

As Amended by Senate Committee

Session of 2019

SENATE BILL No. 70

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning alcoholic beverages; relating to temporary permits;
2 *{common consumption areas;}* amending *{K.S.A. 2016 Supp. 41-102,*
3 *as amended by section 4 of chapter 56 of the 2017 Session Laws of*
4 *Kansas,}* K.S.A. 2018 Supp. 41-308a, 41-719, 41-2601 ~~and~~, 41-2608,
5 *41-2622, 41-2637, 41-2641—~~and~~{,}* *41-2642 {and 41-2659}* and
6 repealing the existing sections; also repealing K.S.A. 2018 Supp. 41-
7 347 ~~and~~{,} 41-2645 *{and 41-2657}*.
8

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

10 New Section 1. (a) A temporary permit shall allow the permit holder
11 to offer for sale, sell and serve alcoholic liquor for consumption on
12 licensed or unlicensed premises, or on premises that are otherwise subject
13 to a separate temporary permit, that may be open to the public, subject to
14 the terms of such permit. A temporary permit shall also authorize the
15 permit holder to sell, in accordance with rules and regulations adopted by
16 the secretary, alcoholic liquor at a charitable auction, or one or more
17 limited issue porcelain containers containing alcoholic liquor.

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

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

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

1 deposit the entire amount in the state treasury to the credit of the state
2 general fund.

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

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

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

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

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

30 The boundaries of any such event shall be clearly marked by signs, a
31 posted map or other means which reasonably identify the area in which
32 alcoholic liquor may be possessed or consumed at 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 on public
36 property has been approved, may request that the drinking establishment's
37 licensed premises be extended into and made a part of the licensed
38 premises of the event, for the duration of the temporary permit issued for
39 such event.

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

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

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

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

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

26 (g) An application for a temporary permit may be rejected by the
27 director if:

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

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

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

39 (4) the applicant has designated an area for an event that was the
40 subject of the order to appear and show cause as set forth in paragraph (3),
41 and it appears that the new application for a temporary permit covering the
42 premises is an attempt to avoid any possible remedial action taken by the
43 director against the former permit or license holder; or

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

6 (h) (1) A temporary permit holder may purchase and possess
7 alcoholic liquor for resale for a period of three days prior to the first day of
8 sale of such alcoholic liquor. A distributor may, without any further
9 permission from the director, deliver such alcoholic liquor to the permit
10 premises.

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

17 (3) Within three business days after the end of an event conducted
18 pursuant to a temporary permit, the temporary permit holder may sell back
19 to the ~~licensee~~ **retailer or farm winery** from whom alcoholic liquor was
20 purchased any alcoholic liquor sold to the temporary permit holder for
21 such event.

22 (4) Upon written permission from the director and after four business
23 days after the end of an event conducted pursuant to a temporary permit,
24 the temporary permit holder may sell back to the licensee from whom
25 alcoholic liquor was purchased any alcoholic liquor sold to the temporary
26 permit holder for such event.

27 (i) A temporary permit shall not be transferable or assignable.

28 (j) Each temporary permit holder shall not employ or use the services
29 of any person:

30 (1) Who is under the age of 18 years to serve alcoholic liquor;

31 (2) who is under the age of 21 years to mix or dispense drinks
32 containing alcoholic liquor;

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

35 (4) who has been convicted of a felony or of any crime involving a
36 morals charge to dispense, mix or serve alcoholic liquor; or

37 (5) who has been convicted within the previous two years of a
38 violation of any intoxicating liquor law of this state, any other state or the
39 United States, to dispense, mix or serve alcoholic liquor.

40 New Sec. 2. (a) A temporary permit holder shall only purchase
41 alcoholic liquor from a retailer or a farm winery and may receive delivery
42 of such alcoholic liquor from a distributor.

43 (b) Temporary permit holders shall only purchase alcoholic liquor

1 from a retailer who possesses a federal wholesaler's basic permit and who
2 has a sign on display at the licensed premises that states that the licensee is
3 a "Wholesale Liquor Dealer Under Federal Law." All alcoholic liquor
4 purchased on any one day shall be removed from the licensed premises of
5 the retailer or farm winery within 48 hours. Temporary permit holders
6 shall not warehouse any alcoholic liquor on the licensed premises of any
7 retailer or farm winery for more than 48 hours.

