

**SENATE BILL No. 492**

By Committee on Judiciary

2-8

1 AN ACT concerning alcoholic beverages; removing the prohibition on  
2 transportation of alcoholic beverages in opened containers and on  
3 drinking or consuming alcoholic liquor inside vehicles while on the  
4 public streets, alleys, roads or highways; amending K.S.A. 8-257, 8-  
5 1026, 8-2106, 8-2204, 12-4509, 21-5918 and 21-6602 and K.S.A. 2023  
6 Supp. 41-719 and repealing the existing sections; also repealing K.S.A.  
7 8-1599.

8  
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 8-257 is hereby amended to read as follows: 8-257.

11 (a) The division, upon suspending or revoking a license, shall require that  
12 such license shall be surrendered to the division.

13 (b) Upon the receipt of any Kansas driver's license or permit that has  
14 been surrendered under any provision of law, and notwithstanding any  
15 other provision of law that requires the division to retain the license or  
16 permit, the division may destroy such license or permit.

17 (c) For purposes of this section, the term "surrendered" ~~shall include,~~  
18 ~~but not be includes,~~ *but is not limited to*, Kansas drivers' licenses and  
19 permits received by the division due to the application of the following  
20 statutes: K.S.A. 8-246, 8-250, 8-253, 8-255, 8-260, 8-292, 8-298, 8-2,142,  
21 8-1002, 8-1567a, ~~8-1599~~ and 8-2117 and ~~K.S.A.~~ 38-2361, and  
22 amendments thereto.

23 Sec. 2. K.S.A. 8-1026 is hereby amended to read as follows: 8-1026.

24 (a) Any person whose license is restricted to operating only a motor  
25 vehicle with an ignition interlock device installed and who meets the  
26 requirements of subsection (b) may request reinstatement of such person's  
27 driver's license by submitting a request to the division in a form and  
28 manner prescribed by the division.

29 (b) The division shall approve the request for reinstatement of the  
30 person's driver's license if the division determines all the following  
31 conditions are met:

32 (1) The person's ignition interlock device restriction period has been  
33 extended at least five years, not including any period of incarceration,  
34 beyond the initial ignition interlock device restriction period required by  
35 law due to the person's failure to provide the division with proof of  
36 completion of the ignition interlock device program as required by K.S.A.

1 8-1015, and amendments thereto;

2 (2) during the person's ignition interlock device restriction period and  
3 any extension thereof, the person has not had an alcohol or drug-related  
4 conviction or occurrence, as those terms are defined by K.S.A. 8-1013,  
5 and amendments thereto, or a conviction of a violation of K.S.A. 8-1017,  
6 and amendments thereto, or of a law of another state, or of a political  
7 subdivision thereof, that prohibits the acts prohibited by K.S.A. 8-1017,  
8 and amendments thereto;

9 (3) during the person's ignition interlock device restriction period and  
10 any extension thereof, the person has not had any of the following:

11 (A) Conviction of a violation of K.S.A. 8-1599, ~~and amendments~~  
12 ~~thereto prior to its repeal~~;

13 (B) Conviction of a violation of K.S.A. 41-727, and amendments  
14 thereto;

15 (C) conviction of any violation listed in K.S.A. 8-285(a), and  
16 amendments thereto;

17 (D) conviction of two or more moving traffic violations committed on  
18 separate occasions; or

19 (E) revocation, suspension, cancellation or withdrawal of the person's  
20 driving privileges due to another action by the division or a court; and

21 (4) at the time of submitting the request to the division, the person  
22 does not have any pending charges or proceedings involving any violation  
23 listed in subsection (b)(2) or (3).

