
27 thereto, under a decision or order of the Kansas human rights commission
28 ~~which~~ *that* has become final or such licensee has been found guilty of a
29 violation of K.S.A. 21-4003, prior to its repeal, or K.S.A. 2020 Supp. 21-
30 6102, and amendments thereto.

31 (j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior to
32 their repeal, or K.S.A. 2020 Supp. 21-6204, and amendments thereto, on
33 premises where alcoholic liquor *or cereal malt beverage* is sold by such
34 licensee.

35 ~~Sec. 11 **12**.~~ K.S.A. 2020 Supp. 41-2613 is hereby amended to read as
36 follows: 41-2613. The right of immediate entry to and inspection of any
37 premises licensed as a public venue, club or drinking establishment or any
38 premises where alcoholic liquor *or cereal malt beverage* is sold by a
39 holder of a temporary permit, or any premises subject to the control of any
40 licensee or temporary permit holder, by any duly authorized officer or
41 agent of the director, or by any law enforcement officer, shall be a
42 condition on which every license or temporary permit is issued, and the
43 application for, and acceptance of, any license or temporary permit shall

1 conclusively be deemed to be the consent of the applicant and licensee or
2 permit holder to such immediate entry and inspection. Such right of
3 immediate entry and inspection shall be at any time when the premises are
4 occupied and is not limited to hours when the club or drinking
5 establishment is open for business. Such consent shall not be revocable
6 during the term of the license or temporary permit. Refusal of such entry
7 shall be grounds for revocation of the license or temporary permit.

8 Sec. ~~12~~ **13**. K.S.A. 2020 Supp. 41-2614 is hereby amended to read as
9 follows: 41-2614. (a) Except as provided by subsection (c), no public
10 venue, club or drinking establishment shall allow the serving, mixing or
11 consumption of alcoholic liquor *or cereal malt beverage* on its premises
12 between the hours of 2:00 a.m. and 6:00 a.m. on any day.

13 (b) No caterer shall allow the serving, mixing or consumption of
14 alcoholic liquor *or cereal malt beverage* between the hours of 2:00 a.m.
15 and 6:00 a.m. on any day at an event catered by such caterer.

16 (c) A hotel of which the entire premises are licensed as a drinking
17 establishment or as a drinking establishment caterer may allow at any time
18 the serving, mixing and consumption of alcoholic liquor and cereal malt
19 beverage from a minibar in a guest room by guests registered to stay in
20 such room, and guests of guests registered to stay in such room.

21 Sec. ~~13~~ **14**. K.S.A. 41-2619 is hereby amended to read as follows:
22 41-2619. The existence of any place for which a license or temporary
23 permit has not been issued pursuant to this act and which purports, or is
24 held out to the public or to any person by the proprietors or their agents or
25 employees, to be a place where alcoholic liquor *or cereal malt beverage* is
26 sold by the individual drink, shall be deemed to be sufficient probable
27 cause for any judge of the district court to issue a search warrant to any
28 law enforcement officer of the state or a subdivision of the state for the
29 purpose of searching such place for alcoholic liquor *or cereal malt*
30 *beverage* being sold, possessed or consumed in violation of this act, any
31 other law of the state or any ordinance of a municipal subdivision of the
32 state.

33 Sec. ~~14~~ **15**. K.S.A. 2020 Supp. 41-2623 is hereby amended to read as
34 follows: 41-2623. (a) No license shall be issued under the provisions of
35 this act to:

36 (1) Any person described in K.S.A. 41-311(a)(1), (2), (4), (5), (6),
37 (7), (8), (9), (12), (13) or (15), and amendments thereto, except that the
38 provisions of ~~subsection K.S.A. 41-311(a)(7) of such section, and~~
39 ~~amendments thereto~~, shall not apply to nor prohibit the issuance of a
40 license for a class A club to an officer of a post home of a congressionally
41 chartered service or fraternal organization, or a benevolent association or
42 society thereof.

43 (2) A person who has had the person's license revoked for cause

1 under the provisions of this act.

2 (3) A person who has not been a resident of this state for a period of
3 at least one year immediately preceding the date of application.

