

## HOUSE BILL No. 2672

By Committee on Federal and State Affairs

2-13

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1 AN ACT concerning alcoholic beverages; relating to the club and drinking  
2 establishment act; authorizing licensees to sell and serve cereal malt  
3 beverages; amending K.S.A. 41-2604 and 41-2619 and K.S.A. 2019  
4 Supp. 41-1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-  
5 2610, 41-2611, 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-  
6 2642, 41-2643, 41-2653, 41-2655, 41-2658 and 41-2659 and repealing  
7 the existing sections.  
8

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

10 Section 1. K.S.A. 2019 Supp. 41-1201 is hereby amended to read as  
11 follows: 41-1201. (a) A temporary permit shall allow the permit holder to  
12 offer for sale, sell and serve alcoholic liquor *or cereal malt beverage* for  
13 consumption on licensed or unlicensed premises, or on premises that are  
14 otherwise subject to a separate temporary permit, that may be open to the  
15 public, subject to the terms of such permit. A temporary permit shall also  
16 authorize the permit holder to sell, in accordance with rules and  
17 regulations adopted by the secretary, alcoholic liquor at a charitable  
18 auction, or one or more limited issue porcelain containers containing  
19 alcoholic liquor.

20 (b) A temporary permit holder may charge a fee for entrance into the  
21 premises described in the permit, or any portion thereof.

22 (c) The director may issue a temporary permit to any one or more  
23 persons or organizations applying for such a permit, in accordance with  
24 rules and regulations of the secretary. The permit shall be issued in the  
25 names of the persons or organizations to which it is issued.

26 (d) Applications for temporary permits shall be required to be filed  
27 with the director not less than 14 days before the event for which the  
28 permit is sought, unless the director waives such requirement for good  
29 cause. The application shall be upon a form prescribed by the director.  
30 Each application shall be electronically submitted and accompanied by a  
31 non-refundable permit fee of \$25 for each day for which the permit is  
32 issued, and such fee shall be paid by a check or credit card in the full  
33 amount thereof. All permit fees collected by the director pursuant to this  
34 section shall be remitted to the state treasurer in accordance with the  
35 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
36 each such remittance, the state treasurer shall deposit the entire amount in

1 the state treasury to the credit of the state general fund.

2 (e) Each application for a temporary permit shall specify the premises  
3 for which they are issued, including a diagram of the premises covered by  
4 the temporary permit. The diagram shall clearly show the boundaries of  
5 the premises, entrances to and exits from the premises and the area in  
6 which the service of alcoholic liquor *or cereal malt beverage* would take  
7 place. A temporary permit shall be issued only for premises where the city,  
8 county or township zoning code allows the use for which the permit is  
9 issued. No temporary permit shall be issued for premises that are not  
10 located in a county where the qualified electors of the county:

11 (1) (A) Approved, by a majority vote of those voting thereon, to  
12 adopt the proposition amending section 10 of article 15 of the constitution  
13 of the state of Kansas at the general election in November, 1986; or

14 (B) have approved a proposition to allow the sale of liquor by the  
15 individual drink in public places within the county at an election pursuant  
16 to K.S.A. 41-2646, and amendments thereto; and

17 (2) have not approved a proposition to prohibit such sales of alcoholic  
18 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
19 and amendments thereto.

20 (f) (1) A temporary permit may be issued for the consumption of  
21 alcoholic liquor *or cereal malt beverage* on a city, county or township  
22 street, alley, road, sidewalk or highway for an event if: (A) Such street,  
23 alley, road, sidewalk or highway is closed to motor vehicle traffic by the  
24 governing body of such city, county or township for such event; (B) a  
25 written request for such consumption and possession of such alcoholic  
26 liquor *or cereal malt beverage* has been made to the local governing body;  
27 and (C) the event has been approved by the governing body of such city,  
28 county or township by ordinance or resolution.

29 The boundaries of any such event shall be clearly marked by signs, a  
30 posted map or other means which reasonably identify the area in which  
31 alcoholic liquor *or cereal malt beverage* may be possessed or consumed at  
32 such event.

33 (2) Drinking establishments that are immediately adjacent to, or  
34 located within the licensed premises of an event, for which a temporary  
35 permit has been issued and the consumption of alcoholic liquor *or cereal*  
36 *malt beverage* on public property has been approved, may request that the  
37 drinking establishment's licensed premises be extended into and made a  
38 part of the licensed premises of the event, for the duration of the temporary  
39 permit issued for such event.

40 (3) Each licensee selling alcoholic liquor *or cereal malt beverage* for  
41 consumption on the premises of an event for which a temporary permit has  
42 been issued shall be liable for violations of all laws governing the sale and  
43 consumption of alcoholic liquor *and cereal malt beverage*.

1 (4) Each temporary permit holder selling alcoholic liquor *or cereal*  
2 *malt beverage* for consumption on the permit premises shall be liable for  
3 all violations of laws governing the sale and consumption of alcoholic  
4 liquor *and cereal malt beverage* that occur in areas covered by multiple  
5 temporary permits.

6 (g) (1) Except as otherwise provided in this subsection, a temporary  
7 permit shall be issued for a period of time not to exceed three consecutive  
8 days, the dates and hours of which shall be specified in the permit. An  
9 applicant may not be issued more than four temporary permits in a  
10 calendar year.

11 (2) The director may issue a sufficient number of temporary permits  
12 as required by the state fair board, valid for the entire period of time of the  
13 Kansas state fair, ~~which that~~ authorizes the sale of wine in its original,  
14 unopened container and the serving by the drink of wine ~~or~~, beer, ~~or both~~  
15 *cereal malt beverage, or any combination thereof*, on the state fairgrounds  
16 on premises specified in the temporary permit, by a person who has  
17 entered into an agreement with the state fair board for that purpose subject  
18 to the conditions imposed by the state fair board. Nothing in this paragraph  
19 shall be construed to limit the number of temporary permits the director  
20 may issue for the sale of wine ~~or~~, beer, ~~or both~~ *cereal malt beverage, or*  
21 *any combination thereof*, on the state fairgrounds consistent with the  
22 requirements of the state fair board.

23 (3) For an event approved by the governing body of a city, county or  
24 township pursuant to subsection (e)(1), the director may issue a temporary  
25 permit, ~~which that~~ may, at the director's discretion, be valid for the entire  
26 period of such event, but in no event shall such permit be issued for a  
27 period of time that exceeds 30 consecutive days.

28 (h) An application for a temporary permit may be rejected by the  
29 director if:

30 (1) The applicant has been granted four permits in the current  
31 calendar year;

32 (2) the application was not filed with the director at least 14 days  
33 prior to the event;

34 (3) the applicant, or any officer, director, partner, registered agent,  
35 trustee, manager or owner of the applicant has previously owned or  
36 operated any entity holding a temporary permit, club, drinking  
37 establishment or caterer's license, had such permit or license surrendered,  
38 and at the time such permit or license was surrendered had been ordered to  
39 appear and show cause why the permit or license should not be revoked or  
40 suspended;

41 (4) the applicant has designated an area for an event that was the  
42 subject of the order to appear and show cause as set forth in paragraph (3),  
43 and it appears that the new application for a temporary permit covering the

1 premises is an attempt to avoid any possible remedial action taken by the  
2 director against the former permit or license holder; or

3 (5) the applicant has had a license or permit revoked under the club  
4 and drinking establishment act, or has been convicted of a violation of the  
5 Kansas liquor control act, the club and drinking establishment act, the  
6 Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et  
7 seq., and amendments thereto.

