

As Amended by House Committee

Session of 2022

HOUSE BILL No. 2502

By Committee on Federal and State Affairs

1-20

1 AN ACT concerning alcoholic beverages; relating to the sale and delivery
2 by retail liquor stores of alcohol and cereal malt beverages to a caterer,
3 public venue, club or drinking establishment located in any county;
4 amending K.S.A. 41-308 and repealing the existing section.

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

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

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

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

19 (2) sell and deliver alcoholic liquor and cereal malt beverage to a
20 caterer or to the licensed premises of a public venue, club or drinking
21 establishment, ~~if such premises are in the county where the retailer's~~
22 ~~premises are located or in an adjacent county,~~ **if such premises are in the**
23 **county where the retailer's premises are located or in an adjacent**
24 **county or a county with a corner located within two miles measured**
25 **along the adjacent county boundary,** for resale by such public venue,
26 club, establishment or caterer; and

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

34 (c) A retailer may:

35 (1) Charge a delivery fee for delivery of alcoholic liquor and cereal
36 malt beverage to a public venue, club, drinking establishment or caterer

1 pursuant to subsection (b)(2);

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

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

7 (4) include in the sale of alcoholic liquor and cereal malt beverage
8 any goods included by the manufacturer in packaging with the alcoholic
9 liquor or cereal malt beverage, subject to the approval of the director;

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

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

19 (7) sell any other good or service on the licensed premises, except
20 that the gross sales of other goods and services, excluding fees derived
21 from the sale of lottery tickets and revenues from sales of cigarettes and
22 tobacco products, shall not exceed 20% of the retailer's total gross sales;
23 and

24 (8) sell containers of beer, domestic beer and cereal malt beverage
25 that are sold on the licensed premises to consumers and served in refillable
26 and sealable containers for consumption off the licensed premises if such
27 containers:

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

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

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

34 Sec. 2. K.S.A. 41-308 is hereby repealed.

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