4 (4) A person who has a beneficial interest in the manufacture,
5 preparation or wholesaling or the retail sale of alcoholic ~~liquors~~ *liquor or*
6 *cereal malt beverage* or a beneficial interest in any other club, drinking
7 establishment or caterer licensed hereunder, except that:

8 (A) A license for premises located in a hotel may be granted to a
9 person who has a beneficial interest in one or more other clubs or drinking
10 establishments licensed hereunder if such other clubs or establishments are
11 located in hotels.

12 (B) A license for a club or drinking establishment ~~which~~ *that* is a
13 restaurant may be issued to a person who has a beneficial interest in other
14 clubs or drinking establishments ~~which~~ *that* are restaurants.

15 (C) A caterer's license may be issued to a person who has a beneficial
16 interest in a club or drinking establishment and a license for a club or
17 drinking establishment may be issued to a person who has a beneficial
18 interest in a caterer.

19 (D) A license for a class A club may be granted to an organization of
20 which an officer, director or board member is a distributor or retailer
21 licensed under the liquor control act if such distributor or retailer sells no
22 alcoholic liquor to such club.

23 (E) Any person who has a beneficial interest in a microbrewery,
24 microdistillery or farm winery licensed pursuant to the Kansas liquor
25 control act may be issued any or all of the following: (1) Class B club
26 license; (2) drinking establishment license; and (3) caterer's license.

27 (5) A copartnership, unless all of the copartners are qualified to
28 obtain a license.

29 (6) A corporation, if any officer, manager or director thereof, or any
30 stockholder owning in the aggregate more than 5% of the common or
31 preferred stock of such corporation would be ineligible to receive a license
32 hereunder for any reason other than citizenship and residence
33 requirements.

34 (7) A corporation, if any officer, manager or director thereof, or any
35 stockholder owning in the aggregate more than 5% of the common or
36 preferred stock of such corporation, has been an officer, manager or
37 director, or a stockholder owning in the aggregate more than 5% of the
38 common or preferred stock, of a corporation ~~which~~ *that*:

39 (A) Has had a license revoked under the provisions of the club and
40 drinking establishment act; or

41 (B) has been convicted of a violation of the club and drinking
42 establishment act or the cereal malt beverage laws of this state.

43 (8) A corporation organized under the laws of any state other than this

1 state.

2 (9) A trust, if any grantor, beneficiary or trustee would be ineligible to
3 receive a license under this act for any reason, except that the provisions of
4 K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in
5 determining whether a beneficiary would be eligible for a license.

6 (b) No club or drinking establishment license shall be issued under
7 the provisions of the club and drinking establishment act to:

8 (1) A person who does not own the premises for which a license is
9 sought, or does not, at the time the application is submitted, have a written
10 lease thereon, except that an applicant seeking a license for a premises
11 ~~which~~ *that* is owned by a city or county, or is a stadium, arena, convention
12 center, theater, museum, amphitheater or other similar premises may
13 submit an executed agreement to provide alcoholic beverage services at
14 the premises listed in the application in lieu of a lease.

15 (2) A person who is not a resident of the county in which the
16 premises sought to be licensed are located.

17 ~~Sec. 15. 16.~~ K.S.A. 2020 Supp. 41-2637 is hereby amended to read as
18 follows: 41-2637. (a) A license for a class A club shall allow the licensee
19 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*
20 *beverage* for consumption on the licensed premises by members and their
21 families, and guests accompanying them; and (2) serve samples of
22 alcoholic liquor *or cereal malt beverage* free of charge for consumption by
23 members and their families and guests accompanying them.

24 No charge of any sort may be made for a sample serving. Samples may
25 not be served to a minor. No samples may be removed from the licensed
26 premises. No consideration shall be requested or required for entry onto
27 the premises, participation in any event taking place on the premises or to
28 remain on the premises.

29 (b) (1) Subject to the provisions of subsection (b)(2), any two or more
30 class A or class B clubs may permit, by an agreement filed with and
31 approved by the director, the members of each such club to have access to
32 all other clubs ~~which~~ *that* are parties to such agreement. The privileges
33 extended to the visiting members of other clubs under such an agreement
34 shall be determined by the agreement and, if the agreement so provides,
35 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale
36 and serve, to any person who is a member of another club ~~which~~ *that* is a
37 party to such agreement, alcoholic liquor *or cereal malt beverage* for
38 consumption on the licensed premises by such person and such person's
39 family, and guests accompanying them.