8 (c) Each temporary permit holder, when purchasing alcoholic liquor
9 from a retailer or farm winery, shall obtain and keep for at least one year
10 from the date of purchase a sales receipt that contains the following
11 information:

- 12 (1) The date of purchase;
- 13 (2) the name and address of the retailer or farm winery;
- 14 (3) the name and address of the temporary permit holder as it appears
15 on the temporary permit;
- 16 (4) the brand, size, proof and amount of all alcoholic liquor
17 purchased; and
- 18 (5) the subtotal of the cost of all alcoholic liquor purchased, and the
19 total cost of such purchase, including enforcement tax.

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

- 23 (1) An employee of the temporary permit holder, or of any person
24 contracting with the temporary permit holder to provide services or food in
25 connection with an event; or
- 26 (2) any individual dispensing, mixing or serving alcoholic liquor at an
27 event.

28 (e) Except for a temporary permit holder who has obtained such
29 permit for the sale of alcoholic liquor at a charitable auction or for the sale
30 of one or more limited issue porcelain containers containing alcoholic
31 liquor, no temporary permit holder shall sell alcoholic liquor for removal
32 from or consumption off the licensed premises, except that alcoholic liquor
33 may be removed to a drinking establishment that has extended its premises
34 into the event area in accordance with K.S.A. 41-2608, and amendments
35 thereto.

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

38 New Sec. 3. (a) All alcoholic liquor sold at an event covered by a
39 temporary permit shall be dispensed only from original containers.

40 (b) An individual may carry an original container of alcoholic liquor
41 onto the event premises with the approval of the temporary permit holder
42 and under the following conditions:

- 43 (1) The temporary permit holder shall not store any such containers

1 of alcoholic liquor on the event premises; and

2 (2) each individual carrying any such container onto the event
3 premises shall remove such container when the individual exits the event
4 premises.

5 New Sec. 4. Notwithstanding any other provisions of the Kansas
6 liquor control act or the club and drinking establishment act to the
7 contrary, any person or entity who is issued a temporary permit may
8 provide samples of wine, beer and distilled spirits on the permit premises
9 as follows:

10 (a) All wine, beer and spirits sampled shall come from the inventory
11 of the temporary permit holder. Except as provided by paragraph (2), a
12 person other than the temporary permit holder, or such permit holder's
13 agent or employee, may not dispense or participate in the dispensing of
14 alcoholic beverages under this section.

15 (b) A supplier's permit holder, or such permit holder's agent or
16 employee, may provide samples of wine, beer and distilled spirits on the
17 permit premises, and may open, touch or pour such alcoholic liquor, make
18 a presentation, or answer questions at such sampling events. Any alcoholic
19 liquor sampled under this subsection must be purchased from a retailer or
20 the temporary permit holder on whose premises the sampling event is held.

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

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

25 (e) The act of providing samples to consumers shall be exempt from
26 the requirement of holding a Kansas food service dealer license from the
27 department of agriculture under the provisions of chapter 65 of the Kansas
28 Statutes Annotated, and amendments thereto.

29 New Sec. 5. The provisions of beer and cereal malt beverage keg
30 registration act, K.S.A. 41-2901 through 41-2906, and amendments
31 thereto, shall not apply to retail sales of alcoholic liquor to temporary
32 permit holders.

33 New Sec. 6. (a) The provisions of sections 1 through 5, and
34 amendments thereto, shall be subject to the enforcement provisions of the
35 Kansas liquor control act and the club and drinking establishment act and
36 the rules and regulations adopted under such acts.

37 (b) The secretary of revenue may adopt rules and regulations for the
38 administration and enforcement of sections 1 through 5, and amendments
39 thereto.

40 (c) Those terms used in sections 1 through 5, and amendments
41 thereto, that are defined in K.S.A. 41-102 or 41-2601, and amendments
42 thereto, shall have the same meaning as such terms are defined in K.S.A.
43 41-102 or 41-2601, and amendments thereto, as the case may be.

1 *{Sec. 7. K.S.A. 2016 Supp. 41-102, as amended by section 4 of*
2 *chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to*
3 *read as follows: 41-102. As used in this act, unless the context clearly*
4 *requires otherwise:*

5 *(a) "Alcohol" means the product of distillation of any fermented*
6 *liquid, whether rectified or diluted, whatever its origin, and includes*
7 *synthetic ethyl alcohol but does not include denatured alcohol or wood*
8 *alcohol.*

9 *(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every*
10 *liquid or solid, patented or not, containing alcohol, spirits, wine or beer*
11 *and capable of being consumed as a beverage by a human being, but*
12 *shall not include any cereal malt beverage.*

13 *(c) "Beer" means a beverage, containing more than 3.2% alcohol*
14 *by weight, obtained by alcoholic fermentation of an infusion or*
15 *concoction of barley, or other grain, malt and hops in water and*
16 *includes beer, ale, stout, lager beer, porter and similar beverages having*
17 *such alcoholic content.*

