

**Senate Substitute for HOUSE BILL No. 2138**

By Committee on Federal and State Affairs

3-18

1 AN ACT concerning alcoholic beverages; providing for suspension or  
2 revocation of licenses for violations of orders issued by the director;  
3 authorizing sales on Sunday and certain holidays; requiring issuance of  
4 a cereal malt beverage retailers' license to licensed producers; allowing  
5 the sale and removal of beer and cereal malt beverage in certain  
6 containers; amending K.S.A. 2020 Supp. 41-308, 41-320a, 41-712, 41-  
7 718, 41-2611, 41-2653, as amended by section 1 of 2021 Senate Bill  
8 No. 14, 41-2703, 41-2704 and 41-2911 and repealing the existing  
9 sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

29 (c) A retailer may:

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

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

35 (3) include in the sale of alcoholic liquor and cereal malt beverage  
36 any goods included by the manufacturer in packaging with the alcoholic

1 liquor or cereal malt beverage, subject to the approval of the director;

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

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

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

16 (7) *sell containers of beer, domestic beer and cereal malt beverage*  
 17 *that are sold on the licensed premises to consumers and served in*  
 18 *refillable and sealable containers for consumption off the licensed*  
 19 *premises if such containers:*

20 (A) *Contain between 32 and 64 fluid ounces; and*

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

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

26 Sec. 2. K.S.A. 2020 Supp. 41-320a is hereby amended to read as  
 27 follows: 41-320a. (a) The director may suspend, involuntarily cancel or  
 28 revoke any license issued pursuant to the Kansas liquor control act if, after  
 29 notice and an opportunity for a hearing, the director determines that the  
 30 licensee has:

31 (1) Fraudulently obtained the license by providing false information  
 32 on the application therefor, or at any hearing thereon;

33 (2) violated any of the provisions of the Kansas liquor control act, ~~or~~  
 34 any rules or regulations adopted pursuant to such act *or any lawful order*  
 35 *issued by the director;* or

36 (3) become ineligible to obtain a license or permit under K.S.A. 41-  
 37 311 or K.S.A. 2020 Supp. 41-311b, and amendments thereto.

38 (b) This section shall be a part of and supplemental to the Kansas  
 39 liquor control act.

40 Sec. 3. K.S.A. 2020 Supp. 41-712 is hereby amended to read as  
 41 follows: 41-712. (a) Within any city where the days of sale at retail of  
 42 alcoholic liquor in the original package have not been expanded as  
 43 provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have

1 been so expanded and subsequently restricted as provided by K.S.A. 2020  
2 Supp. 41-2911, and amendments thereto, ~~and within any township where~~  
3 ~~the days of sale at retail of alcoholic liquor in the original package have~~  
4 ~~not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and~~  
5 ~~amendments thereto, or have been so expanded and subsequently restricted~~  
6 ~~as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto;~~ no  
7 person shall sell at retail any alcoholic liquor in the original package: (1)  
8 On Sunday; (2) on ~~Memorial Day, Independence Day, Labor Day,~~  
9 ~~Thanksgiving Day or Christmas Day;~~ or (3) before 9 a.m. or after 11 p.m.  
10 on any day when the sale is permitted. The governing body of any city by  
11 ordinance may require the closing of premises prior to 11 p.m., but such  
12 ordinance shall not require closing prior to 8 p.m.

13 (b) Within any city where the days of sale at retail of alcoholic liquor  
14 in the original package have been expanded as provided by K.S.A. 2020  
15 Supp. 41-2911, and amendments thereto, and have not been subsequently  
16 restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments  
17 thereto, and within any township where the days of sale at retail of  
18 alcoholic liquor in the original package have been expanded as provided  
19 by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not  
20 been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911,  
21 and amendments thereto, no person shall sell at retail alcoholic liquor in  
22 the original package: (1) On Sunday ~~before 12 noon or after not earlier~~  
23 ~~than 10 a.m. and not later than 8 p.m.;~~ (2) on Easter Sunday, Thanksgiving  
24 Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day  
25 when the sale is permitted. The governing body of any city by ordinance  
26 may require the closing of premises prior to 11 p.m., but such ordinance  
27 shall not require closing prior to 8 p.m.