8 (i) (1) A temporary permit holder may purchase and possess alcoholic  
9 liquor *or cereal malt beverage* for resale for a period of three days prior to  
10 the first day of sale of such alcoholic liquor *or cereal malt beverage*. A  
11 distributor may, without any further permission from the director, deliver  
12 such alcoholic liquor *or cereal malt beverage* to the permit premises.

13 (2) If a licensee has sold alcoholic liquor *or cereal malt beverage* to a  
14 temporary permit holder, and a distributor directly delivers such alcoholic  
15 liquor *or cereal malt beverage* to such temporary permit holder, but such  
16 licensee's normal hours of operation make immediate payment to the  
17 distributor impossible, the licensee may pay the retailer and the retailer  
18 may pay the distributor for such alcoholic liquor *or cereal malt beverage*  
19 within 48 hours of the sale.

20 (3) Within three business days after the end of an event conducted  
21 pursuant to a temporary permit, the temporary permit holder may sell back  
22 to the retailer or farm winery from whom alcoholic liquor *or cereal malt*  
23 *beverage* was purchased any alcoholic liquor *or cereal malt beverage* sold  
24 to the temporary permit holder for such event.

25 (4) Upon written permission from the director and after four business  
26 days after the end of an event conducted pursuant to a temporary permit,  
27 the temporary permit holder may sell back to the licensee from whom  
28 alcoholic liquor *or cereal malt beverage* was purchased any alcoholic  
29 liquor *or cereal malt beverage* sold to the temporary permit holder for  
30 such event.

31 (j) A temporary permit shall not be transferable or assignable.

32 (k) Each temporary permit holder shall not employ or use the services  
33 of any person:

34 (1) Who is under the age of 18 years to serve alcoholic liquor *or*  
35 *cereal malt beverage*;

36 (2) who is under the age of 21 years to mix or dispense drinks  
37 containing alcoholic liquor *or cereal malt beverage*;

38 (3) who is under the age of 21 and not supervised by the temporary  
39 permit holder or an employee who is at least 21 years of age;

40 (4) who has been convicted of a felony or of any crime involving a  
41 morals charge to dispense, mix or serve alcoholic liquor *or cereal malt*  
42 *beverage*; or

43 (5) who has been convicted within the previous two years of a

1 violation of any intoxicating liquor law of this state, any other state or the  
2 United States; to dispense, mix or serve alcoholic liquor *or cereal malt*  
3 *beverage*.

4 Sec. 2. K.S.A. 2019 Supp. 41-1202 is hereby amended to read as  
5 follows: 41-1202. (a) A temporary permit holder shall only purchase  
6 alcoholic liquor *or cereal malt beverage* from a retailer or a farm winery  
7 and may receive delivery of such alcoholic liquor *or cereal malt beverage*  
8 from a distributor.

9 (b) Temporary permit holders shall only purchase alcoholic liquor *or*  
10 *cereal malt beverage* from a retailer who possesses a federal wholesaler's  
11 basic permit and who has a sign on display at the licensed premises that  
12 states that the licensee is a "Wholesale Liquor Dealer Under Federal Law."  
13 All alcoholic liquor *or cereal malt beverage* purchased on any one day  
14 shall be removed from the licensed premises of the retailer or farm winery  
15 within 48 hours. Temporary permit holders shall not warehouse any  
16 alcoholic liquor *or cereal malt beverage* on the licensed premises of any  
17 retailer or farm winery for more than 48 hours.

18 (c) Each temporary permit holder, when purchasing alcoholic liquor  
19 *or cereal malt beverage* from a retailer or farm winery, shall obtain and  
20 keep for at least one year from the date of purchase a sales receipt that  
21 contains the following information:

- 22 (1) The date of purchase;
- 23 (2) the name and address of the retailer or farm winery;
- 24 (3) the name and address of the temporary permit holder as it appears  
25 on the temporary permit;
- 26 (4) the brand, size, proof and amount of all alcoholic liquor *or cereal*  
27 *malt beverage* purchased; and
- 28 (5) the subtotal of the cost of all alcoholic liquor *or cereal malt*  
29 *beverage* purchased, and the total cost of such purchase, including  
30 enforcement tax.

31 (d) Each temporary permit holder shall be responsible for all  
32 violations of the club and drinking establishment act by the following  
33 people while on the permit premises:

- 34 (1) An employee of the temporary permit holder, or of any person  
35 contracting with the temporary permit holder to provide services or food in  
36 connection with an event; or
- 37 (2) any individual dispensing, mixing or serving alcoholic liquor *or*  
38 *cereal malt beverage* at an event.

39 (e) Except for a temporary permit holder who has obtained such  
40 permit for the sale of alcoholic liquor at a charitable auction or for the sale  
41 of one or more limited issue porcelain containers containing alcoholic  
42 liquor, no temporary permit holder shall sell alcoholic liquor *or cereal*  
43 *malt beverage* for removal from or consumption off the licensed premises,

1 except that alcoholic liquor *or cereal malt beverage* may be removed to a  
2 drinking establishment that has extended its premises into the event area in  
3 accordance with K.S.A. 41-2608, and amendments thereto.

4 (f) The boundary of any premises covered by a temporary permit  
5 shall be marked by a line of demarcation.

6 Sec. 3. K.S.A. 2019 Supp. 41-1203 is hereby amended to read as  
7 follows: 41-1203. (a) All alcoholic liquor *or cereal malt beverage* sold at  
8 an event covered by a temporary permit shall be dispensed only from  
9 original containers.

10 (b) An individual may carry an original container of alcoholic liquor  
11 *or cereal malt beverage* onto the event premises with the approval of the  
12 temporary permit holder and under the following conditions:

13 (1) The temporary permit holder shall not store any such containers  
14 of alcoholic liquor *or cereal malt beverage* on the event premises; and

15 (2) each individual carrying any such container onto the event  
16 premises shall remove such container when the individual exits the event  
17 premises.

18 Sec. 4. K.S.A. 2019 Supp. 41-1204 is hereby amended to read as  
19 follows: 41-1204. Notwithstanding any other provisions of the Kansas  
20 liquor control act or the club and drinking establishment act to the  
21 contrary, any person or entity who is issued a temporary permit may  
22 provide samples of wine, beer, *cereal malt beverage* and distilled spirits on  
23 the permit premises as follows:

24 (a) All wine, beer, *cereal malt beverage* and spirits sampled shall  
25 come from the inventory of the temporary permit holder. Except as  
26 provided by ~~paragraph (2)~~ subsection (b), a person other than the  
27 temporary permit holder, or such permit holder's agent or employee, may  
28 not dispense or participate in the dispensing of alcoholic ~~beverages~~ liquor  
29 *or cereal malt beverage* under this section.