40 (2) A class B club may enter into a reciprocal agreement authorized
41 by subsection (b)(1) only if the class B club is a restaurant.

42 (c) A licensee may store on its premises wine sold to a customer for
43 consumption at a later date on its premises in the unopened container. Such

1 wine must be kept separate from all other alcohol stock and in a secure
2 locked area separated by customer. Such wine shall not be removed from
3 the licensed premises in its unopened condition.

4 Sec. ~~16~~ 17. K.S.A. 2020 Supp. 41-2641 is hereby amended to read as
5 follows: 41-2641. (a) A license for a class B club shall allow the licensee
6 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*
7 *beverage* for consumption on the licensed premises by members of such
8 club and guests accompanying them; and (2) serve samples of alcoholic
9 liquor *or cereal malt beverage* free of charge on the licensed premises for
10 consumption by such members and their families and guests
11 accompanying them.

12 No charge of any sort may be made for a sample serving. Samples may
13 not be served to a minor. No samples may be removed from the licensed
14 premises. Providing samples is prohibited for any licensee who charges a
15 cover charge or entry fee at any time during the business day. No
16 consideration shall be requested or required for entry onto the premises,
17 participation in any event taking place on the premises or to remain on the
18 premises.

19 (b) (1) Subject to the provisions of subsection (b)(2), any two or more
20 class A or class B clubs may permit, by an agreement filed with and
21 approved by the director, the members of each such club to have access to
22 all other clubs ~~which~~ *that* are parties to such agreement. The privileges
23 extended to the visiting members of other clubs under such an agreement
24 shall be determined by the agreement and, if the agreement so provides,
25 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale
26 and serve, to any person who is a member of another club ~~which~~ *that* is a
27 party to such agreement, alcoholic liquor *or cereal malt beverage* for
28 consumption on the licensed premises by such person and such person's
29 family, and guests accompanying them.

30 (2) A class B club may enter into a reciprocal agreement authorized
31 by subsection (b)(1) only if the class B club is a restaurant.

32 (c) Except as provided by subsection (d), an applicant for
33 membership in a class B club shall, before becoming a member of such
34 club:

35 (1) Be screened by the club for good moral character; and

36 (2) pay an annual membership fee of not less than \$10.

37 (d) Notwithstanding the membership fee requirement of subsection
38 (c):

39 (1) Any class B club located on the premises of a hotel or RV resort
40 may establish rules whereby a guest, who registered at the hotel or RV
41 resort and who is not a resident of the county in which the club is located,
42 may file application for temporary membership in such club. The
43 membership, if granted, shall be valid only for the period of time that the

1 guest is a bona fide registered guest at the hotel or RV resort and such
2 temporary membership shall not be subject to the fee requirement of this
3 section.

4 (2) Any class B club located on property—~~which~~ *that* is owned or
5 operated by a municipal airport authority and upon which consumption of
6 alcoholic liquor *or cereal malt beverage* is authorized by law may
7 establish rules whereby an air traveler who is a holder of a current airline
8 ticket may file application for temporary membership in such club for the
9 day such air traveler's ticket is valid, and such temporary membership shall
10 not be subject to the fee requirement of this section.

11 (3) Any class B club may establish rules whereby military personnel
12 of the armed forces of the United States on temporary duty and housed at
13 or near any military installation located within the exterior boundaries of
14 the state of Kansas may file application for temporary membership in such
15 club. The membership, if granted, shall be valid only for the period of the
16 training, not to exceed 20 weeks. Any person wishing to make application
17 for temporary membership in a class B club under this ~~subsection (d)(3)~~
18 *paragraph* shall present the temporary duty orders to the club. Temporary
19 membership issued under this ~~subsection (d)(3)~~ *paragraph* shall not be
20 subject to the fee requirements of this section.