24 Sec. 3. K.S.A. 8-2106 is hereby amended to read as follows: 8-2106.

25 (a) A law enforcement officer may prepare and deliver to a person a  
26 written traffic citation on a form approved by the division of motor  
27 vehicles, if the law enforcement officer stops the person for a violation of:

28 (1) The uniform act regulating traffic on highways, which violation is  
29 a misdemeanor or a traffic infraction;

30 (2) K.S.A. 8-262, 8-287, 8-2,144, ~~8-1599~~, ~~21-5607(a)~~, ~~21-5810~~, ~~21-~~  
31 ~~5815~~, ~~21-5816~~, ~~21-5817(a)~~, ~~21-6203~~, 40-3104, 40-3106, 41-715, 41-724,  
32 41-727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314,  
33 66-1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or 79-34,122(b);  
34 ~~or K.S.A. 21-5607(a), 21-5810, 21-5815, 21-5816, 21-5817(a) or 21-6203~~,  
35 and amendments thereto;

36 (3) K.S.A. 31-155, and amendments thereto, involving transportation  
37 of bottle rockets;

38 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any  
39 rules and regulations adopted pursuant thereto;

40 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-  
41 2001 or 31-146, and amendments thereto;

42 (6) any rules and regulations adopted pursuant to K.S.A. 31-133, and  
43 amendments thereto, relating to transportation of materials or fuel;

1 (7) K.S.A. 8-1343 through 8-1347, and amendments thereto, relating  
2 to the child passenger safety act; or

3 (8) K.S.A. 8-2501 through 8-2507, and amendments thereto, relating  
4 to the safety belt use act.

5 (b) The citation shall contain a notice to appear in court, the name and  
6 address of the person, the type of vehicle the person was driving, whether  
7 hazardous materials were being transported, whether an accident occurred,  
8 the state registration number of the person's vehicle, if any, a statement  
9 whether the vehicle is a commercial vehicle, whether the person is  
10 licensed to drive a commercial motor vehicle, the offense or offenses  
11 charged, the time and place when and where the person shall appear in  
12 court, the signature of the law enforcement officer and any other pertinent  
13 information.

14 (c) The time specified in the notice to appear shall be at least five  
15 days after the alleged violation unless the person charged with the  
16 violation demands an earlier hearing.

17 (d) The place specified in the notice to appear shall be before a judge  
18 of the district court within the county in which the offense is alleged to  
19 have been committed.

20 (e) Except in the circumstances to which K.S.A. 8-2104(a), and  
21 amendments thereto, apply, in the discretion of the law enforcement  
22 officer, a person charged with a misdemeanor may give written promise to  
23 appear in court by signing at least one copy of the written citation prepared  
24 by the law enforcement officer, in which event the law enforcement officer  
25 shall deliver a copy of the citation to the person and shall not take the  
26 person into physical custody.

27 (f) When a person is charged with a traffic infraction, the notice to  
28 appear shall provide a place where the person may make a written entry of  
29 appearance, waive the right to a trial and plead guilty or no contest. Such  
30 notice to appear shall contain a provision that the person's failure to either  
31 pay such fine and court costs or appear at the specified time may result in  
32 suspension of the person's drivers' license as provided in K.S.A. 8-2110,  
33 and amendments thereto. The notice to appear shall provide a space where  
34 the law enforcement officer shall enter the appropriate fine specified in the  
35 uniform fine schedule contained in K.S.A. 8-2118, and amendments  
36 thereto, for the violation charged and court costs in the amount provided  
37 by law. If the notice to appear does not do so, the law enforcement officer  
38 shall provide a person charged with a traffic infraction a form explaining  
39 the person's right to appear and right to a trial and the person's right to pay  
40 the appropriate fine and court costs prior to the appearance date. The law  
41 enforcement officer shall provide the person with the address of the court  
42 to which the written entry of appearance, waiver of trial, plea of guilty or  
43 no contest and payment of fine and court costs shall be mailed.

1 (g) Any officer violating any of the provisions of subsection (f) is  
2 guilty of misconduct in office and shall be subject to removal from office.

3 (h) A driverless-capable vehicle's registered owner shall be  
4 responsible for all applicable traffic law violations when the automated  
5 driving system is engaged. For the purposes of prosecution of traffic law  
6 violations, the owner is considered to be the operator of the vehicle when  
7 the automated driving system is engaged. A law enforcement officer shall  
8 deliver the written traffic citation to a person charged with a traffic  
9 infraction to the owner of the driverless-capable vehicle operating without  
10 a conventional human driver as such terms are defined by K.S.A. 8-2901,  
11 and amendments thereto, by sending the citation by certified mail to the  
12 address of the owner.