30 (b) A supplier's permit holder, or such permit holder's agent or  
31 employee, may provide samples of wine, beer, *cereal malt beverage* and  
32 distilled spirits on the permit premises, and may open, touch or pour such  
33 alcoholic liquor *or cereal malt beverage*, make a presentation, or answer  
34 questions at such sampling events. Any alcoholic liquor *or cereal malt*  
35 *beverage* sampled under this subsection must be purchased from a retailer  
36 or the temporary permit holder on whose premises the sampling event is  
37 held.

38 (c) No charge of any sort may be made for a sample serving.

39 (d) A person may be served more than one sample. Samples may not  
40 be served to a minor. No samples may be removed from the permit  
41 premises.

42 (e) The act of providing samples to consumers shall be exempt from  
43 the requirement of holding a Kansas food service dealer license from the

1 department of agriculture under the provisions of chapter 65 of the Kansas  
2 Statutes Annotated, and amendments thereto.

3 Sec. 5. K.S.A. 2019 Supp. 41-2601 is hereby amended to read as  
4 follows: 41-2601. As used in the club and drinking establishment act:

5 (a) The following terms ~~shall have the meanings~~ *mean the same as*  
6 provided by K.S.A. 41-102, and amendments thereto: (1) "Alcoholic  
7 liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and  
8 (6) "to sell."

9 (b) "Beneficial interest" shall not include any interest a person may  
10 have as owner, operator, lessee or franchise holder of a licensed hotel or  
11 motel on the premises of which a club or drinking establishment is located.

12 (c) "Caterer" means an individual, partnership or corporation ~~which~~  
13 *that* sells alcoholic liquor *or cereal malt beverage* by the individual drink,  
14 and provides services related to the serving thereof, on unlicensed  
15 premises ~~which that~~ may be open to the public, but does not include a  
16 holder of a temporary permit, selling alcoholic liquor in accordance with  
17 the terms of such permit.

18 (d) "Cereal malt beverage" ~~has the meaning~~ *means the same as*  
19 provided by K.S.A. 41-2701, and amendments thereto.

20 (e) "Class A club" means a premises ~~which that~~ is owned or leased by  
21 a corporation, partnership, business trust or association and ~~which that~~  
22 operated thereby as a bona fide nonprofit social, fraternal or war veterans'  
23 club, as determined by the director, for the exclusive use of the corporate  
24 stockholders, partners, trust beneficiaries or associates (hereinafter referred  
25 to as members) and their families and guests accompanying them.

26 (f) "Class B club" means a premises operated for profit by a  
27 corporation, partnership or individual, to which members of such club may  
28 resort for the consumption of food or alcoholic beverages and for  
29 entertainment.

30 (g) "Club" means a class A or class B club.

31 (h) "Drinking establishment" means premises ~~which that~~ may be  
32 open to the general public, where alcoholic liquor *or cereal malt beverage*  
33 by the individual drink is sold. "Drinking establishment" includes a  
34 railway car.

35 (i) "Food" means any raw, cooked or processed edible substance or  
36 ingredient, other than alcoholic liquor or cereal malt beverage, used or  
37 intended for use or for sale, in whole or in part, for human consumption.

38 (j) "Food service establishment" ~~has the meaning~~ *means the same as*  
39 provided by K.S.A. 36-501, and amendments thereto.

40 (k) "Hotel" ~~has the meaning~~ *means the same as* provided by K.S.A.  
41 36-501, and amendments thereto.

42 (l) "Individual drink" means a beverage containing alcoholic liquor or  
43 cereal malt beverage served to an individual for consumption by such

1 individual or another individual, but which is not intended to be consumed  
2 by two or more individuals. The term "individual drink" includes  
3 beverages containing not more than: (1) Eight ounces of wine; (2) thirty-  
4 two ounces of beer or cereal malt beverage; or (3) four ounces of a single  
5 spirit or a combination of spirits.

6 (m) "Minibar" means a closed cabinet, whether nonrefrigerated or  
7 wholly or partially refrigerated, access to the interior of which is restricted  
8 by means of a locking device which requires the use of a key, magnetic  
9 card or similar device.

10 (n) "Minor" means a person under 21 years of age.

11 (o) "Morals charge" means a charge involving the sale of sexual  
12 relations; procuring any person; soliciting of a child under 18 years of age  
13 for any immoral act involving sex; possession or sale of narcotics,  
14 marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal  
15 cohabitation; adultery; bigamy; or a crime against nature.

16 (p) "Municipal corporation" means the governing body of any county  
17 or city.

18 (q) "Public venue" means an arena, stadium, hall or theater, used  
19 primarily for athletic or sporting events, live concerts, live theatrical  
20 productions or similar seasonal entertainment events, not operated on a  
21 daily basis, and containing:

22 (1) Not less than 4,000 permanent seats; and

23 (2) not less than two private suites, ~~which~~ *that* are enclosed or semi-  
24 enclosed seating areas, having controlled access and separated from the  
25 general admission areas by a permanent barrier.

26 (r) "Railway car" means a locomotive drawn conveyance used for the  
27 transportation and accommodation of human passengers that is confined to  
28 a fixed rail route and which derives from sales of food for consumption on  
29 the railway car not less than 30% of its gross receipts from all sales of food  
30 and beverages in a 12-month period.

31 (s) "Restaurant" means:

32 (1) In the case of a club, a licensed food service establishment ~~which~~  
33 *that*, as determined by the director, derives from sales of food for  
34 consumption on the licensed club premises not less than 50% of its gross  
35 receipts from all sales of food and beverages on such premises in a 12-  
36 month period;

37 (2) in the case of a drinking establishment subject to a food sales  
38 requirement under K.S.A. 41-2642, and amendments thereto, a licensed  
39 food service establishment ~~which~~ *that*, as determined by the director,  
40 derives from sales of food for consumption on the licensed drinking  
41 establishment premises not less than 30% of its gross receipts from all  
42 sales of food and beverages on such premises in a 12-month period; and

43 (3) in the case of a drinking establishment subject to no food sales



1 requirement under K.S.A. 41-2642, and amendments thereto, a licensed  
2 food service establishment.

3 (t) "RV resort" means premises where a place to park recreational  
4 vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered  
5 for pay, primarily to transient guests, for overnight or longer use while  
6 such recreational vehicles are used as sleeping or living accommodations.

7 (u) "Sample" means a serving of alcoholic liquor *or cereal malt*  
8 *beverage* that contains not more than: (1) One-half ounce of distilled  
9 spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt  
10 beverage. A sample of a mixed alcoholic beverage shall contain not more  
11 than ½ ounce of distilled spirits.

12 (v) "Secretary" means the secretary of revenue.

13 (w) "Temporary permit" means a temporary permit issued pursuant to  
14 K.S.A. 2019 Supp. 41-1201, and amendments thereto.

15 Sec. 6. K.S.A. 41-2604 is hereby amended to read as follows: 41-  
16 2604. Any person allowing consumption of alcoholic liquor *or cereal malt*  
17 *beverage* in violation of this act on any property owned, leased or  
18 otherwise under ~~his~~ *such person's* control shall thereby subject ~~himself~~  
19 *such person* and the property on which ~~said~~ *such* illegal consumption takes  
20 place to the penalties ~~hereinafter~~ provided *in this section*.