21 (4) Any class B club may enter into a written agreement with a hotel
22 or RV resort whereby a guest who is registered at the hotel or RV resort
23 and who is not a resident of the county in which the club is located may
24 file application for temporary membership in such club. The temporary
25 membership, if granted, shall be valid only for the period of time that the
26 guest is a bona fide registered guest at the hotel or RV resort and shall not
27 be subject to the fee requirement of this section. A club may enter into a
28 written agreement with a hotel or RV resort pursuant to this provision only
29 if: (A) The hotel or RV resort is located in the same county as the club; (B)
30 there is no class B club located on the premises of the hotel or RV resort;
31 and (C) no other club has entered into a written agreement with the hotel
32 or RV resort pursuant to this section.

33 (5) Any class B club located in a racetrack facility where races with
34 parimutuel wagering are conducted under the Kansas parimutuel racing act
35 may establish rules whereby persons attending such races may file an
36 application for temporary membership in such club for the day such person
37 is attending such races, and such temporary membership shall not be
38 subject to the fee requirement of this section.

39 (e) A licensee may store on its premises wine sold to a customer for
40 consumption at a later date on its premises in the unopened container. Such
41 wine must be kept separate from all other alcohol stock and in a secure
42 locked area separated by customer. Such wine shall not be removed from
43 the licensed premises in its unopened condition.

1 Sec. ~~17~~ **18**. K.S.A. 2020 Supp. 41-2642 is hereby amended to read as
2 follows: 41-2642. (a) A license for a drinking establishment shall allow the
3 licensee to offer for sale, sell and serve alcoholic liquor *or cereal malt*
4 *beverage* for consumption on the licensed premises which may be open to
5 the public, and to serve samples of alcoholic liquor *or cereal malt*
6 *beverage* free of charge on licensed premises subject to the requirements
7 of subsection (c), but only if such premises are located in a county where
8 the qualified electors of the county:

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

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

18 (b) A drinking establishment shall be required to derive from sales of
19 food for consumption on the licensed premises not less than 30% of all the
20 establishment's gross receipts from sales of food and beverages on such
21 premises unless the licensed premises are located in a county where the
22 qualified electors of the county:

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

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

31 (c) No charge of any sort may be made for a sample serving. Samples
32 may not be served to a minor. No samples may be removed from the
33 licensed premises. Providing samples is prohibited for any licensee who
34 charges a cover charge or entry fee at any time during the business day. No
35 consideration shall be requested or required for entry onto the premises,
36 participation in any event taking place on the premises or to remain on the
37 premises.

38 (d) A drinking establishment shall specify in the application for a
39 license or renewal of a license the premises to be licensed, which may
40 include all premises which are in close proximity and are under the control
41 of the applicant or licensee.

42 (e) Notwithstanding any other provision of law to the contrary, any
43 hotel of which the entire premises are licensed as a drinking establishment

1 or as a drinking establishment caterer may sell alcoholic liquor or cereal
2 malt beverage by means of minibars located in guest rooms of such hotel,
3 subject to the following:

4 (1) The key, magnetic card or other device required to attain access to
5 a minibar in a guest room shall be provided only to guests who are
6 registered to stay in such room and who are 21 or more years of age;

7 (2) containers or packages of spirits or wine sold by means of a
8 minibar shall hold not less than 50 nor more than 200 milliliters; and

9 (3) a minibar shall be restocked with alcoholic liquor or cereal malt
10 beverage only during hours when the hotel is permitted to sell alcoholic
11 liquor and cereal malt beverage as a drinking establishment.

12 (f) A drinking establishment may store on its premises wine sold to a
13 customer for consumption at a later date on its premises in the unopened
14 container. Such wine must be kept separate from all other alcohol stock
15 and in a secure locked area separated by customer. Such wine shall not be
16 removed from the licensed premises in its unopened condition.

17 ~~Sec. 18.~~ **19.** K.S.A. 2020 Supp. 41-2643 is hereby amended to read as
18 follows: 41-2643. (a) A caterer's license shall allow the licensee to offer for
19 sale, sell and serve alcoholic liquor *or cereal malt beverage* for
20 consumption on unlicensed premises, which may be open to the public, but
21 only if such premises are located in a county where the qualified electors
22 of the county:

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

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

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

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

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

1 and amendments thereto.