13 Sec. 4. K.S.A. 8-2204 is hereby amended to read as follows: 8-2204.  
14 This act shall be known and may be cited as the uniform act regulating  
15 traffic on highways. The uniform act regulating traffic on highways  
16 includes all sections located in articles 10, 14 through 22 and 25 of chapter  
17 8 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 8-  
18 1,129, 8-1,130a, 8-1428a, 8-1560a through 8-1560d, ~~8-1599~~, 8-1742a ~~and~~,  
19 8-2118; ~~and amendments thereto~~; and K.S.A. 8-2901 through 8-2910, and  
20 amendments thereto.

21 Sec. 5. K.S.A. 12-4509 is hereby amended to read as follows: 12-  
22 4509. (a) Whenever a person is found guilty of the violation of an  
23 ordinance, the municipal judge may:

- 24 (1) Release the person without imposition of sentence;  
25 (2) release the person on probation after the imposition of sentence,  
26 without imprisonment or the payment of a fine or a portion thereof, subject  
27 to conditions imposed by the court as provided in subsection (e);  
28 (3) impose such sentence of fine or imprisonment, or both, as  
29 authorized for the ordinance violation; or  
30 (4) impose a sentence of house arrest as provided in K.S.A. 21-6609,  
31 and amendments thereto.

32 (b) In addition to or in lieu of any other sentence authorized by law,  
33 whenever a person is found guilty of the violation of an ordinance and  
34 there is evidence that the act constituting the violation of the ordinance  
35 was substantially related to the possession, use or ingestion of cereal malt  
36 beverage or alcoholic liquor by such person, the judge may order such  
37 person to attend and satisfactorily complete an alcohol or drug education  
38 or training program certified by the chief judge of the judicial district or  
39 licensed by the secretary for aging and disability services.

40 (c) Except as provided in subsection (d), in addition to or in lieu of  
41 any other sentence authorized by law, whenever a person is convicted of  
42 having violated, while under 21 years of age, an ordinance prohibiting an  
43 act prohibited by K.S.A. 21-5701 through 21-5717, and amendments

1 thereto, or K.S.A. ~~8-1599~~, 41-719 or 41-727, and amendments thereto, the  
2 municipal judge shall order such person to submit to and complete an  
3 alcohol and drug evaluation by a community-based alcohol and drug  
4 safety action program certified pursuant to K.S.A. 8-1008, and  
5 amendments thereto, and to pay a fee not to exceed the fee established by  
6 that statute for such evaluation. If the judge finds that the person is  
7 indigent, the fee may be waived.

8 (d) If the person is 18 or more years of age but less than 21 years of  
9 age and is convicted of a violation of K.S.A. 41-727, and amendments  
10 thereto, involving cereal malt beverage, the provisions of subsection (c)  
11 are permissive and not mandatory.

12 (e) In addition to any other sentence authorized by law, whenever a  
13 person is convicted of any criminal offense, the municipal judge shall  
14 determine whether the defendant committed a domestic violence offense  
15 as defined in K.S.A. 21-5111, and amendments thereto, and shall sentence  
16 the defendant pursuant to K.S.A. 22-4616, and amendments thereto.

17 (f) The court may impose any conditions of probation or suspension  
18 of sentence that the court deems proper, including, but not limited to,  
19 requiring that the defendant:

20 (1) Avoid such injurious or vicious habits, as directed by the court or  
21 the probation officer;

22 (2) avoid such persons or places of disreputable or harmful character,  
23 as directed by the court or the probation officer;

24 (3) report to the probation officer as directed;

25 (4) permit the probation officer to visit the defendant at home or  
26 elsewhere;

27 (5) work faithfully at suitable employment insofar as possible;

28 (6) remain within the state unless the court grants permission to  
29 leave;

30 (7) pay a fine or costs, applicable to the ordinance violation, in one or  
31 several sums and in the manner as directed by the court;

32 (8) support the defendant's dependents;

33 (9) reside in a residential facility located in the community and  
34 participate in educational counseling, work and other correctional or  
35 rehabilitative programs;