21 (a) The person allowing such consumption shall be guilty of a  
22 misdemeanor and upon conviction thereof shall be subject to a fine not to  
23 exceed ~~five hundred dollars (\$500)~~ *\$500* or confinement in the county jail  
24 not to exceed six ~~(6)~~ months, or both such fine and imprisonment.

25 (b) The property on which the violation takes place is declared to be a  
26 public nuisance and as such is subject to abatement as provided for any  
27 other liquor nuisance in K.S.A. 41-805, *and amendments thereto*.

28 Sec. 7. K.S.A. 2019 Supp. 41-2608 is hereby amended to read as  
29 follows: 41-2608. (a) Any public venue, club or drinking establishment  
30 license issued pursuant to this act shall be for one particular premises  
31 ~~which~~ *that* shall be stated in the application and in the license. Not more  
32 than one premises licensed under the club and drinking establishment act  
33 shall exist at a single legal address.

34 (b) No license shall be issued for a public venue, club or drinking  
35 establishment unless the city, township or county zoning code allows a  
36 club or drinking establishment at that location.

37 (c) The licensed premises of a license may be extend into a city,  
38 county or township street, alley, road, sidewalk or highway if: (1) Such  
39 street, alley, road, sidewalk or highway is closed to motor vehicle traffic  
40 by the governing body of such city, county or township at any time during  
41 which alcoholic liquor *or cereal malt beverage* is to be sold or consumed;  
42 and (2) such extension has been approved by the city, county or township  
43 by ordinance or resolution that specifies the exact times during which

1 alcoholic liquor *or cereal malt beverage* may be sold or consumed on the  
2 street, alley, road, sidewalk or highway.

3 Sec. 8. K.S.A. 2019 Supp. 41-2610 is hereby amended to read as  
4 follows: 41-2610. It shall be unlawful for any licensee or holder of a  
5 temporary permit under this act to:

6 (a) Employ any person under the age of 18 years in connection with  
7 the serving of alcoholic liquor *or cereal malt beverage*.

8 (b) Employ knowingly or continue in employment any person in  
9 connection with the dispensing or serving of alcoholic liquor *or cereal*  
10 *malt beverage* or the mixing of drinks containing alcoholic liquor who has  
11 been adjudged guilty of a felony or of any crime involving a morals charge  
12 in this or any other state, or of the United States.

13 (c) Knowingly employ or continue to employ any person in  
14 connection with the dispensing or serving of alcoholic liquor *or cereal*  
15 *malt beverage*, or the mixing of drinks containing alcoholic liquor, who  
16 has been adjudged guilty of two or more violations of K.S.A. 2019 Supp.  
17 21-5607, and amendments thereto, furnishing alcoholic liquor *or cereal*  
18 *malt beverage* to minors or a similar law of any other state, or of the  
19 United States, pertaining to furnishing alcoholic liquor *or cereal malt*  
20 *beverage* to minors within the immediately preceding five years, or who  
21 has been adjudged guilty of three or more violations of any intoxicating  
22 liquor law of this or any other state, or of the United States, not involving  
23 the furnishing of alcoholic liquor *or cereal malt beverage* to minors within  
24 the immediately preceding five years.

25 (d) In the case of a club, fail to maintain at the licensed premises a  
26 current list of all members and their residence addresses or refuse to allow  
27 the director, any of the director's authorized agents or any law enforcement  
28 officer to inspect such list.

29 (e) Purchase alcoholic liquor *or cereal malt beverage* from any  
30 person except from a person authorized by law to sell such alcoholic liquor  
31 *or cereal malt beverage* to such licensee or permit holder.

32 (f) Permit any employee of the licensee or permit holder who is under  
33 the age of 21 years to work on premises where alcoholic liquor *or cereal*  
34 *malt beverage* is sold by such licensee or permit holder at any time when  
35 not under the on-premises supervision of either the licensee or permit  
36 holder, or an employee who is 21 years of age or over.

37 (g) Employ any person under 21 years of age in connection with the  
38 mixing or dispensing of drinks containing alcoholic liquor *or cereal malt*  
39 *beverage*.

40 Sec. 9. K.S.A. 2019 Supp. 41-2611 is hereby amended to read as  
41 follows: 41-2611. The director may suspend, involuntarily cancel or  
42 revoke any license issued pursuant to the club and drinking establishment  
43 act for any one or more of the following reasons:

1 (a) The licensee has fraudulently obtained the license by giving false  
2 information in the application therefor or any hearing thereon.

3 (b) The licensee has violated any of the provisions of this act or any  
4 rules or regulations adopted hereunder.

5 (c) The licensee has become ineligible to obtain a license or permit  
6 under this act.

7 (d) The licensee's manager or employee has been intoxicated while  
8 on duty.

9 (e) The licensee, or its manager or employee, has permitted any  
10 disorderly person to remain on premises where alcoholic liquor *or cereal*  
11 *malt beverage* is sold by such licensee.

12 (f) There has been a violation of a provision of the laws of this state,  
13 or of the United States, pertaining to the sale of intoxicating or alcoholic  
14 liquors or cereal malt beverages, or any crime involving a morals charge,  
15 on premises where alcoholic liquor *or cereal malt beverage* is sold by such  
16 licensee.

17 (g) The licensee, or its managing officers or any employee, has  
18 purchased and displayed, on premises where alcoholic liquor *or cereal*  
19 *malt beverage* is sold by such licensee, a federal wagering occupational  
20 stamp issued by the United States treasury department.

21 (h) The licensee, or its managing officers or any employee, has  
22 purchased and displayed, on premises where alcoholic liquor *or cereal*  
23 *malt beverage* is sold by such licensee, a federal coin operated gambling  
24 device stamp for the premises issued by the United States treasury  
25 department.

26 (i) The licensee holds a license as a class B club, drinking  
27 establishment or caterer and has been found guilty of a violation of article  
28 10 of chapter 44 of the Kansas Statutes Annotated, and amendments  
29 thereto, under a decision or order of the Kansas human rights commission  
30 ~~which~~ *that* has become final, or such licensee has been found guilty of a  
31 violation of K.S.A. 21-4003, prior to its repeal, or K.S.A. 2019 Supp. 21-  
32 6102, and amendments thereto.

33 (j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior to  
34 their repeal, or K.S.A. 2019 Supp. 21-6204, and amendments thereto, on  
35 premises where alcoholic liquor *or cereal malt beverage* is sold by such  
36 licensee.

37 Sec. 10. K.S.A. 2019 Supp. 41-2613 is hereby amended to read as  
38 follows: 41-2613. The right of immediate entry to and inspection of any  
39 premises licensed as a public venue, club or drinking establishment or any  
40 premises where alcoholic liquor *or cereal malt beverage* is sold by a  
41 holder of a temporary permit, or any premises subject to the control of any  
42 licensee or temporary permit holder, by any duly authorized officer or  
43 agent of the director, or by any law enforcement officer, shall be a

1 condition on which every license or temporary permit is issued, and the  
2 application for, and acceptance of, any license or temporary permit shall  
3 conclusively be deemed to be the consent of the applicant and licensee or  
4 permit holder to such immediate entry and inspection. Such right of  
5 immediate entry and inspection shall be at any time when the premises are  
6 occupied and is not limited to hours when the club or drinking  
7 establishment is open for business. Such consent shall not be revocable  
8 during the term of the license or temporary permit. Refusal of such entry  
9 shall be grounds for revocation of the license or temporary permit.