28 Sec. 4. K.S.A. 2020 Supp. 41-718 is hereby amended to read as  
29 follows: 41-718. (a) No person except a manufacturer, distributor,  
30 microbrewery, microdistillery, farm winery or wholesaler shall fill or refill,  
31 in whole or in part, any original package of alcoholic liquor with the same  
32 or any other kind or quality of alcoholic liquor.

33 (b) No person shall have in the person's possession for sale at retail  
34 any bottles, casks or other containers containing alcoholic liquor, except in  
35 original packages.

36 (c) *This section shall not apply to the sale of beer, domestic beer or*  
37 *cereal malt beverage by a retailer in accordance with K.S.A. 41-308(c)(7),*  
38 *and amendments thereto.*

39 Sec. 5. K.S.A. 2020 Supp. 41-2611 is hereby amended to read as  
40 follows: 41-2611. The director may suspend, involuntarily cancel or  
41 revoke any license issued pursuant to the club and drinking establishment  
42 act for any one or more of the following reasons:

43 (a) The licensee has fraudulently obtained the license by giving false

1 information in the application therefor or any hearing thereon.

2 (b) The licensee has violated any of the provisions of ~~this the club~~  
3 *and drinking establishment act* ~~or~~, any rules or regulations adopted  
4 ~~hereunder~~ pursuant to such act or any lawful order issued by the director.

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

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

9 (e) The licensee, or its manager or employee, has permitted any  
10 disorderly person to remain on premises where alcoholic liquor is sold by  
11 such licensee.

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

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

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

24 (i) The licensee holds a license as a class B club, drinking  
25 establishment or caterer and:

26 (1) Has been found guilty of a violation of article 10 of chapter 44 of  
27 the Kansas Statutes Annotated, and amendments thereto, under a decision  
28 or order of the Kansas human rights commission ~~which~~ *that* has become  
29 final; or

30 (2) such licensee has been found guilty of a violation of K.S.A. 21-  
31 4003, prior to its repeal, or K.S.A. 2020 Supp. 21-6102, and amendments  
32 thereto.

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

36 Sec. 6. K.S.A. 2020 Supp. 41-2653, as amended by section 1 of 2021  
37 Senate Bill No. 14, is hereby amended to read as follows: 41-2653. (a) In  
38 addition to the rights of a licensee pursuant to provisions of K.S.A. 41-  
39 2637, 41-2641 or 41-2642, and amendments thereto, a class A club license,  
40 class B club license or drinking establishment license shall allow the  
41 licensee to allow legal patrons of the club or drinking establishment to  
42 remove *alcoholic liquor* from the licensed premises one or more opened  
43 containers of alcoholic liquor *from the licensed premises*, subject to the

1 following conditions:

2 (1) It must be legal for the licensee to sell the alcoholic liquor in its  
3 original container;

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

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

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

11 (5) before the container of alcoholic liquor is removed from the  
12 licensed premises, the licensee or the licensee's employee must securely  
13 reseal each container, place the container in a tamper-proof, transparent  
14 bag which is sealed in a manner that makes it visibly apparent if the bag is  
15 subsequently tampered with or opened.

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

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

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

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

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

32 (2) The provisions of this subsection shall expire on March 31, 2021.

33 (c) *A patron may remove one or more containers of beer, domestic  
34 beer and cereal malt beverage, as those terms are defined in K.S.A. 41-  
35 102, and amendments thereto, that are sold on the licensed premises to  
36 consumers and served in refillable and sealable containers for  
37 consumption off the licensed premises if such containers:*

38 (1) *Contain between 32 and 64 fluid ounces;*

39 (2) *have a label affixed that clearly indicates the licensee's name and  
40 the type of alcoholic beverage contained in such container; and*

41 (3) *are not sold or removed from the premises after 11:00 p.m.*

42 (d) *All alcoholic liquor, cereal malt beverage and nonalcoholic malt  
43 beverage sold by a licensee shall be subject to the tax imposed by K.S.A.*

1 *79-41a02, and amendments thereto.*

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

4 Sec. 7. K.S.A. 2020 Supp. 41-2703 is hereby amended to read as  
5 follows: 41-2703. (a) After examination of an application for a retailer's  
6 license, the board of county commissioners or the director shall, if they  
7 approve the same, issue a license to the applicant. The governing body of  
8 the city shall, if the applicant is qualified as provided by law, issue a  
9 license to such applicant.

