

SENATE BILL No. 164

By Committee on Federal and State Affairs

2-7

1 AN ACT concerning alcoholic beverages; relating to the club and drinking
2 establishment act; concerning the consumption of alcoholic beverages
3 in public; amending K.S.A. 2016 Supp. 41-719 and 41-2653 and
4 repealing the existing sections.

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

7 New Section 1. (a) A city may, by ordinance, establish a designated
8 area located wholly within the boundaries of such city where alcoholic
9 liquor may be consumed on public streets, alleys, roads, sidewalks,
10 highways, parks and such other open public lands located within such
11 designated area.

12 (b) (1) No person shall remove any alcoholic liquor from inside the
13 boundaries of any designated area established pursuant to subsection (a).
14 The boundaries of such designated area shall be clearly marked by signs, a
15 posted map or other means that reasonably identify the designated area in
16 which alcoholic liquor may be possessed or consumed.

17 (2) No person shall possess or consume alcoholic liquor inside a
18 premises licensed under the club and drinking establishment act that was
19 not sold or provided by such licensee.

20 (3) No person shall possess or consume alcoholic liquor inside a
21 designated area that was not purchased or otherwise lawfully obtained
22 from a person holding a license issued under the Kansas liquor control act
23 or the club and drinking establishment act.

24 (4) No alcoholic liquor may be consumed inside vehicles located in
25 such designated area while on public streets, alleys, roads or highways.

26 (c) Notwithstanding the provisions of K.S.A. 41-2653, and
27 amendments thereto, in addition to the rights of a licensee pursuant to the
28 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
29 thereto, a class A club license, class B club license or drinking
30 establishment license shall allow the licensee to allow legal patrons of the
31 club or drinking establishment to remove from the licensed premises one
32 or more opened containers of alcoholic liquor, provided each container of
33 alcoholic liquor shall have been purchased by a patron, and the licensee, or
34 the licensee's employee, shall provide the patron with a dated receipt for
35 the containers of alcoholic liquor.

36 (d) This section shall be part of and supplemental to the club and

1 drinking establishment act.

2 Sec. 2. K.S.A. 2016 Supp. 41-719 is hereby amended to read as
3 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
4 8-1599, and amendments thereto, no person shall drink or consume
5 alcoholic liquor on the public streets, alleys, roads or highways or inside
6 vehicles while on the public streets, alleys, roads or highways.

7 (2) (A) Alcoholic liquor may be consumed at a special event or
8 catered event held on public streets, alleys, roads, sidewalks or highways
9 when a temporary permit has been issued pursuant to K.S.A. 41-2645, and
10 amendments thereto, for such special event or when the caterer's licensee
11 has provided the required notification pursuant to K.S.A. 41-2643, and
12 amendments thereto. Any special event must be approved, by ordinance or
13 resolution, by the local governing body of any city, county or township
14 where such special event is being held. No alcoholic liquor may be
15 consumed inside vehicles while on public streets, alleys, roads or
16 highways at any special event or catered event.

17 ~~(2)~~ (B) No person shall remove any alcoholic liquor from inside the
18 boundaries of a special event as designated by the governing body of any
19 city, county or township, or the boundaries of the catered event. The
20 boundaries of a special event shall be clearly marked by signs, a posted
21 map or other means which reasonably identify the area in which alcoholic
22 liquor may be possessed or consumed at such special event.

23 ~~(4)~~ (C) No person shall possess or consume alcoholic liquor inside
24 the premises licensed as a special event that was not sold or provided by
25 the licensee holding the temporary permit for such special event.

26 (3) *Alcoholic liquor may be consumed on public streets, alleys, roads,*
27 *sidewalks or highways located within a designated area established*
28 *pursuant to section 1, and amendments thereto. The consumption of*
29 *alcoholic liquor in such designated area shall be in accordance with the*
30 *provisions of section 1, and amendments thereto.*

31 (b) No person shall drink or consume alcoholic liquor on private
32 property except:

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

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

41 (3) in a lodging room of any hotel, motel or boarding house by the
42 person occupying such room and by the guests of such person, if no charge
43 is made for the serving or mixing of any drink or drinks of alcoholic liquor

1 or for any substance mixed with any alcoholic liquor and if no sale of
2 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
3 takes place;

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

8 (5) on the premises of a manufacturer, microbrewery, microdistillery
9 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or
10 K.S.A. 2016 Supp. 41-354, and amendments thereto; or

11 (6) on the premises of an unlicensed business as authorized pursuant
12 to subsection (i).