10 Sec. 11. K.S.A. 2019 Supp. 41-2614 is hereby amended to read as  
11 follows: 41-2614. (a) Except as provided by subsection (c), no public  
12 venue, club or drinking establishment shall allow the serving, mixing or  
13 consumption of alcoholic liquor *or cereal malt beverage* on its premises  
14 between the hours of 2:00 a.m. and 6:00 a.m. on any day.

15 (b) No caterer shall allow the serving, mixing or consumption of  
16 alcoholic liquor *or cereal malt beverage* between the hours of 2:00 a.m.  
17 and 6:00 a.m. on any day at an event catered by such caterer.

18 (c) A hotel of which the entire premises are licensed as a drinking  
19 establishment or as a drinking establishment caterer may allow at any time  
20 the serving, mixing and consumption of alcoholic liquor and cereal malt  
21 beverage from a minibar in a guest room by guests registered to stay in  
22 such room, and guests of guests registered to stay in such room.

23 Sec. 12. K.S.A. 41-2619 is hereby amended to read as follows: 41-  
24 2619. The existence of any place for which a license or temporary permit  
25 has not been issued pursuant to this act and which purports, or is held out  
26 to the public or to any person by the proprietors or their agents or  
27 employees, to be a place where alcoholic liquor *or cereal malt beverage* is  
28 sold by the individual drink, shall be deemed to be sufficient probable  
29 cause for any judge of the district court to issue a search warrant to any  
30 law enforcement officer of the state or a subdivision of the state for the  
31 purpose of searching such place for alcoholic liquor *or cereal malt*  
32 *beverage* being sold, possessed or consumed in violation of this act, any  
33 other law of the state or any ordinance of a municipal subdivision of the  
34 state.

35 Sec. 13. K.S.A. 2019 Supp. 41-2623 is hereby amended to read as  
36 follows: 41-2623. (a) No license shall be issued under the provisions of  
37 this act to:

38 (1) Any person described in K.S.A. 41-311(a)(1), (2), (4), (5), (6),  
39 (7), (8), (9), (12), (13) or (15), and amendments thereto, except that the  
40 provisions of ~~subsection K.S.A. 41-311(a)(7) of such section, and~~  
41 *amendments thereto*, shall not apply to nor prohibit the issuance of a  
42 license for a class A club to an officer of a post home of a congressionally  
43 chartered service or fraternal organization, or a benevolent association or

1 society thereof.

2 (2) A person who has had the person's license revoked for cause  
3 under the provisions of this act.

4 (3) A person who has not been a resident of this state for a period of  
5 at least one year immediately preceding the date of application.

6 (4) A person who has a beneficial interest in the manufacture,  
7 preparation or wholesaling or the retail sale of alcoholic ~~liquors~~ *liquor or*  
8 *cereal malt beverage* or a beneficial interest in any other club, drinking  
9 establishment or caterer licensed hereunder, except that:

10 (A) A license for premises located in a hotel may be granted to a  
11 person who has a beneficial interest in one or more other clubs or drinking  
12 establishments licensed hereunder if such other clubs or establishments are  
13 located in hotels.

14 (B) A license for a club or drinking establishment ~~which~~ *that* is a  
15 restaurant may be issued to a person who has a beneficial interest in other  
16 clubs or drinking establishments ~~which~~ *that* are restaurants.

17 (C) A caterer's license may be issued to a person who has a beneficial  
18 interest in a club or drinking establishment and a license for a club or  
19 drinking establishment may be issued to a person who has a beneficial  
20 interest in a caterer.

21 (D) A license for a class A club may be granted to an organization of  
22 which an officer, director or board member is a distributor or retailer  
23 licensed under the liquor control act if such distributor or retailer sells no  
24 alcoholic liquor to such club.

25 (E) Any person who has a beneficial interest in a microbrewery,  
26 microdistillery or farm winery licensed pursuant to the Kansas liquor  
27 control act may be issued any or all of the following: (1) Class B club  
28 license; (2) drinking establishment license; and (3) caterer's license.

29 (5) A copartnership, unless all of the copartners are qualified to  
30 obtain a license.

31 (6) A corporation, if any officer, manager or director thereof, or any  
32 stockholder owning in the aggregate more than 5% of the common or  
33 preferred stock of such corporation would be ineligible to receive a license  
34 hereunder for any reason other than citizenship and residence  
35 requirements.

36 (7) A corporation, if any officer, manager or director thereof, or any  
37 stockholder owning in the aggregate more than 5% of the common or  
38 preferred stock of such corporation, has been an officer, manager or  
39 director, or a stockholder owning in the aggregate more than 5% of the  
40 common or preferred stock, of a corporation ~~which~~ *that*:

41 (A) Has had a license revoked under the provisions of the club and  
42 drinking establishment act; or

43 (B) has been convicted of a violation of the club and drinking

1 establishment act or the cereal malt beverage laws of this state.

2 (8) A corporation organized under the laws of any state other than this  
3 state.

4 (9) A trust, if any grantor, beneficiary or trustee would be ineligible to  
5 receive a license under this act for any reason, except that the provisions of  
6 K.S.A. 41-311(a)(6), and amendments thereto, shall not apply in  
7 determining whether a beneficiary would be eligible for a license.

8 (b) No club or drinking establishment license shall be issued under  
9 the provisions of the club and drinking establishment act to:

10 (1) A person who does not own the premises for which a license is  
11 sought, or does not, at the time the application is submitted, have a written  
12 lease thereon, except that an applicant seeking a license for a premises  
13 ~~which~~ *that* is owned by a city or county, or is a stadium, arena, convention  
14 center, theater, museum, amphitheater or other similar premises may  
15 submit an executed agreement to provide alcoholic beverage services at  
16 the premises listed in the application in lieu of a lease.

17 (2) A person who is not a resident of the county in which the  
18 premises sought to be licensed are located.

19 Sec. 14. K.S.A. 2019 Supp. 41-2637 is hereby amended to read as  
20 follows: 41-2637. (a) A license for a class A club shall allow the licensee  
21 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*  
22 *beverage* for consumption on the licensed premises by members and their  
23 families, and guests accompanying them; and (2) serve samples of  
24 alcoholic liquor *or cereal malt beverage* free of charge for consumption by  
25 members and their families and guests accompanying them.

26 No charge of any sort may be made for a sample serving. Samples may  
27 not be served to a minor. No samples may be removed from the licensed  
28 premises. No consideration shall be requested or required for entry onto  
29 the premises, participation in any event taking place on the premises or to  
30 remain on the premises.

31 (b) (1) Subject to the provisions of subsection (b)(2), any two or more  
32 class A or class B clubs may permit, by an agreement filed with and  
33 approved by the director, the members of each such club to have access to  
34 all other clubs ~~which~~ *that* are parties to such agreement. The privileges  
35 extended to the visiting members of other clubs under such an agreement  
36 shall be determined by the agreement and, if the agreement so provides,  
37 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale  
38 and serve, to any person who is a member of another club ~~which~~ *that* is a  
39 party to such agreement, alcoholic liquor *or cereal malt beverage* for  
40 consumption on the licensed premises by such person and such person's  
41 family, and guests accompanying them.

