

HOUSE BILL No. 2291

By Committee on Commerce, Labor and Economic Development

2-3

1 AN ACT concerning **{alcoholic beverages; relating to}** food  
2 establishments ~~that are microbreweries~~; permitting ~~such~~ food  
3 establishments to allow dogs **in outside areas** on the premises **and**  
4 **food establishments that are microbreweries to allow dogs in**  
5 **outside and inside areas on the premises** notwithstanding certain  
6 provisions of the Kansas food code; establishing conditions therefor;  
7 **allowing beer containing not more than 6% alcohol by volume to**  
8 **be considered cereal malt beverage and not beer under state law**  
9 **when sold by a microbrewery}**.

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

12 **{Section 1. Notwithstanding any other provisions of state law, any**  
13 **beer containing not more than 6% alcohol by volume sold by the**  
14 **individual drink by any microbrewery, as defined in K.S.A. 41-102,**  
15 **and amendments thereto, shall be considered cereal malt beverage**  
16 **and not beer for the purposes of:**

17 (a) The Kansas liquor control act; and

18 (b) any requirement that the sale of alcoholic liquor by the  
19 individual drink in public places within a county be permitted when  
20 such public places derive not less than 30% of their gross receipts  
21 from the sale of food for consumption on the premises.}

22 ~~Section 1.~~ **{Sec. 2.}** (a) Notwithstanding any other provisions of state  
23 law, a food establishment, as defined in K.S.A. 2022 Supp. 65-656, and  
24 amendments thereto, that is a microbrewery as defined in K.S.A. ~~48-201-~~  
25 **41-102**, and amendments thereto, and is licensed as provided in K.S.A. ~~48-~~  
26 ~~308b~~ **41-308b**, and amendments thereto, may allow live dogs **in outside**  
27 **and inside areas** on the premises if the conditions specified in subsection  
28 ~~(b)~~ (c) are met.

29 (b) Notwithstanding any other provisions of state law, a food  
30 establishment, as defined in K.S.A. 2022 Supp. 65-656, and  
31 amendments thereto, that is not a microbrewery as defined in K.S.A.  
32 **41-102**, and amendments thereto, may allow live dogs **in outside areas**  
33 **on the premises, if the conditions as specified in subsection (c) are met.**

34 ~~(b)~~(c) The following conditions shall be met, ~~for both indoor and~~

1 ~~outdoor areas as applicable, by a food establishment that is a~~  
2 ~~microbrewery as provided by subsection (a) for dogs to be permitted on~~  
3 ~~such food establishment's premises pursuant to this section as permitted~~  
4 **by subsections (a) and (b):**

5 (1) The food establishment shall prepare a written plan describing the  
6 processes and procedures in place to prevent food contamination from  
7 dogs on the premises. The plan shall be posted next to the food  
8 establishment license inside the premises of the food establishment. The  
9 employees of the food establishment shall be trained on the plan, and the  
10 plan shall be made available to the Kansas department of agriculture upon  
11 request;

12 (2) dogs shall be under handler control. Dogs shall be well behaved  
13 and respond to their handler's command. Dogs belonging to food  
14 establishment owners, management or employees shall not be required to  
15 be leashed. Dogs belonging to guests of the food establishment shall be  
16 leashed at all times;

17 (3) **with respect to a food establishment that is a microbrewery, as**  
18 **provided by subsection (a),** dogs in indoor areas shall not be permitted in  
19 food or drink preparation areas, including, but not limited to, kitchens and  
20 behind bars;

21 (4) dogs shall not be permitted on dining surfaces, including tables,  
22 bars or counter tops;

23 (5) dogs shall not be fed or watered from any food establishment  
24 equipment, including, but not limited to, plates, bowls and utensils, except  
25 for single-service items that are disposed of immediately following such  
26 use;

27 (6) an area outside the food establishment shall be designated for dog  
28 urination and defecation;

29 (7) employees shall be required to wash their hands after contact of  
30 any kind with a dog prior to handling any food, drink, utensil or food or  
31 drink production, preparation or serving equipment or the preparation or  
32 use of surfaces that may come into contact with food or drink;

33 (8) guests shall be advised to wash their hands after any contact with  
34 a dog; and

35 (9) a process for immediately sanitizing equipment or surfaces used  
36 for the production, preparation, serving or consumption of food or drink if  
37 a dog has contact with such equipment or surfaces shall be developed and  
38 followed by the food establishment. This process shall include instructions  
39 for disposing of contaminated food or drink.

40 ~~Sec. 2. {3.}~~ This act shall take effect and be in force from and after its  
41 publication in the statute book.