36 (10) perform community or public service work for local  
37 governmental agencies, private corporations organized not-for-profit, or  
38 charitable or social service organizations performing services for the  
39 community;

40 (11) perform services under a system of day fines whereby the  
41 defendant is required to satisfy fines, costs or reparation or restitution  
42 obligations by performing services for a period of days determined by the  
43 court on the basis of ability to pay, standard of living, support obligations

1 and other factors;

2 (12) make reparation or restitution to the aggrieved party for the  
3 damage or loss caused by the defendant's crime, in an amount and manner  
4 determined by the court and to the person specified by the court; or

5 (13) reimburse the city, in accordance with any order made under  
6 subsection (g), for all or a part of the reasonable expenditures by the city to  
7 provide counsel and other defense services to the defendant.

8 (g) In addition to or in lieu of any other sentence authorized by law,  
9 whenever a person is found guilty of the violation of an ordinance the  
10 judge may order such person to reimburse the city for all or a part of the  
11 reasonable expenditures by the city to provide counsel and other defense  
12 services to the defendant. In determining the amount and method of  
13 payment of such sum, the court shall take account of the financial  
14 resources of the defendant and the nature of the burden that payment of  
15 such sum will impose. A defendant who has been required to pay such sum  
16 and who is not willfully in default in the payment thereof may at any time  
17 petition the court ~~which~~ that sentenced the defendant to waive payment of  
18 such sum or of any unpaid portion thereof. If it appears to the satisfaction  
19 of the court that payment of the amount due will impose manifest hardship  
20 on the defendant or the defendant's immediate family, the court may waive  
21 payment of all or part of the amount due or modify the method of  
22 payment.

23 Sec. 6. K.S.A. 21-5918 is hereby amended to read as follows: 21-  
24 5918. (a) Dealing in false identification documents is knowingly  
25 reproducing, manufacturing, selling or offering for sale any identification  
26 document ~~which~~ that:

27 (1) Simulates, purports to be or is designed so as to cause others  
28 reasonably to believe it to be an identification document; and

29 (2) bears a fictitious name or other false information.

30 (b) Vital records identity fraud related to birth, death, marriage and  
31 divorce certificates is:

32 (1) Supplying false information intending that the information be  
33 used to obtain a certified copy of a vital record;

34 (2) making, counterfeiting, altering, amending or mutilating any  
35 certified copy of a vital record without lawful authority and with the intent  
36 to deceive; or

37 (3) obtaining, possessing, using, selling or furnishing or attempting to  
38 obtain, possess or furnish to another a certified copy of a vital record, with  
39 the intent to deceive.

40 (c) (1) Vital records identity fraud is a severity level 8, nonperson  
41 felony.

42 (2) Dealing in false identification documents is a severity level 8,  
43 nonperson felony.

1 (d) The provisions of this section shall not apply to:

2 (1) A person less than 21 years of age who uses the identification  
3 document of another person to acquire an alcoholic beverage, ~~as defined in~~  
4 ~~K.S.A. 8-1599, and amendments thereto;~~ or

5 (2) a person less than 18 years of age who uses the identification  
6 documents of another person to acquire:

7 (A) Cigarettes or tobacco products, as defined in K.S.A. 79-3301, and  
8 amendments thereto;

9 (B) a periodical, videotape or other communication medium that  
10 contains or depicts nudity;

11 (C) admittance to a performance, live or film, that prohibits the  
12 attendance of the person based on age; or

13 (D) an item that is prohibited by law for use or consumption by such  
14 person.

15 (e) As used in this section,:

16 (1) *"Alcoholic beverage" means any alcoholic liquor, as defined by*  
17 *K.S.A. 41-102, and amendments thereto, or any cereal malt beverage, as*  
18 *defined by K.S.A. 41-2701, and amendments thereto; and*

19 (2) "identification document" means any card, certificate or document  
20 or banking instrument, including, but not limited to, credit or debit card,  
21 ~~which~~ that identifies or purports to identify the bearer of such document,  
22 whether or not intended for use as identification, and includes, but is not  
23 limited to, documents purporting to be drivers' licenses, nondrivers'  
24 identification cards, certified copies of birth, death, marriage and divorce  
25 certificates, social security cards and employee identification cards.

