

2023 Kansas Statutes

41-2653. Removal of alcoholic liquor or cereal malt beverage from premises of club or drinking establishment. (a) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove alcoholic liquor or cereal malt beverage from the licensed premises in one or more containers, including in the original unopened container, subject to the following conditions:

- (1) It must be otherwise legal for the licensee to sell the alcoholic liquor or cereal malt beverage;
- (2) each container of alcoholic liquor or cereal malt beverage must have been purchased by a patron of the licensed premises;
- (3) the licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor or cereal malt beverage;
- (4) before any container of alcoholic liquor or cereal malt beverage is removed from the licensed premises, the licensee or the licensee's employee must securely reseal any opened containers, and place the container in a tamper-proof, transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened;
- (5) no original unopened containers of spirits may be removed from the licensed premises; and
- (6) no alcoholic liquor or cereal malt beverage may be removed from the licensed premises after 11:00 p.m. unless such alcoholic liquor is wine that was purchased and partially consumed on the licensed premises.

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

- (1) Contain between 32 and 64 fluid ounces;
- (2) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container; and
- (3) are not sold or removed from the premises after 11:00 p.m.

(d)* All alcoholic liquor, cereal malt beverage and nonalcoholic malt beverage sold by a licensee shall be subject to the tax imposed by K.S.A. 79-41a02, and amendments thereto.

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

History: L. 2006, ch. 206, § 7; L. 2020, ch. 1, § 26 (Special Session); L. 2021, ch. 1, § 1; L. 2021, ch. 107, § 32; May 27.