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

10 (d) Except as otherwise provided herein, a caterer shall provide
11 electronic notification to the director at least 48 hours prior to any event at
12 which the caterer will sell alcoholic liquor *or cereal malt beverage* by the
13 individual drink. The director shall make the electronic notification
14 available to local law enforcement. Notice shall consist of the time,
15 location and the names of the contracting parties of the event. For events
16 where ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is served, a
17 licensee shall retain all documents for a period of three years for
18 inspection by the director. The documents retained shall include
19 agreements, receipts, employees assigned to the event and records of
20 ~~alcohol~~ *alcoholic liquor and cereal malt beverage* purchased. Notification
21 shall not be required for weddings, funerals, events sponsored by religious
22 institutions, or for business, industry or trade sponsored meetings,
23 including, but not limited to, awards presentations and retirement
24 celebrations.

25 (e) A caterer may rebate a portion of the caterer's receipts from the
26 sale of alcoholic liquor *or cereal malt beverage* at an event to the person or
27 organization contracting with the caterer to sell alcoholic liquor *or cereal*
28 *malt beverage* at such event.

29 ~~Sec. 19. K.S.A. 2020 Supp. 41-2653 is hereby amended to read as~~
30 ~~follows: 41-2653. (a) In addition to the rights of a licensee pursuant to~~
31 ~~provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments~~
32 ~~thereto, a class A club license, class B club license or drinking~~
33 ~~establishment license shall allow the licensee to allow legal patrons of the~~
34 ~~club or drinking establishment to remove from the licensed premises one~~
35 ~~or more opened containers of alcoholic liquor *or cereal malt beverage*,~~
36 ~~subject to the following conditions:~~

37 (1) ~~It must be legal for the licensee to sell the alcoholic liquor *or*~~
38 ~~*cereal malt beverage* in its original container;~~

39 (2) ~~the alcoholic liquor *or cereal malt beverage* must be in its original~~
40 ~~container;~~

41 (3) ~~each container of alcoholic liquor *or cereal malt beverage* must~~
42 ~~have been purchased by a patron and the alcoholic liquor *or cereal malt*~~
43 ~~*beverage* in each container must have been partially consumed on the~~

1 licensed premises;

2 ~~(4) the licensee or the licensee's employee must provide the patron~~
3 ~~with a dated receipt for the unfinished container or containers of alcoholic~~
4 ~~liquor or cereal malt beverage; and~~

5 ~~(5) before the container of alcoholic liquor or cereal malt beverage is~~
6 ~~removed from the licensed premises, the licensee or the licensee's~~
7 ~~employee must securely reseal each container, place the container in a~~
8 ~~tamper-proof, transparent bag which that is sealed in a manner that makes~~
9 ~~it visibly apparent if the bag is subsequently tampered with or opened.~~

10 ~~(b) (1) In addition to the rights of a licensee pursuant to provisions of~~
11 ~~K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the~~
12 ~~provisions of subsection (a), a class A club license, class B club license or~~
13 ~~drinking establishment license shall allow the licensee to allow legal~~
14 ~~patrons of the club or drinking establishment to remove from the licensed~~
15 ~~premises one or more containers of alcoholic liquor that is not in the~~
16 ~~original container, subject to the following conditions:~~

17 ~~(A) It must be legal for the licensee to sell the alcoholic liquor;~~

18 ~~(B) each container of alcoholic liquor must have been purchased by a~~
19 ~~patron on the licensed premises;~~

20 ~~(C) the licensee or the licensee's employee must provide the patron~~
21 ~~with a dated receipt for the alcoholic liquor; and~~

22 ~~(D) before the container of alcoholic liquor is removed from the~~
23 ~~licensed premises, the licensee or the licensee's employee must place the~~
24 ~~container in a transparent bag that is sealed in a manner that makes it~~
25 ~~visibly apparent if the bag is subsequently tampered with or opened.~~

26 ~~(2) The provisions of this subsection shall expire on January 26,~~
27 ~~2021.~~

28 ~~(c) This section shall be a part of and supplemental to the club and~~
29 ~~drinking establishment act.~~