13 (c) No person shall drink or consume alcoholic liquor on public
14 property except:

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

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

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

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

28 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
29 beer or wine or wine imported under K.S.A. 41-308a(e), and amendments
30 thereto, and is consumed only for purposes of judging competitions; (B)
31 the alcoholic liquor is wine or beer and is sold and consumed during the
32 days of the Kansas state fair on premises leased by the state fair board to a
33 person who holds a temporary permit issued pursuant to K.S.A. 41-2645,
34 and amendments thereto, authorizing the sale and serving of such wine or
35 beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in
36 conjunction with bona fide scheduled events involving not less than 75
37 invited guests and the state fair board, in its discretion, authorizes the
38 consumption of the alcoholic liquor, subject to any conditions or
39 restrictions the board may require.

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

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

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

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

11 (10) On the premises of any land or waters owned or managed by the
12 department of wildlife, parks and tourism, except as otherwise prohibited
13 by rules and regulations of the department adopted by the secretary
14 pursuant to K.S.A. 32-805, and amendments thereto.

15 (11) On property exempted from this subsection (c) pursuant to
16 subsection (d), (e), (f), (g) or (h).

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

20 (13) *On the premises of any public land located within a designated*
21 *area established pursuant to section 1, and amendments thereto, provided*
22 *the consumption of alcoholic liquor in such designated area shall be in*
23 *accordance with the provisions of section 1, and amendments thereto.*

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

26 (e) The board of county commissioners of any county may exempt,
27 by resolution, from the provisions of subsection (c) specified property the
28 title of which is vested in such county.

29 (f) The state board of regents may exempt from the provisions of
30 subsection (c) the Sternberg museum on the campus of Fort Hays state
31 university, or other specified property which is under the control of such
32 board and which is not used for classroom instruction, where alcoholic
33 liquor may be consumed in accordance with policies adopted by such
34 board.

35 (g) The board of regents of Washburn university may exempt from
36 the provisions of subsection (c) the Mulvane art center and the Bradbury
37 Thompson alumni center on the campus of Washburn university, and other
38 specified property the title of which is vested in such board and which is
39 not used for classroom instruction, where alcoholic liquor may be
40 consumed in accordance with policies adopted by such board.

41 (h) The board of trustees of a community college may exempt from
42 the provisions of subsection (c) specified property which is under the
43 control of such board and which is not used for classroom instruction,

1 where alcoholic liquor may be consumed in accordance with policies
2 adopted by such board.

3 (i) (1) An unlicensed business may authorize patrons or guests of
4 such business to consume alcoholic liquor on the premises of such
5 business provided:

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

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

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

14 (D) no charge of any sort may be made by the business for the
15 privilege of possessing or consuming alcoholic liquor on the premises, or
16 for mere entry onto the premises.

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

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

23 (j) Violation of any provision of this section is a misdemeanor
24 punishable by a fine of not less than \$50 or more than \$200 or by
25 imprisonment for not more than six months, or both.

26 (k) For the purposes of this section, "special event" means a picnic,
27 bazaar, festival or other similar community gathering, which has been
28 approved by the local governing body of any city, county or township.

29 Sec. 3. K.S.A. 2016 Supp. 41-2653 is hereby amended to read as
30 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to
31 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments
32 thereto, a class A club license, class B club license or drinking
33 establishment license shall allow the licensee to allow legal patrons of the
34 club or drinking establishment to remove from the licensed premises one
35 or more opened containers of alcoholic liquor, subject to the following
36 conditions:

37 (1) It must be legal for the licensee to sell the alcoholic liquor in its
38 original container;

39 (2) the alcoholic liquor must be in its original container;

40 (3) each container of alcoholic liquor must have been purchased by a
41 patron and the alcoholic liquor in each container must have been partially
42 consumed on the licensed premises;

43 (4) the licensee or the licensee's employee must provide the patron

1 with a dated receipt for the unfinished container or containers of alcoholic
2 liquor; and

3 (5) before the container of alcoholic liquor is removed from the
4 licensed premises, the licensee or the licensee's employee must securely
5 reseal each container, place the container in a tamper-proof, transparent
6 bag which is sealed in a manner that makes it visibly apparent if the bag is
7 subsequently tampered with or opened.

8 (b) *The provisions of this section shall not apply to any container of*
9 *alcoholic liquor purchased or consumed in a designated area established*
10 *pursuant to section 1, and amendments thereto.*

11 ~~(b)~~ (c) This section shall be part of and supplemental to the club and
12 drinking establishment act.

13 Sec. 4. K.S.A. 2016 Supp. 41-719 and 41-2653 are hereby repealed.

14 Sec. 5. This act shall take effect and be in force from and after its
15 publication in the statute book.