26 Sec. 7. K.S.A. 21-6602 is hereby amended to read as follows: 21-  
27 6602. (a) For the purpose of sentencing, the following classes of  
28 misdemeanors and the punishment and the terms of confinement  
29 authorized for each class are established:

30 (1) Class A, the sentence for which shall be a definite term of  
31 confinement in the county jail, which shall be fixed by the court and shall  
32 not exceed one year;

33 (2) class B, the sentence for which shall be a definite term of  
34 confinement in the county jail, which shall be fixed by the court and shall  
35 not exceed six months;

36 (3) class C, the sentence for which shall be a definite term of  
37 confinement in the county jail, which shall be fixed by the court and shall  
38 not exceed one month; and

39 (4) unclassified misdemeanors, which shall include all crimes  
40 declared to be misdemeanors without specification as to class, the sentence  
41 for which shall be in accordance with the sentence specified in the statute  
42 that defines the crime; if no penalty is provided in such law, the sentence  
43 shall be the same penalty as provided herein for a class C misdemeanor.

1 (b) Upon conviction of a misdemeanor, a person may be punished by  
2 a fine, as provided in K.S.A. 21-6611, and amendments thereto, instead of  
3 or in addition to confinement, as provided in this section.

4 (c) In addition to or in lieu of any other sentence authorized by law,  
5 whenever there is evidence that the act constituting the misdemeanor was  
6 substantially related to the possession, use or ingestion of cereal malt  
7 beverage or alcoholic liquor by such person, the court may order such  
8 person to attend and satisfactorily complete an alcohol or drug education  
9 or training program certified by the chief judge of the judicial district or  
10 licensed by the secretary for aging and disability services.

11 (d) Except as provided in subsection (e), in addition to or in lieu of  
12 any other sentence authorized by law, whenever a person is convicted of  
13 having committed, while under 21 years of age, a misdemeanor under  
14 K.S.A. ~~8-1599, 21-5701 through 21-5717~~, 41-719 or 41-727 ~~or K.S.A. 21-~~  
15 ~~5701 through 21-5717~~, and amendments thereto, the court shall order such  
16 person to submit to and complete an alcohol and drug evaluation by a  
17 community-based alcohol and drug safety action program certified  
18 pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not  
19 to exceed the fee established by that statute for such evaluation. If the  
20 court finds that the person is indigent, the fee may be waived.

21 (e) If the person is 18 or more years of age but less than 21 years of  
22 age and is convicted of a violation of K.S.A. 41-727, and amendments  
23 thereto, involving cereal malt beverage, the provisions of subsection (d)  
24 are permissive and not mandatory.

25 Sec. 8. K.S.A. 2023 Supp. 41-719 is hereby amended to read as  
26 follows: 41-719. (a) (1) Except as otherwise provided ~~herein and in K.S.A.~~  
27 ~~8-1599, and amendments thereto in this section~~, no person shall drink or  
28 consume alcoholic liquor on the public streets, alleys, roads or highways  
29 ~~or inside vehicles while on the public streets, alleys, roads or highways.~~

30 (2) Alcoholic liquor may be consumed on public streets, alleys, roads,  
31 sidewalks or highways when:

32 (A) A temporary permit has been issued pursuant to K.S.A. 41-1201  
33 or 41-2703, and amendments thereto, for such an event;

34 (B) a caterer's licensee has provided the required notification for a  
35 catered event pursuant to K.S.A. 41-2643, and amendments thereto; or

36 (C) a public venue, hotel, hotel caterer, drinking establishment caterer  
37 or drinking establishment licensee has been authorized to extend its  
38 licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.