18 *(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and*
19 *amendments thereto.*

20 *(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-*
21 *2701, and amendments thereto.*

22 *(f) "Club" has the meaning provided by K.S.A. 41-2601, and*
23 *amendments thereto.*

24 *(g) "Director" means the director of alcoholic beverage control of*
25 *the department of revenue.*

26 *(h) "Distributor" means the person importing or causing to be*
27 *imported into the state, or purchasing or causing to be purchased within*
28 *the state, alcoholic liquor for sale or resale to retailers licensed under*
29 *this act or cereal malt beverage for sale or resale to retailers licensed*
30 *under K.S.A. 41-2702, and amendments thereto.*

31 *(i) "Domestic beer" means beer which contains not more than 10%*
32 *alcohol by weight and which is manufactured in this state.*

33 *(j) "Domestic fortified wine" means wine which contains more*
34 *than 14%, but not more than 20% alcohol by volume and which is*
35 *manufactured in this state.*

36 *(k) "Domestic table wine" means wine which contains not more*
37 *than 14% alcohol by volume and which is manufactured without*
38 *rectification or fortification in this state.*

39 *(l) "Drinking establishment" has the meaning provided by K.S.A.*
40 *41-2601, and amendments thereto.*

41 *(m) "Farm winery" means a winery licensed by the director to*
42 *manufacture, store and sell domestic table wine and domestic fortified*
43 *wine.*

- 1 (n) *"Hard cider" means any alcoholic beverage that:*
2 (1) *Contains less than 8.5% alcohol by volume;*
3 (2) *has a carbonation level that does not exceed 6.4 grams per liter;*
4 and
5 (3) *is obtained by the normal alcoholic fermentation of the juice of*
6 *sound, ripe apples or pears, including such beverages containing sugar*
7 *added for the purpose of correcting natural deficiencies.*
8 (o) *"Manufacture" means to distill, rectify, ferment, brew, make,*
9 *mix, concoct, process, blend, bottle or fill an original package with any*
10 *alcoholic liquor, beer or cereal malt beverage.*
11 (p) (1) *"Manufacturer" means every brewer, fermenter, distiller,*
12 *rectifier, wine maker, blender, processor, bottler or person who fills or*
13 *refills an original package and others engaged in brewing, fermenting,*
14 *distilling, rectifying or bottling alcoholic liquor, beer or cereal malt*
15 *beverage.*
16 (2) *"Manufacturer" does not include a microbrewery,*
17 *microdistillery or a farm winery.*
18 (q) *"Microbrewery" means a brewery licensed by the director to*
19 *manufacture, store and sell domestic beer and hard cider.*
20 (r) *"Microdistillery" means a facility which produces spirits from*
21 *any source or substance that is licensed by the director to manufacture,*
22 *store and sell spirits.*
23 (s) *"Minor" means any person under 21 years of age.*
24 (t) *"Nonbeverage user" means any manufacturer of any of the*
25 *products set forth and described in K.S.A. 41-501, and amendments*
26 *thereto, when the products contain alcohol or wine, and all laboratories*
27 *using alcohol for nonbeverage purposes.*
28 (u) *"Original package" means any bottle, flask, jug, can, cask,*
29 *barrel, keg, hogshead or other receptacle or container whatsoever, used,*
30 *corked or capped, sealed and labeled by the manufacturer of alcoholic*
31 *liquor, to contain and to convey any alcoholic liquor. Original container*
32 *does not include a sleeve.*
33 (v) *"Person" means any natural person, corporation, partnership,*
34 *trust or association.*
35 (w) *"Powdered alcohol" means alcohol that is prepared in a*
36 *powdered or crystal form for either direct use or for reconstitution in a*
37 *nonalcoholic liquid.*
38 (x) *"Primary American source of supply" means the manufacturer,*
39 *the owner of alcoholic liquor at the time it becomes a marketable*
40 *product or the manufacturer's or owner's exclusive agent who, if the*
41 *alcoholic liquor cannot be secured directly from such manufacturer or*
42 *owner by American wholesalers, is the source closest to such*
43 *manufacturer or owner in the channel of commerce from which the*

1 *product can be secured by American wholesalers.*

2 *(y) (1) "Retailer" means a person who is licensed under the Kansas*
3 *liquor control act and sells at retail, or offers for sale at retail, alcoholic*
4 *liquors or cereal malt beverages.*

5 *(2) "Retailer" does not include a microbrewery, microdistillery or a*
6 *farm winery.*