42 (2) A class B club may enter into a reciprocal agreement authorized  
43 by subsection (b)(1) only if the class B club is a restaurant.

1 (c) A licensee may store on its premises wine sold to a customer for  
2 consumption at a later date on its premises in the unopened container. Such  
3 wine must be kept separate from all other alcohol stock and in a secure  
4 locked area separated by customer. Such wine shall not be removed from  
5 the licensed premises in its unopened condition.

6 Sec. 15. K.S.A. 2019 Supp. 41-2641 is hereby amended to read as  
7 follows: 41-2641. (a) A license for a class B club shall allow the licensee  
8 to: (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*  
9 *beverage* for consumption on the licensed premises by members of such  
10 club and guests accompanying them; and (2) serve samples of alcoholic  
11 liquor *or cereal malt beverage* free of charge on the licensed premises for  
12 consumption by such members and their families and guests  
13 accompanying them.

14 No charge of any sort may be made for a sample serving. Samples may  
15 not be served to a minor. No samples may be removed from the licensed  
16 premises. Providing samples is prohibited for any licensee who charges a  
17 cover charge or entry fee at any time during the business day. No  
18 consideration shall be requested or required for entry onto the premises,  
19 participation in any event taking place on the premises or to remain on the  
20 premises.

21 (b) (1) Subject to the provisions of subsection (b)(2), any two or more  
22 class A or class B clubs may permit, by an agreement filed with and  
23 approved by the director, the members of each such club to have access to  
24 all other clubs ~~which~~ *that* are parties to such agreement. The privileges  
25 extended to the visiting members of other clubs under such an agreement  
26 shall be determined by the agreement and, if the agreement so provides,  
27 any club ~~which~~ *that* is a party to such agreement may sell, offer for sale  
28 and serve, to any person who is a member of another club ~~which~~ *that* is a  
29 party to such agreement, alcoholic liquor *or cereal malt beverage* for  
30 consumption on the licensed premises by such person and such person's  
31 family, and guests accompanying them.

32 (2) A class B club may enter into a reciprocal agreement authorized  
33 by subsection (b)(1) only if the class B club is a restaurant.

34 (c) Except as provided by subsection (d), an applicant for  
35 membership in a class B club shall, before becoming a member of such  
36 club:

37 (1) Be screened by the club for good moral character; and

38 (2) pay an annual membership fee of not less than \$10.

39 (d) Notwithstanding the membership fee requirement of subsection  
40 (c):

41 (1) Any class B club located on the premises of a hotel or RV resort  
42 may establish rules whereby a guest, who registered at the hotel or RV  
43 resort and who is not a resident of the county in which the club is located,

1 may file application for temporary membership in such club. The  
2 membership, if granted, shall be valid only for the period of time that the  
3 guest is a bona fide registered guest at the hotel or RV resort and such  
4 temporary membership shall not be subject to the fee requirement of this  
5 section.

6 (2) Any class B club located on property which is owned or operated  
7 by a municipal airport authority and upon which consumption of alcoholic  
8 liquor *or cereal malt beverage* is authorized by law may establish rules  
9 whereby an air traveler who is a holder of a current airline ticket may file  
10 application for temporary membership in such club for the day such air  
11 traveler's ticket is valid, and such temporary membership shall not be  
12 subject to the fee requirement of this section.

13 (3) Any class B club may establish rules whereby military personnel  
14 of the armed forces of the United States on temporary duty and housed at  
15 or near any military installation located within the exterior boundaries of  
16 the state of Kansas may file application for temporary membership in such  
17 club. The membership, if granted, shall be valid only for the period of the  
18 training, not to exceed 20 weeks. Any person wishing to make application  
19 for temporary membership in a class B club under this ~~subsection (d)(3)~~  
20 *paragraph* shall present the temporary duty orders to the club. Temporary  
21 membership issued under this ~~subsection (d)(3)~~ *paragraph* shall not be  
22 subject to the fee requirements of this section.

23 (4) Any class B club may enter into a written agreement with a hotel  
24 or RV resort whereby a guest who is registered at the hotel or RV resort  
25 and who is not a resident of the county in which the club is located may  
26 file application for temporary membership in such club. The temporary  
27 membership, if granted, shall be valid only for the period of time that the  
28 guest is a bona fide registered guest at the hotel or RV resort and shall not  
29 be subject to the fee requirement of this section. A club may enter into a  
30 written agreement with a hotel or RV resort pursuant to this provision only  
31 if: (A) The hotel or RV resort is located in the same county as the club; (B)  
32 there is no class B club located on the premises of the hotel or RV resort;  
33 and (C) no other club has entered into a written agreement with the hotel  
34 or RV resort pursuant to this section.

35 (5) Any class B club located in a racetrack facility where races with  
36 parimutuel wagering are conducted under the Kansas parimutuel racing act  
37 may establish rules whereby persons attending such races may file an  
38 application for temporary membership in such club for the day such person  
39 is attending such races, and such temporary membership shall not be  
40 subject to the fee requirement of this section.

41 (e) A licensee may store on its premises wine sold to a customer for  
42 consumption at a later date on its premises in the unopened container. Such  
43 wine must be kept separate from all other alcohol stock and in a secure



1 locked area separated by customer. Such wine shall not be removed from  
2 the licensed premises in its unopened condition.

3 Sec. 16. K.S.A. 2019 Supp. 41-2642 is hereby amended to read as  
4 follows: 41-2642. (a) A license for a drinking establishment shall allow the  
5 licensee to offer for sale, sell and serve alcoholic liquor *or cereal malt*  
6 *beverage* for consumption on the licensed premises which may be open to  
7 the public, and to serve samples of alcoholic liquor *or cereal malt*  
8 *beverage* free of charge on licensed premises subject to the requirements  
9 of subsection (c), but only if such premises are located in a county where  
10 the qualified electors of the county:

11 (1) (A) Approved, by a majority vote of those voting thereon, the  
12 proposition to amend section 10 of article 15 of the constitution of the state  
13 of Kansas at the general election in November 1986; or (B) have approved  
14 a proposition to allow sales of alcoholic liquor by the individual drink in  
15 public places within the county at an election pursuant to K.S.A. 41-2646,  
16 and amendments thereto; and

17 (2) have not approved a proposition to prohibit such sales of alcoholic  
18 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
19 and amendments thereto.

20 (b) A drinking establishment shall be required to derive from sales of  
21 food for consumption on the licensed premises not less than 30% of all the  
22 establishment's gross receipts from sales of food and beverages on such  
23 premises unless the licensed premises are located in a county where the  
24 qualified electors of the county:

25 (1) Have approved, at an election pursuant to K.S.A. 41-2646, and  
26 amendments thereto, a proposition to allow sales of alcoholic liquor by the  
27 individual drink in public places within the county without a requirement  
28 that any portion of their gross receipts be derived from the sale of food;  
29 and

30 (2) have not approved a proposition to prohibit such sales of alcoholic  
31 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
32 and amendments thereto.

