

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2059

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning alcoholic beverages; amending the common
2 consumption area law to permit rather than require roads be blocked
3 and allowing designation of such areas by signage; amending K.S.A.
4 41-2659 and repealing the existing section.

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

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

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

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

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

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

36 (2) Each application shall be accompanied by a non-refundable

1 permit fee of \$100. All permit fees collected by the director pursuant to
2 this section shall be remitted to the state treasurer in accordance with the
3 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
4 each such remittance, the state treasurer shall deposit the entire amount in
5 the state treasury to the credit of the state general fund.

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

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

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

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

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

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

40 (g) (1) For the purposes of this section, "common consumption area"
41 means a defined indoor or outdoor area not otherwise subject to a license
42 issued pursuant to the Kansas liquor control act or the club and drinking
43 establishment act where the possession and consumption of alcoholic

1 liquor or cereal malt beverage is allowed pursuant to a common
2 consumption area permit.

3 **(2)** The boundaries of any common consumption area must be clearly
4 marked using a physical barrier ~~or~~ **or** any apparent line of demarcation ~~or~~
5 ~~other appropriate signage~~. **Every common consumption area shall have**
6 **signs conspicuously posted identifying the boundaries of such area in a**
7 **size and manner that provides notice to persons entering or leaving**
8 **the area.**

9 (h) The secretary shall adopt rules and regulations to implement this
10 section.

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

13 Sec. 2. K.S.A. 41-2659 is hereby repealed.

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