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

11 (1) A person who is not a resident of the county in which the place of  
12 business covered by the license is located, has not been a resident of such  
13 county for at least six months or has not been a resident in good faith of  
14 the state of Kansas.

15 (2) A person who has not been a resident of this state for at least one  
16 year immediately preceding application for a retailer's license.

17 (3) A person who is not of good character and reputation in the  
18 community in which the person resides.

19 (4) A person who is not a citizen of the United States.

20 (5) A person who, within two years immediately preceding the date  
21 of application approval, has been convicted of, released from incarceration  
22 for or released from probation or parole for a felony or any crime  
23 involving moral turpitude, drunkenness, driving a motor vehicle while  
24 under the influence of intoxicating liquor or violation of any other  
25 intoxicating liquor law of any state or of the United States.

26 (6) A partnership, unless all the members of the partnership are  
27 otherwise qualified to obtain a license.

28 (7) A corporation, if any manager, officer or director thereof, or any  
29 stockholder owning in the aggregate more than 25% of the stock of such  
30 corporation, would be ineligible to receive a license hereunder for any  
31 reason other than the citizenship and residency requirements.

32 (8) A person whose place of business is conducted by a manager or  
33 agent unless the manager or agent possesses all the qualifications of a  
34 licensee.

35 (9) A person whose spouse would be ineligible to receive a retailer's  
36 license for any reason other than citizenship, residence requirements or  
37 age, except that this subsection (b)(9) shall not apply in determining  
38 eligibility for a renewal license.

39 (10) A person whose spouse has been convicted of a felony or other  
40 crime which would disqualify a person from licensure under this section  
41 and such felony or other crime was committed during the time that the  
42 spouse held a license under this act.

43 (c) After examination of an application for a retailer's license, the

1 board of county commissioners or the governing body of a city may deny a  
 2 license to a person, partnership or corporation if any manager, officer or  
 3 director thereof, or any stockholder owning in the aggregate more than  
 4 25% of the stock of such corporation; has been an officer, manager,  
 5 director or a stockholder owning in the aggregate more than 25% of the  
 6 stock; of a corporation ~~which~~ that has:

7 (1) Had a retailer's license revoked under K.S.A. 41-2708, and  
 8 amendments thereto; or

9 (2) been convicted of a violation of the club and drinking  
 10 establishment act or the cereal malt beverage laws of this state.

11 (d) *If an applicant has been issued a producer's license pursuant to*  
 12 *K.S.A. 41-355, and amendments thereto, an application for a retailers'*  
 13 *license shall be approved by the board of county commissioners or the*  
 14 *director, subject to the requirements of subsections (b) and (c).*

15 (e) Retailers' licenses shall be issued either on an annual basis or for  
 16 the calendar year. If such licenses are issued on an annual basis, the board  
 17 of county commissioners or the governing body of the city shall notify the  
 18 distributors supplying the county or city on or before April 1 of the year if  
 19 a retailer's license is not renewed.

20 ~~(e)~~(f) In addition to, and consistent with the requirements of K.S.A.  
 21 41-2701 et seq., and amendments thereto, the board of county  
 22 commissioners of any county or the governing body of any city may  
 23 provide by resolution or ordinance for the issuance of a special event  
 24 retailers' permit ~~which~~ that shall allow the permit holder to offer for sale,  
 25 sell and serve cereal malt beverage for consumption on unpermitted  
 26 premises, ~~which~~ that may be open to the public, subject to the following:

27 (1) A special event retailers' permit shall specify the premises for  
 28 which the permit is issued;

29 (2) a special event retailers' permit shall be issued for the duration of  
 30 the special event, the dates and hours of which shall be specified in the  
 31 permit;

32 (3) ~~no~~ more than four special event retailers' permits may be  
 33 issued to any one applicant in a calendar year; and

34 (4) a special event retailers' permit shall not be transferable or  
 35 assignable.