33 (c) No charge of any sort may be made for a sample serving. Samples  
34 may not be served to a minor. No samples may be removed from the  
35 licensed premises. Providing samples is prohibited for any licensee who  
36 charges a cover charge or entry fee at any time during the business day. No  
37 consideration shall be requested or required for entry onto the premises,  
38 participation in any event taking place on the premises or to remain on the  
39 premises.

40 (d) A drinking establishment shall specify in the application for a  
41 license or renewal of a license the premises to be licensed, which may  
42 include all premises which are in close proximity and are under the control  
43 of the applicant or licensee.

1 (e) Notwithstanding any other provision of law to the contrary, any  
2 hotel of which the entire premises are licensed as a drinking establishment  
3 or as a drinking establishment caterer may sell alcoholic liquor or cereal  
4 malt beverage by means of minibars located in guest rooms of such hotel,  
5 subject to the following:

6 (1) The key, magnetic card or other device required to attain access to  
7 a minibar in a guest room shall be provided only to guests who are  
8 registered to stay in such room and who are 21 or more years of age;

9 (2) containers or packages of spirits or wine sold by means of a  
10 minibar shall hold not less than 50 nor more than 200 milliliters; and

11 (3) a minibar shall be restocked with alcoholic liquor or cereal malt  
12 beverage only during hours when the hotel is permitted to sell alcoholic  
13 liquor and cereal malt beverage as a drinking establishment.

14 (f) A drinking establishment may store on its premises wine sold to a  
15 customer for consumption at a later date on its premises in the unopened  
16 container. Such wine must be kept separate from all other alcohol stock  
17 and in a secure locked area separated by customer. Such wine shall not be  
18 removed from the licensed premises in its unopened condition.

19 Sec. 17. K.S.A. 2019 Supp. 41-2643 is hereby amended to read as  
20 follows: 41-2643. (a) A caterer's license shall allow the licensee to offer for  
21 sale, sell and serve alcoholic liquor *or cereal malt beverage* for  
22 consumption on unlicensed premises, ~~which~~ *that* may be open to the  
23 public, but only if such premises are located in a county where the  
24 qualified electors of the county:

25 (1) (A) Approved, by a majority vote of those voting thereon, the  
26 proposition to amend section 10 of article 15 of the constitution of the state  
27 of Kansas at the general election in November, 1986; or (B) have approved  
28 a proposition to allow sales of alcoholic liquor by the individual drink in  
29 public places within the county at an election pursuant to K.S.A. 41-2646,  
30 and amendments thereto; and

31 (2) have not approved a proposition to prohibit such sales of alcoholic  
32 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
33 and amendments thereto.

34 (b) A caterer shall be required to derive from sales of food at catered  
35 events not less than 30% of the caterer's gross receipts from all sales of  
36 food and beverages at catered events in a 12-month period unless the  
37 caterer offers for sale, sells and serves alcoholic liquor *or cereal malt*  
38 *beverage* only in counties where the qualified electors of the county:

39 (1) Have approved, at an election pursuant to K.S.A. 41-2646, and  
40 amendments thereto, a proposition to allow sales of alcoholic liquor by the  
41 individual drink in public places within the county without a requirement  
42 that any portion of their gross receipts be derived from the sale of food;  
43 and

1 (2) have not approved a proposition to prohibit such sales of alcoholic  
2 liquor in such places at a subsequent election pursuant to K.S.A. 41-2646,  
3 and amendments thereto.

4 (c) Each caterer shall maintain the caterer's principal place of  
5 business in a county in this state where the caterer is authorized by this  
6 section to sell alcoholic liquor by the individual drink in a public place. All  
7 records of the caterer relating to the caterer's licensed business and the  
8 caterer's license shall be kept at such place of business. The caterer's  
9 principal place of business shall be stated in the application for a caterer's  
10 license and the caterer shall notify the director of any change in its location  
11 within 10 days after such change.

12 (d) Except as otherwise provided herein, a caterer shall provide  
13 electronic notification to the director at least 48 hours prior to any event at  
14 which the caterer will sell alcoholic liquor *or cereal malt beverage* by the  
15 individual drink. The director shall make the electronic notification  
16 available to local law enforcement. Notice shall consist of the time,  
17 location and the names of the contracting parties of the event. For events  
18 where ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is served, a  
19 licensee shall retain all documents for a period of three years for  
20 inspection by the director. The documents retained shall include  
21 agreements, receipts, employees assigned to the event and records of  
22 ~~alcohol~~ *alcoholic liquor and cereal malt beverage* purchased. Notification  
23 shall not be required for weddings, funerals, events sponsored by religious  
24 institutions, or for business, industry or trade sponsored meetings,  
25 including, but not limited to, awards presentations and retirement  
26 celebrations.

27 (e) A caterer may rebate a portion of the caterer's receipts from the  
28 sale of alcoholic liquor *or cereal malt beverage* at an event to the person or  
29 organization contracting with the caterer to sell alcoholic liquor *or cereal*  
30 *malt beverage* at such event.

31 Sec. 18. K.S.A. 2019 Supp. 41-2653 is hereby amended to read as  
32 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to  
33 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments  
34 thereto, a class A club license, class B club license or drinking  
35 establishment license shall allow the licensee to allow legal patrons of the  
36 club or drinking establishment to remove from the licensed premises one  
37 or more opened containers of alcoholic liquor *or cereal malt beverage*,  
38 subject to the following conditions:

39 (1) It must be legal for the licensee to sell the alcoholic liquor *or*  
40 *cereal malt beverage* in its original container;

41 (2) the alcoholic liquor *or cereal malt beverage* must be in its original  
42 container;

43 (3) each container of alcoholic liquor *or cereal malt beverage* must

1 have been purchased by a patron and the alcoholic liquor *or cereal malt*  
2 *beverage* in each container must have been partially consumed on the  
3 licensed premises;

4 (4) the licensee or the licensee's employee must provide the patron  
5 with a dated receipt for the unfinished container or containers of alcoholic  
6 liquor *or cereal malt beverage*; and

7 (5) before the container of alcoholic liquor *or cereal malt beverage* is  
8 removed from the licensed premises, the licensee or the licensee's  
9 employee must securely reseal each container, place the container in a  
10 tamper-proof, transparent bag ~~which~~ *that* is sealed in a manner that makes  
11 it visibly apparent if the bag is subsequently tampered with or opened.

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

14 Sec. 19. K.S.A. 2019 Supp. 41-2655 is hereby amended to read as  
15 follows: 41-2655. (a) A license for a public venue shall allow the licensee  
16 to:

17 (1) Offer for sale, sell and serve alcoholic liquor *or cereal malt*  
18 *beverage* by the individual drink for consumption on the licensed  
19 premises;

20 (2) offer for sale, sell and serve unlimited drinks for a fixed price in  
21 designated areas of the licensed premises;

22 (3) offer for sale and sell ~~all inclusive~~ *all-inclusive* packages ~~which~~  
23 *that* include unlimited drinks in designated areas of the licensed premises;

24 (4) offer for sale, sell and serve alcoholic liquor *or cereal malt*  
25 *beverage* in the original container for consumption on the licensed  
26 premises in private suites, ~~which~~ *that* are enclosed or semi-enclosed  
27 seating areas, having controlled access and separated from the general  
28 admission areas by a permanent barrier;

29 (5) store, in each private suite, ~~which~~ *that* is an enclosed or semi-  
30 enclosed seating area, having controlled access and separated from the  
31 general admission areas by a permanent barrier, alcoholic liquor *or cereal*  
32 *malt beverage* sold in the original container to a customer in that private  
33 suite; and

34 (6) with the approval of the retailer or distributor, return for a full  
35 refund of the original purchase price unopened containers of alcoholic  
36 liquor *or cereal malt beverage* to the retailer or distributor from whom  
37 such items were purchased upon the conclusion of an event if the next  
38 scheduled event for that premises is more than 90 days from the date of the  
39 concluded event.