39 (3) Consumption of alcoholic liquor on public streets, alleys, roads,  
40 sidewalks or highways must be approved, by ordinance or resolution, by  
41 the local governing body of any city, county or township where such  
42 consumption will occur. ~~No alcoholic liquor may be consumed inside~~  
43 ~~vehicles while on public streets, alleys, roads or highways at any time.~~

1 (4) No person shall remove any alcoholic liquor from inside the  
2 boundaries of an event as designated by the governing body of any city,  
3 county or township, from the boundaries of a catered event or from the  
4 extended licensed premises of a public venue, hotel, hotel caterer, drinking  
5 establishment caterer or drinking establishment. Such boundaries shall be  
6 clearly marked by signs, a posted map or other means—~~which~~ *that*  
7 reasonably identify the area in which alcoholic liquor may be possessed or  
8 consumed.

9 (b) Alcoholic liquor may be consumed within common consumption  
10 areas designated by a city or county on public streets, alleys, roads,  
11 sidewalks or highways pursuant to K.S.A. 41-2659, and amendments  
12 thereto, except that no alcoholic liquor may be consumed inside vehicles  
13 while on public streets, alleys, roads or highways within a common  
14 consumption area. Further, no person shall remove any alcoholic liquor  
15 from inside the boundaries of the common consumption area, which shall  
16 be clearly designated by a physical barrier.

17 (c) No person shall drink or consume alcoholic liquor on private  
18 property except:

19 (1) On premises where the sale of liquor by the individual drink is  
20 authorized by the club and drinking establishment act;

21 (2) upon private property by a person occupying such property as an  
22 owner or lessee of an owner and by the guests of such person, if no charge  
23 is made for the serving or mixing of any drink or drinks of alcoholic liquor  
24 or for any substance mixed with any alcoholic liquor and if no sale of  
25 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,  
26 takes place;

27 (3) in a lodging room of any hotel, motel or boarding house by the  
28 person occupying such room and by the guests of such person, if no charge  
29 is made for the serving or mixing of any drink or drinks of alcoholic liquor  
30 or for any substance mixed with any alcoholic liquor and if no sale of  
31 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,  
32 takes place;

33 (4) in a private dining room of a hotel, motel or restaurant, if the  
34 dining room is rented or made available on a special occasion to an  
35 individual or organization for a private party and if no sale of alcoholic  
36 liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

37 (5) on the premises of a manufacturer, microbrewery, microdistillery  
38 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or 41-  
39 354, and amendments thereto;

40 (6) on the premises of an unlicensed business as authorized pursuant  
41 to subsection (j); or

42 (7) within a common consumption area established pursuant to  
43 K.S.A. 41-2659, and amendments thereto.

1 (d) No person shall drink or consume alcoholic liquor on public  
2 property except:

3 (1) On real property leased by a city to others under the provisions of  
4 K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real  
5 property is actually being used for hotel or motel purposes or purposes  
6 incidental thereto.

7 (2) In any state-owned or operated building or structure, and on the  
8 surrounding premises, which is furnished to and occupied by any state  
9 officer or employee as a residence.

10 (3) On premises licensed as a club or drinking establishment and  
11 located on property owned or operated by an airport authority created  
12 pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments  
13 thereto, or established by a city.

14 (4) On the state fair grounds on the day of any race held thereon  
15 pursuant to the Kansas parimutuel racing act.

16 (5) On the state fairgrounds, within boundaries that have been marked  
17 with a three-dimensional barrier, if: (A) The alcoholic liquor is domestic  
18 beer or wine or wine imported under K.S.A. 41-308a(e), and amendments  
19 thereto, and is consumed only for purposes of judging competitions; (B)  
20 the alcoholic liquor is wine or beer that is sold during the days of the  
21 Kansas state fair, or as authorized by the Kansas state fair board, by the  
22 holder of a temporary permit in accordance with the provisions of K.S.A.  
23 41-1201(g), and amendments thereto; or (C) the alcoholic liquor is  
24 consumed on nonfair days in conjunction with bona fide scheduled events  
25 involving not less than 75 invited guests and the state fair board, in its  
26 discretion, authorizes the consumption of the alcoholic liquor, subject to  
27 any conditions or restrictions the board may require.

28 (6) In the state historical museum provided for by K.S.A. 76-2036,  
29 and amendments thereto, on the surrounding premises and in any other  
30 building on such premises, as authorized by rules and regulations of the  
31 state historical society.