36 ~~(f)~~(g) A special event retailers' permit holder shall not be subject to  
 37 the provisions of the beer and cereal malt beverage keg registration act,  
 38 K.S.A. 41-2901 et seq., and amendments thereto.

39 Sec. 8. K.S.A. 2020 Supp. 41-2704 is hereby amended to read as  
 40 follows: 41-2704. (a) In addition to and consistent with the requirements  
 41 of the Kansas cereal malt beverage act, the board of county commissioners  
 42 of any county or the governing body of any city may prescribe hours of  
 43 closing, standards of conduct and rules and regulations concerning the

1 moral, sanitary and health conditions of places licensed pursuant to this act  
2 and may establish zones within which no such place may be located.

3 (b) Within any city where the days of sale at retail of cereal malt  
4 beverage in the original package have not been expanded as provided by  
5 K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so  
6 expanded and subsequently restricted as provided by K.S.A. 2020 Supp.  
7 41-2911, and amendments thereto, ~~and within any township where the~~  
8 ~~hours and days of sale at retail of cereal malt beverage in the original~~  
9 ~~package have not been expanded as provided by K.S.A. 2020 Supp. 41-~~  
10 ~~2911, and amendments thereto, or have been so expanded and~~  
11 ~~subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and~~  
12 ~~amendments thereto,~~ no cereal malt beverages or beer containing not more  
13 than 6% alcohol by volume may be sold:

14 (1) Between the hours of 12 midnight and 6 a.m.; or

15 (2) on Sunday, except in a place of business which is licensed to sell  
16 cereal malt beverage for consumption on the premises, which derives not  
17 less than 30% of its gross receipts from the sale of food for consumption  
18 on the licensed premises and which is located in a county where such sales  
19 on Sunday have been authorized by resolution of the board of county  
20 commissioners of the county or in a city where such sales on Sunday have  
21 been authorized by ordinance of the governing body of the city.

22 (c) Within any city where the days of sale at retail of cereal malt  
23 beverage in the original package have been expanded as provided by  
24 K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been  
25 subsequently restricted as provided in K.S.A. 2020 Supp. 41-2911, and  
26 amendments thereto, ~~and within any township where the days of sale at~~  
27 ~~retail of cereal malt beverage in the original package have been expanded~~  
28 ~~as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and~~  
29 ~~have not been subsequently restricted as provided by K.S.A. 2020 Supp.~~  
30 ~~41-2911, and amendments thereto,~~ no person shall sell at retail cereal malt  
31 beverage or beer containing not more than 6% alcohol by volume:

32 (1) Between the hours of 12 midnight and 6 a.m.;

33 (2) in the original package ~~before 12 noon or after~~ *not earlier than 10*  
34 *a.m. and not later than 8 p.m.* on Sunday;

35 (3) on Easter Sunday; or

36 (4) for consumption on the licensed premises on Sunday, except in a  
37 place of business which is licensed to sell cereal malt beverage for  
38 consumption on the premises, which derives not less than 30% of its gross  
39 receipts from the sale of food for consumption on the licensed premises  
40 and which is located in a county where such sales on Sunday have been  
41 authorized by resolution of the board of county commissioners of the  
42 county or in a city where such sales on Sunday have been authorized by  
43 ordinance of the governing body of the city.



1 (d) No private rooms or closed booths shall be operated in a place of  
2 business, but this provision shall not apply if the licensed premises also are  
3 licensed as a club pursuant to the club and drinking establishment act.

4 (e) Each place of business shall be open to the public and to law  
5 enforcement officers at all times during business hours, except that a  
6 premises licensed as a club pursuant to the club and drinking establishment  
7 act shall be open to law enforcement officers and not to the public.

8 (f) Except as otherwise provided by this subsection, no licensee shall  
9 permit a person under the legal age for consumption of cereal malt  
10 beverage or beer containing not more than 6% alcohol by volume to  
11 consume or purchase any cereal malt beverage in or about a place of  
12 business. A licensee's employee who is not less than 18 years of age may  
13 dispense or sell cereal malt beverage or beer containing not more than 6%  
14 alcohol by volume, if:

15 (1) The licensee's place of business is licensed only to sell at retail  
16 cereal malt beverage or beer containing not more than 6% alcohol by  
17 volume in the original package and not for consumption on the premises;  
18 or

19 (2) the licensee's place of business is a licensed food service  
20 establishment, as defined by K.S.A. 36-501, and amendments thereto, and  
21 not less than 50% of the gross receipts from the licensee's place of  
22 business is derived from the sale of food for consumption on the premises  
23 of the licensed place of business.