40 (b) An applicant or public venue licensee shall specify in the  
41 application for a license, or renewal of a license, the premises to be  
42 licensed. No public venue licensee may offer for sale, sell or serve any  
43 alcoholic liquor *or cereal malt beverage* in any area not included in the

1 licensed premises.

2 (c) The term "designated areas" for purposes of this section ~~shall~~  
3 ~~mean~~ means an area identified in the license application, which may  
4 include suites, that has controlled access and is separated from the general  
5 admission by a barrier.

6 ~~(d) The provisions of this section shall take effect and be in force~~  
7 ~~from and after July 1, 2012.~~

8 ~~(e)~~(d) All rules and regulations adopted on and after July 1, 2012, and  
9 prior to July 1, 2013, to implement this section shall continue to be  
10 effective and shall be deemed to be duly adopted rules and regulations of  
11 the secretary until revised, amended, revoked or nullified pursuant to law.

12 ~~(f)~~(e) This section shall be a part of and supplemental to the club and  
13 drinking establishment act.

14 Sec. 20. K.S.A. 2019 Supp. 41-2658 is hereby amended to read as  
15 follows: 41-2658. (a) Alcoholic liquor *and cereal malt beverage* shall be  
16 dispensed only from original containers, except any drinking establishment  
17 licensee or its agent or employee, may dispense:

18 (1) Alcoholic liquor *or cereal malt beverage* from a machine or  
19 container used to mix alcoholic liquor with other liquids or solids intended  
20 for human consumption;

21 (2) alcoholic liquor *or cereal malt beverage* from a machine or  
22 container used to chill alcoholic liquor, which may contain additional  
23 liquids or solids intended for human consumption; or

24 (3) infused alcoholic liquor *or cereal malt beverage* from a container  
25 used to infuse alcoholic liquor with other substances intended for human  
26 consumption.

27 (b) A drinking establishment licensee, or its agent or employee, shall  
28 not refill any original container with any alcoholic liquor, *cereal malt*  
29 *beverage* or any other substance.

30 (c) Any drinking establishment licensee, or its agent or employee,  
31 may infuse alcoholic liquor *or cereal malt beverage* with spices, herbs,  
32 fruits, vegetables, candy or other substances intended for human  
33 consumption if no additional fermentation occurs during the process.

34 (d) As used in this section:

35 (1) "Dispense" means to portion out servings of alcoholic liquor *or*  
36 *cereal malt beverage* for consumption. This term ~~shall include~~ *includes* the  
37 pouring of drinks of alcoholic liquor *or cereal malt beverage* and opening  
38 original containers of alcoholic liquor *or cereal malt beverage* by the  
39 licensee or licensee's employee for consumption by customers, and shall  
40 not include any self-dispensing by a customer.

41 (2) "Infuse" means to add flavor or scent to a liquid by steeping  
42 additional ingredients in the liquid.

43 (e) This section shall be *a* part of and supplemental to the club and

1 drinking establishment act.

2 Sec. 21. K.S.A. 2019 Supp. 41-2659 is hereby amended to read as  
3 follows: 41-2659. (a) (1) A city or a county may establish one or more  
4 common consumption areas within the limits of the city or within the  
5 unincorporated portion of the county, as applicable, by ordinance or  
6 resolution, respectively, and authorize the possession and consumption of  
7 alcoholic liquor *or cereal malt beverage* within the common consumption  
8 area. The ordinance or resolution shall designate the boundaries of any  
9 common consumption area and prescribe the times during which alcoholic  
10 liquor *or cereal malt beverage* may be consumed therein. The ordinance or  
11 resolution shall require that any public street or roadway that lies within a  
12 common consumption area shall be blocked from motorized traffic during  
13 the hours in which ~~alcohol~~ *alcoholic liquor or cereal malt beverage* is  
14 consumed.

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

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

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

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

31 (2) Each application shall be accompanied by a non-refundable  
32 permit fee of \$100. All permit fees collected by the director pursuant to  
33 this section shall be remitted to the state treasurer in accordance with the  
34 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
35 each such remittance, the state treasurer shall deposit the entire amount in  
36 the state treasury to the credit of the state general fund.

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

40 (d) Any licensee immediately adjacent to, or located within a  
41 common consumption area may request that the licensee's licensed  
42 premises participate in the common consumption area for the duration of  
43 the common consumption area permit. Such a request shall be made upon

1 forms prescribed by the director.

2 (e) (1) Any licensee who has requested and received permission to  
3 participate in the common consumption area may allow its legal patrons to  
4 remove alcoholic liquor *or cereal malt beverage* purchased from the  
5 licensee into the premises described by the common consumption area  
6 permit. All alcoholic ~~beverages~~ *liquor and cereal malt beverage* removed  
7 from a licensed premises in such fashion shall be served in a container that  
8 displays the licensee's trade name or logo or other identifying mark that is  
9 unique to the licensee.

10 (2) In addition to their licensed premises, one or more licensees that  
11 have requested and received permission to participate in a common  
12 consumption area may offer for sale, sell and serve alcoholic liquor *or*  
13 *cereal malt beverage* for consumption from one non-contiguous service  
14 area within the common consumption area, as designated and approved by  
15 the common consumption area permit holder. The licensee shall  
16 prominently display a copy of its drinking establishment license and the  
17 approval of the common consumption area permit holder at its non-  
18 contiguous service area.

19 (f) (1) Each licensee within a common consumption area shall be  
20 liable for violations of all liquor laws governing the sale and consumption  
21 of alcoholic liquor *and cereal malt beverage* that occur on the licensee's  
22 premises.

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

28 (g) For the purposes of this section, "common consumption area"  
29 ~~shall mean~~ *means* a defined indoor or outdoor area not otherwise subject to  
30 a license issued pursuant to the Kansas liquor control act or the club and  
31 drinking establishment act where the possession and consumption of  
32 alcoholic liquor *or cereal malt beverage* is allowed pursuant to a common  
33 consumption area permit. The boundaries of any common consumption  
34 area must be clearly marked using a physical barrier or any apparent line  
35 of demarcation.

36 (h) The secretary shall adopt rules and regulations to implement this  
37 section.

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

40 Sec. 22. K.S.A. 41-2604 and 41-2619 and K.S.A. 2019 Supp. 41-  
41 1201, 41-1202, 41-1203, 41-1204, 41-2601, 41-2608, 41-2610, 41-2611,  
42 41-2613, 41-2614, 41-2623, 41-2637, 41-2641, 41-2642, 41-2643, 41-  
43 2653, 41-2655, 41-2658 and 41-2659 are hereby repealed.

1       Sec. 23. This act shall take effect and be in force from and after its  
2       publication in the statute book.