32 (7) On the premises of any state-owned historic site under the  
33 jurisdiction and supervision of the state historical society, on the  
34 surrounding premises and in any other building on such premises, as  
35 authorized by rules and regulations of the state historical society.

36 (8) In a lake resort within the meaning of K.S.A. 32-867, and  
37 amendments thereto, on state-owned or leased property.

38 (9) On the premises of any Kansas national guard regional training  
39 center or armory, and any building on such premises, as authorized by  
40 rules and regulations of the adjutant general and upon approval of the  
41 Kansas military board.

42 (10) On the premises of any land or waters owned or managed by the  
43 department of wildlife and parks, except as otherwise prohibited by rules

1 and regulations of the department adopted by the secretary pursuant to  
2 K.S.A. 32-805, and amendments thereto.

3 (11) On property exempted from this subsection pursuant to  
4 subsection (e), (f), (g), (h) or (i).

5 (12) On the premises of the state capitol building or on its  
6 surrounding premises during an official state function of a nonpartisan  
7 nature that has been approved by the legislative coordinating council.

8 (13) On premises of a common consumption area established by  
9 K.S.A. 41-2659, and amendments thereto.

10 (e) Any city may exempt, by ordinance, from the provisions of  
11 subsection (d) specified property the title of which is vested in such city.

12 (f) The board of county commissioners of any county may exempt,  
13 by resolution, from the provisions of subsection (d) specified property the  
14 title of which is vested in such county.

15 (g) The state board of regents may exempt from the provisions of  
16 subsection (d) the Sternberg museum on the campus of Fort Hays state  
17 university, or other specified property ~~which~~ *that* is under the control of  
18 such board and ~~which is~~ not used for classroom instruction, where  
19 alcoholic liquor may be consumed in accordance with policies adopted by  
20 such board.

21 (h) The board of regents of Washburn university may exempt from  
22 the provisions of subsection (d) the Mulvane art center and the Bradbury  
23 Thompson alumni center on the campus of Washburn university, and other  
24 specified property the title of which is vested in such board and ~~which is~~  
25 not used for classroom instruction, where alcoholic liquor may be  
26 consumed in accordance with policies adopted by such board.

27 (i) The board of trustees of a community college may exempt from  
28 the provisions of subsection (d) specified property that is under the control  
29 of such board and is not used for classroom instruction, where alcoholic  
30 liquor may be consumed in accordance with policies adopted by such  
31 board.

32 (j) (1) An unlicensed business may authorize patrons or guests of  
33 such business to consume alcoholic liquor on the premises of such  
34 business provided:

35 (A) Such alcoholic liquor is in the personal possession of the patron  
36 and is not sold, offered for sale or given away by the owner of such  
37 business or any employees thereof;

38 (B) possession and consumption of alcoholic liquor shall not be  
39 authorized between the hours of 12 a.m. and 9 a.m.;

40 (C) the business, or any owner thereof, shall not have had a license  
41 issued under either the Kansas liquor control act or the club and drinking  
42 establishment act revoked for any reason; and

43 (D) no charge of any sort may be made by the business for the

1 privilege of possessing or consuming alcoholic liquor on the premises, or  
2 for mere entry onto the premises.

3 (2) It shall be a violation of this section for any unlicensed business to  
4 authorize the possession or consumption of alcoholic liquor by a patron of  
5 such business when such authorization is not in accordance with the  
6 provisions of this subsection.

7 (3) For the purposes of this subsection, "patron" means a natural  
8 person who is a customer or guest of an unlicensed business.

9 (k) Violation of any provision of this section is an unclassified  
10 misdemeanor punishable by a fine of not less than \$50 or more than \$200  
11 or by imprisonment for not more than six months, or both.

12 (l) For the purposes of this section, "common consumption area"  
13 means the same as that term is defined in K.S.A. 41-2659, and  
14 amendments thereto.

15 Sec. 9. K.S.A. 8-257, 8-1026, 8-1599, 8-2106, 8-2204, 12-4509, 21-  
16 5918 and 21-6602 and K.S.A. 2023 Supp. 41-719 are hereby repealed.

17 Sec. 10. This act shall take effect and be in force from and after its  
18 publication in the statute book.