24 (g) No person shall have any alcoholic liquor, except beer containing  
25 not more than 6% alcohol by volume, in such person's possession while in  
26 a place of business, unless the premises are currently licensed as a club or  
27 drinking establishment pursuant to the club and drinking establishment act.

28 (h) Cereal malt beverages may be sold on premises ~~which~~ *that* are  
29 licensed pursuant to both the Kansas cereal malt beverage act and the club  
30 and drinking establishment act at any time when alcoholic liquor is  
31 allowed by law to be served on the premises.

32 Sec. 9. K.S.A. 2020 Supp. 41-2911 is hereby amended to read as  
33 follows: 41-2911. (a) (1) The board of county commissioners of any  
34 county may, by resolution:

35 (A) Expand the days of sale at retail of cereal malt beverage in the  
36 original package to allow such sale within the unincorporated area of the  
37 county on any Sunday, except Easter, ~~between the hours of 12 noon and~~  
38 ~~not earlier than 10 a.m. and not later than 8 p.m. as established in the~~  
39 *resolution* and expand the days of sale at retail of alcoholic liquor in the  
40 original package, if licensing of such sale of alcoholic liquor is authorized  
41 within the unincorporated area of the county, to allow such sale within the  
42 unincorporated area of the county on any Sunday, except Easter, ~~between~~  
43 ~~the hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m.~~

1 ~~and on Memorial Day, Independence Day and Labor Day as established in~~  
2 ~~the resolution; or~~

3 (B) restrict the days of sale at retail of cereal malt beverage in the  
4 original package to prohibit such sale within the unincorporated area of the  
5 county on Sunday and restrict the days of sale at retail of alcoholic liquor  
6 in the original package, if licensing of such sale of alcoholic liquor is  
7 authorized within the unincorporated area of the county, to prohibit such  
8 sale within the unincorporated area of the county on Sunday, ~~Memorial~~  
9 ~~Day, Independence Day and Labor Day.~~

10 Such resolution shall be published once, within two weeks after its  
11 adoption, in the official county newspaper. Such resolution shall not  
12 become effective earlier than 60 days following the date of its publication  
13 ~~or November 15, 2005, whichever is later.~~ If, within 60 days following  
14 publication of the resolution, a petition requesting that a proposition be  
15 submitted for approval by the voters is filed in accordance with subsection  
16 (a)(2), such resolution shall not become effective until a proposition is  
17 submitted to and approved at an election as provided by this subsection  
18 (a).

19 (2) A petition to submit a proposition to the qualified voters of a  
20 county pursuant to this subsection (a) shall be filed with the county  
21 election officer. The petition shall be signed by qualified voters of the  
22 county who reside within the unincorporated area of the county equal in  
23 number to not less than 5% of the voters of the county residing within the  
24 unincorporated area of the county who voted for the office of president of  
25 the United States at the last preceding general election at which such office  
26 was elected. The appropriate version of the following shall appear on the  
27 petition:

28 (A) If licensing of sale at retail of alcoholic liquor in the original  
29 package is not authorized within the unincorporated area of the county, the  
30 petition shall read: "We request an election to determine whether sale at  
31 retail of cereal malt beverage in the original package shall be (allowed on  
32 any Sunday, except Easter, ~~between the hours of 12 noon and not earlier~~  
33 ~~than 10 a.m. and not later than 8 p.m. as established in the petition)~~  
34 (prohibited on Sunday) within the unincorporated area of \_\_\_\_\_  
35 county."