30 **{Sec. ~~19~~ 20. K.S.A. 2020 Supp. 41-2653, as amended by section 1**
31 **of 2021 Senate Bill No. 14, is hereby amended to read as follows: 41-**
32 **2653. (a) In addition to the rights of a licensee pursuant to provisions**
33 **of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a**
34 **class A club license, class B club license or drinking establishment**
35 **license shall allow the licensee to allow legal patrons of the club or**
36 **drinking establishment to remove *alcoholic liquor or cereal malt***
37 ***beverage* from the licensed premises *in one or more opened containers***
38 ***of alcoholic liquor or cereal malt beverage, including in the original***
39 ***unopened container, subject to the following conditions:***

40 **(1) It must be *otherwise* legal for the licensee to sell the alcoholic**
41 **liquor or cereal malt beverage *in its original container*;**

42 **(2) the alcoholic liquor or cereal malt beverage must be in its original**
43 **container;**

1 ~~(3) each container of alcoholic liquor or cereal malt beverage must~~
2 ~~have been purchased by a patron and the alcoholic liquor or cereal malt~~
3 ~~beverage in each container must have been partially consumed on~~ of the
4 ~~licensed premises;~~

5 ~~(4)(3) the licensee or the licensee's employee must provide the~~
6 ~~patron with a dated receipt for the unfinished container or containers of~~
7 ~~alcoholic liquor or cereal malt beverage; and~~

8 ~~(5)(4) before the any container of alcoholic liquor or cereal malt~~
9 ~~beverage is removed from the licensed premises, the licensee or the~~
10 ~~licensee's employee must securely reseal each container any opened~~
11 ~~containers, and place the container in a tamper-proof, transparent bag~~
12 ~~which that is sealed in a manner that makes it visibly apparent if the~~
13 ~~bag is subsequently tampered with or opened;~~

14 (5) *no original unopened containers of spirits may be removed from*
15 *the licensed premises; and*

16 (6) *no alcoholic liquor or cereal malt beverage may be removed*
17 *from the licensed premises after 11:00 p.m. unless such alcoholic liquor*
18 *is wine that was purchased and partially consumed on the licensed*
19 *premises.*

20 ~~(b) (1) In addition to the rights of a licensee pursuant to provisions of~~
21 ~~K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the~~
22 ~~provisions of subsection (a), a class A club license, class B club license or~~
23 ~~drinking establishment license shall allow the licensee to allow legal~~
24 ~~patrons of the club or drinking establishment to remove from the licensed~~
25 ~~premises one or more containers of alcoholic liquor or cereal malt~~
26 ~~beverage that is not in the original container or is in the original unopened~~
27 ~~container, subject to the following conditions:~~

28 ~~(A) It must be legal for the licensee to sell the alcoholic liquor or~~
29 ~~cereal malt beverage;~~

30 ~~(B) each container of alcoholic liquor or cereal malt beverage must~~
31 ~~have been purchased by a patron on the licensed premises;~~

32 ~~(C) the licensee or the licensee's employee must provide the patron~~
33 ~~with a dated receipt for the alcoholic liquor or cereal malt beverage; and~~

34 ~~(D) if the alcoholic liquor or cereal malt beverage is not in the~~
35 ~~original unopened container, before the container of alcoholic liquor or~~
36 ~~cereal malt beverage is removed from the licensed premises, the licensee~~
37 ~~or the licensee's employee must place the container in a transparent bag~~
38 ~~that is sealed in a manner that makes it visibly apparent if the bag is~~
39 ~~subsequently tampered with or opened.~~

40 (2) *The provisions of this subsection shall expire on March 31, 2021*
41 *No licensee shall allow any alcoholic liquor or cereal malt beverage to be*
42 *removed from the licensed premises pursuant to this subsection after 11:*
43 *p.m.*

1 ~~(3) Beer, cereal malt beverage and wine in the original unopened~~
2 ~~container and mixed drinks not in the original container that are sold~~
3 ~~pursuant to this subsection shall not be subject to any drink size~~
4 ~~requirements of this act. Any other alcoholic liquor or cereal malt~~
5 ~~beverage that is not in the original unopened container shall comply with~~
6 ~~all drink size requirements and be sold in a durable sealable container.~~

7 **(e) (b) This section shall be a part of and supplemental to the club**
8 **and drinking establishment act.}**

9 Sec. ~~20~~. 21. K.S.A. 2020 Supp. 41-2655 is hereby amended to read as
10 follows: 41-2655. (a) A license for a public venue shall allow the licensee
11 to:

12 (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*
13 *beverage* by the individual drink for consumption on the licensed
14 premises;

15 (2) offer for sale, sell and serve unlimited drinks for a fixed price in
16 designated areas of the licensed premises;

17 (3) offer for sale and sell ~~all-inclusive~~ *all-inclusive* packages ~~which~~
18 *that* include unlimited drinks in designated areas of the licensed premises;

19 (4) offer for sale, sell and serve alcoholic liquor *or cereal malt*
20 *beverage* in the original container for consumption on the licensed
21 premises in private suites, ~~which~~ *that* are enclosed or semi-enclosed
22 seating areas, having controlled access and separated from the general
23 admission areas by a permanent barrier;

24 (5) store, in each private suite, ~~which~~ *that* is an enclosed or semi-
25 enclosed seating area, having controlled access and separated from the
26 general admission areas by a permanent barrier, alcoholic liquor *or cereal*
27 *malt beverage* sold in the original container to a customer in that private
28 suite; and

29 (6) with the approval of the retailer or distributor, return for a full
30 refund of the original purchase price unopened containers of alcoholic
31 liquor *or cereal malt beverage* to the retailer or distributor from whom
32 such items were purchased upon the conclusion of an event if the next
33 scheduled event for that premises is more than 90 days from the date of the
34 concluded event.

35 (b) An applicant or public venue licensee shall specify in the
36 application for a license, or renewal of a license, the premises to be
37 licensed. No public venue licensee may offer for sale, sell or serve any
38 alcoholic liquor *or cereal malt beverage* in any area not included in the
39 licensed premises.

40 (c) The term "designated areas" for purposes of this section ~~shall~~
41 ~~mean~~ *means* an area identified in the license application, which may
42 include suites, that has controlled access and is separated from the general
43 admission by a barrier.

1 ~~(d) The provisions of this section shall take effect and be in force~~
2 ~~from and after July 1, 2012.~~

3 ~~(e)~~(d) All rules and regulations adopted on and after July 1, 2012, and
4 prior to July 1, 2013, to implement this section shall continue to be
5 effective and shall be deemed to be duly adopted rules and regulations of
6 the secretary until revised, amended, revoked or nullified pursuant to law.

7 ~~(f)~~(e) This section shall be a part of and supplemental to the club and
8 drinking establishment act.

9 Sec. ~~21~~ 22. K.S.A. 2020 Supp. 41-2658 is hereby amended to read as
10 follows: 41-2658. (a) Alcoholic liquor *or cereal malt beverage* shall be
11 dispensed only from original containers, except any drinking establishment
12 licensee or its agent or employee, may dispense:

13 (1) Alcoholic liquor *or cereal malt beverage* from a machine or
14 container used to mix alcoholic liquor *or cereal malt beverage* with other
15 liquids or solids intended for human consumption;

16 (2) alcoholic liquor *or cereal malt beverage* from a machine or
17 container used to chill alcoholic liquor, ~~which~~ *or cereal malt beverage that*
18 may contain additional liquids or solids intended for human consumption;
19 or

20 (3) infused alcoholic liquor *or cereal malt beverage* from a container
21 used to infuse alcoholic liquor *or cereal malt beverage* with other
22 substances intended for human consumption.

23 (b) A drinking establishment licensee, or its agent or employee, shall
24 not refill any original container with any alcoholic liquor *or cereal malt*
25 *beverage* or any other substance.

26 (c) Any drinking establishment licensee, or its agent or employee,
27 may infuse alcoholic liquor *or cereal malt beverage* with spices, herbs,
28 fruits, vegetables, candy or other substances intended for human
29 consumption if no additional fermentation occurs during the process.

30 (d) As used in this section:

31 (1) "Dispense" means to portion out servings of alcoholic liquor *or*
32 *cereal malt beverage* for consumption. This term ~~shall include~~ *includes* the
33 pouring of drinks of alcoholic liquor *or cereal malt beverage* and opening
34 original containers of alcoholic liquor *or cereal malt beverage* by the
35 licensee or licensee's employee for consumption by customers, and shall
36 not include any self-dispensing by a customer.