36 (B) If licensing of sale at retail of alcoholic liquor is authorized  
37 within the unincorporated area of the county, the petition shall read: "We  
38 request an election to determine whether sale at retail of cereal malt  
39 beverage in the original package shall be (allowed on any Sunday, except  
40 Easter, ~~between the hours of 12 noon and not earlier than 10 a.m. and not~~  
41 ~~later than 8 p.m. as established in the petition)~~ (prohibited on Sunday)  
42 within the unincorporated area of \_\_\_\_\_ county and whether sale at  
43 retail of alcoholic liquor in the original package shall be (allowed on any

1 Sunday, except Easter, ~~between the hours of 12 noon and not earlier than~~  
2 ~~10 a.m. and not later than 8 p.m. and on Memorial Day, Independence~~  
3 ~~Day and Labor Day as established in the petition~~ (prohibited on Sunday,  
4 ~~Memorial Day, Independence Day and Labor Day~~) within the  
5 unincorporated area of \_\_\_\_\_ county."

6 (3) Upon submission of a valid petition calling for an election  
7 pursuant to this subsection (a), the county commission shall call a special  
8 election to be held not later than 45 days after submission of the petition  
9 unless a countywide primary or general election is to be held within 90  
10 days after submission of the petition, in which case the proposition shall be  
11 submitted at such countywide election. Thereupon, the county election  
12 officer shall cause the appropriate version of the following proposition to  
13 be placed on the ballot in the unincorporated area of the county at such  
14 election:

15 (A) If licensing of sale at retail of alcoholic liquor is not authorized  
16 within the unincorporated area of the county, the following proposition  
17 shall be placed on the ballot: "Within the unincorporated area of  
18 \_\_\_\_\_ county shall sale at retail of cereal malt beverage in the  
19 original package be (allowed on any Sunday, except Easter, ~~between the~~  
20 ~~hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m. as~~  
21 ~~established in the petition~~) (prohibited on Sunday)?"

22 (B) If licensing of sale at retail of alcoholic liquor is authorized  
23 within the unincorporated area of the county, the following proposition  
24 shall be placed on the ballot: "Within the unincorporated area of \_\_\_\_\_  
25 county shall sale at retail of cereal malt beverage in the original package  
26 be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon~~  
27 ~~and not earlier than 10 a.m. and not later than 8 p.m. as established in the~~  
28 ~~petition~~) (prohibited on Sunday) and shall the sale at retail of alcoholic  
29 liquor in the original package be (allowed on any Sunday, except Easter,  
30 ~~between the hours of 12 noon and not earlier than 10 a.m. and not later~~  
31 ~~than 8 p.m. and on Memorial Day, Independence Day and Labor Day as~~  
32 ~~established in the petition~~) (prohibited on Sunday, ~~Memorial Day,~~  
33 ~~Independence Day and Labor Day~~)?"

34 (b) (1) The governing body of any city may, by ordinance:

35 (A) Expand the days of sale at retail of cereal malt beverage in the  
36 original package to allow such sale within the city on any Sunday, except  
37 Easter, ~~between the hours of 12 noon and not earlier than 10 a.m. and not~~  
38 ~~later than 8 p.m. as established in the ordinance~~ and expand the days of  
39 sale at retail of alcoholic liquor in the original package, if licensing of such  
40 sale of alcoholic liquor is authorized within the city, to allow such sale  
41 within the city on any Sunday, except Easter, ~~between the hours of 12 noon~~  
42 ~~and not earlier than 10 a.m. and not later than 8 p.m. and on Memorial~~  
43 ~~Day, Independence Day and Labor Day as established in the ordinance~~; or

1 (B) restrict the days of sale at retail of cereal malt beverage in the  
 2 original package to prohibit such sale within the city on Sunday and  
 3 restrict the days of sale at retail of alcoholic liquor in the original package,  
 4 if licensing of such sale of alcoholic liquor is authorized within the city, to  
 5 prohibit such sale within the city on Sunday, ~~Memorial Day, Independence~~  
 6 ~~Day and Labor Day.~~

7 Such ordinance shall be published at least once each week for two  
 8 consecutive weeks in the official city newspaper. Such ordinance shall not  
 9 become effective earlier than 60 days following the date of its publication  
 10 ~~or November 15, 2005, whichever is later.~~ If, within 60 days following  
 11 publication of the ordinance, a petition requesting that a proposition be  
 12 submitted for approval by the voters is filed in accordance with subsection  
 13 (b)(2), such ordinance shall not become effective until a proposition is  
 14 submitted to and approved at an election as provided by this subsection  
 15 (b).