37 (2) "Infuse" means to add flavor or scent to a liquid by steeping
38 additional ingredients in the liquid.

39 (e) This section shall be a part of and supplemental to the club and
40 drinking establishment act.

41 Sec. ~~22~~ 23. K.S.A. 2020 Supp. 41-2659 is hereby amended to read as
42 follows: 41-2659. (a) (1) A city or a county may establish one or more
43 common consumption areas within the limits of the city or within the

1 unincorporated portion of the county, as applicable, by ordinance or
2 resolution, respectively, and authorize the possession and consumption of
3 alcoholic liquor *or cereal malt beverage* within the common consumption
4 area. The ordinance or resolution shall designate the boundaries of any
5 common consumption area and prescribe the times during which alcoholic
6 liquor *or cereal malt beverage* may be consumed therein. The ordinance or
7 resolution shall require that any public street or roadway that lies within a
8 common consumption area shall be blocked from motorized traffic during
9 the hours in which ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is
10 consumed.

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

15 (b) A common consumption area permit shall allow the consumption
16 of alcoholic liquor *or cereal malt beverage* in any area designated by such
17 permit. The director may issue common consumption area permits to the
18 city or county or any one person who shall be a resident of Kansas or an
19 organization that has its principal place of business in Kansas and that has
20 been approved by the respective city or county, in accordance with rules
21 and regulations adopted by the secretary of revenue.

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

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

27 (2) Each application shall be accompanied by a non-refundable
28 permit fee of \$100. All permit fees collected by the director pursuant to
29 this section shall be remitted to the state treasurer in accordance with the
30 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
31 each such remittance, the state treasurer shall deposit the entire amount in
32 the state treasury to the credit of the state general fund.

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

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

41 (e) (1) Any licensee who has requested and received permission to
42 participate in the common consumption area may allow its legal patrons to
43 remove alcoholic liquor *or cereal malt beverage* purchased from the

1 licensee into the premises described by the common consumption area
2 permit. All alcoholic ~~beverages~~ *liquor and cereal malt beverage* removed
3 from a licensed premises in such fashion shall be served in a container that
4 displays the licensee's trade name or logo or other identifying mark that is
5 unique to the licensee.

6 (2) In addition to their licensed premises, one or more licensees that
7 have requested and received permission to participate in a common
8 consumption area may offer for sale, sell and serve alcoholic liquor *or*
9 *cereal malt beverage* for consumption from one non-contiguous service
10 area within the common consumption area, as designated and approved by
11 the common consumption area permit holder. The licensee shall
12 prominently display a copy of its drinking establishment license and the
13 approval of the common consumption area permit holder at its non-
14 contiguous service area.

15 (f) (1) Each licensee within a common consumption area shall be
16 liable for violations of all liquor laws governing the sale and consumption
17 of alcoholic liquor *or cereal malt beverage* that occur on the licensee's
18 premises.

19 (2) Each common consumption area permit holder shall be liable for
20 violations that occur off the licensee's premises, but within the common
21 consumption area identified in the permit. No permit holder shall permit
22 any person to remove any open container of alcoholic liquor *or cereal*
23 *malt beverage* from the boundaries of the common consumption area.

24 (g) For the purposes of this section, "common consumption area"
25 ~~shall mean~~ *means* a defined indoor or outdoor area not otherwise subject to
26 a license issued pursuant to the Kansas liquor control act or the club and
27 drinking establishment act where the possession and consumption of
28 alcoholic liquor *or cereal malt beverage* is allowed pursuant to a common
29 consumption area permit. The boundaries of any common consumption
30 area must be clearly marked using a physical barrier or any apparent line
31 of demarcation.

32 (h) The secretary shall adopt rules and regulations to implement this
33 section.

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

36 Sec. ~~23~~ **24**. K.S.A. 41-2604 and 41-2619 and K.S.A. 2020 Supp. 41-
37 308, **41-311**, 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-
38 2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642,
39 41-2643, 41-2653, **as amended by section 1 of 2021 Senate Bill No.**
40 **14**, 41-2655, 41-2658 and 41-2659 are hereby repealed.

41 Sec. ~~24~~ **25**. This act shall take effect and be in force from and after
42 its publication in the ~~statute book~~ **Kansas register**.