16 (2) A petition to submit a proposition to the qualified voters of a city  
 17 pursuant to this subsection (b) shall be filed with the county election  
 18 officer. The petition shall be signed by qualified voters of the city equal in  
 19 number to not less than 5% of the voters of the city who voted for the  
 20 office of president of the United States at the last preceding general  
 21 election at which such office was elected. The appropriate version of the  
 22 following shall appear on the petition:

23 (A) If licensing of sale at retail of alcoholic liquor in the original  
 24 package is not authorized within the city, the petition shall read: "We  
 25 request an election to determine whether sale at retail of cereal malt  
 26 beverage in the original package shall be (allowed on any Sunday, except  
 27 Easter, ~~between the hours of 12 noon and~~ *not earlier than 10 a.m. and not*  
 28 *later than 8 p.m. as established in the petition*) (prohibited on Sunday)  
 29 within the city of \_\_\_\_\_."

30 (B) If licensing of sale at retail of alcoholic liquor is authorized  
 31 within the city, the petition shall read: "We request an election to  
 32 determine whether sale at retail of cereal malt beverage in the original  
 33 package shall be (allowed on any Sunday, except Easter, ~~between the hours~~  
 34 ~~of 12 noon and~~ *not earlier than 10 a.m. and not later than 8 p.m. as*  
 35 *established in the petition*) (prohibited on Sunday) within the city of  
 36 \_\_\_\_\_ and whether sale at retail of alcoholic liquor in the original  
 37 package shall be (allowed on any Sunday, except Easter, ~~between the hours~~  
 38 ~~of 12 noon and~~ *not earlier than 10 a.m. and not later than 8 p.m. and on*  
 39 ~~Memorial Day, Independence Day and Labor Day~~ *as established in the*  
 40 *petition*) (prohibited on Sunday, ~~Memorial Day, Independence Day and~~  
 41 ~~Labor Day~~) within the city of \_\_\_\_\_."

42 (3) Upon submission of a valid petition calling for an election  
 43 pursuant to this subsection (b), the city governing body shall call a special

1 election to be held not later than 45 days after submission of the petition  
2 unless a citywide primary or general election is to be held within 90 days  
3 after submission of the petition, in which case the proposition shall be  
4 submitted at such citywide election. Thereupon, the county election officer  
5 shall cause the appropriate version of the following proposition to be  
6 placed on the ballot in the city at such election:

7 (A) If licensing of sale at retail of alcoholic liquor is not authorized  
8 within the city, the following proposition shall be placed on the ballot:  
9 "Within the city of \_\_\_\_\_ shall sale at retail of cereal malt beverage  
10 in the original package be (allowed on any Sunday, except Easter, ~~between~~  
11 ~~the hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m.~~  
12 *as established in the petition*) (prohibited on Sunday)?"

13 (B) If licensing of sale at retail of alcoholic liquor is authorized  
14 within the city, the following proposition shall be placed on the ballot:  
15 "Within the city of \_\_\_\_\_ shall sale at retail of cereal malt beverage in  
16 the original package be (allowed on any Sunday, except Easter, ~~between~~  
17 ~~the hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m.~~  
18 *as established in the petition*) (prohibited on Sunday) and shall the sale at  
19 retail of alcoholic liquor in the original package be (allowed on any  
20 Sunday, except Easter, ~~between the hours of 12 noon and not earlier than~~  
21 ~~10 a.m. and not later than 8 p.m. and on Memorial Day, Independence~~  
22 ~~Day and Labor Day as established in the petition~~) (prohibited on Sunday,  
23 ~~Memorial Day, Independence Day and Labor Day~~)?"

24 (c) The county election officer shall transmit to the director a copy of  
25 the results of an election pursuant to this section.

26 (d) An election provided for by this section shall be called and held in  
27 the manner provided by the general bond law.

28 Sec. 10. K.S.A. 2020 Supp. 41-308, 41-320a, 41-712, 41-718, 41-  
29 2611, 41-2653, as amended by section 1 of 2021 Senate Bill No. 14, 41-  
30 2703, 41-2704 and 41-2911 are hereby repealed.

31 Sec. 11. This act shall take effect and be in force from and after its  
32 publication in the statute book.