7 *(z) "Sale" means any transfer, exchange or barter in any manner*
8 *or by any means whatsoever for a consideration and includes all sales*
9 *made by any person, whether principal, proprietor, agent, servant or*
10 *employee.*

11 *(aa) "Salesperson" means any natural person who:*

12 *(1) Procures or seeks to procure an order, bargain, contract or*
13 *agreement for the sale of alcoholic liquor or cereal malt beverage; or*

14 *(2) is engaged in promoting the sale of alcoholic liquor or cereal*
15 *malt beverage, or in promoting the business of any person, firm or*
16 *corporation engaged in the manufacturing and selling of alcoholic*
17 *liquor or cereal malt beverage, whether the seller resides within the state*
18 *of Kansas and sells to licensed buyers within the state of Kansas, or*
19 *whether the seller resides without the state of Kansas and sells to*
20 *licensed buyers within the state of Kansas.*

21 *(bb) "Sample" means a serving of alcoholic liquor that contains not*
22 *more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine;*
23 *or (3) two ounces of beer or cereal malt beverage. A sample of a mixed*
24 *alcoholic beverage shall contain not more than ½ ounce of distilled*
25 *spirits.*

26 *(cc) "Secretary" means the secretary of revenue.*

27 ~~(ee)~~(dd) *(1) "Sell at retail" and "sale at retail" refer to and mean*
28 *sales for use or consumption and not for resale in any form and sales to*
29 *clubs, licensed drinking establishments, licensed caterers or holders of*
30 *temporary permits.*

31 *(2) "Sell at retail" and "sale at retail" do not refer to or mean sales*
32 *by a distributor, a microbrewery, a farm winery, a licensed club, a*
33 *licensed drinking establishment, a licensed caterer or a holder of a*
34 *temporary permit.*

35 ~~(dd)~~(ee) *"To sell" includes to solicit or receive an order for, to keep*
36 *or expose for sale and to keep with intent to sell.*

37 ~~(ee)~~(ff) *"Sleeve" means a package of two or more 50-milliliter (3.2-*
38 *fluid-ounce) containers of spirits.*

39 ~~(ff)~~(gg) *"Spirits" means any beverage which contains alcohol*
40 *obtained by distillation, mixed with water or other substance in solution,*
41 *and includes brandy, rum, whiskey, gin or other spirituous liquors, and*
42 *such liquors when rectified, blended or otherwise mixed with alcohol or*
43 *other substances.*

1 ~~(gg)~~(hh) *"Supplier" means a manufacturer of alcoholic liquor or*
 2 *cereal malt beverage or an agent of such manufacturer, other than a*
 3 *salesperson.*

4 ~~(hh)~~(ii) *"Temporary permit" has the meaning provided by K.S.A.*
 5 *41-2601, and amendments thereto.*

6 ~~(ii)~~(jj) *"Wine" means any alcoholic beverage obtained by the*
 7 *normal alcoholic fermentation of the juice of sound, ripe grapes, fruits,*
 8 *berries or other agricultural products, including such beverages*
 9 *containing added alcohol or spirits or containing sugar added for the*
 10 *purpose of correcting natural deficiencies. The term "wine" shall*
 11 *include hard cider and any other product that is commonly known as a*
 12 *subset of wine.*}

13 Sec. ~~7.~~ {8.} K.S.A. 2018 Supp. 41-308a is hereby amended to read as
 14 follows: 41-308a. (a) A farm winery license shall allow:

15 (1) The manufacture of domestic table wine and domestic fortified
 16 wine in a quantity not exceeding 100,000 gallons per year and the storage
 17 thereof;

18 (2) the sale of wine, manufactured by the licensee, to licensed wine
 19 distributors, retailers, public venues, clubs, drinking establishments,
 20 holders of temporary permits as authorized by ~~K.S.A. 41-2645~~ *section 1,*
 21 and amendments thereto, and caterers;

22 (3) the sale, on the licensed premises and at special events monitored
 23 and regulated by the division of alcoholic beverage control in the original
 24 unopened container to consumers for consumption off the licensed
 25 premises, of wine manufactured by the licensee;

26 (4) the serving free of charge on the licensed premises and at special
 27 events, monitored and regulated by the division of alcoholic beverage
 28 control, of samples of wine manufactured by the licensee or imported
 29 under subsection (e), if the licensed premises are located in a county where
 30 the sale of alcoholic liquor is permitted by law in licensed drinking
 31 establishments;

32 (5) the sale of wine manufactured by the licensee for consumption on
 33 the licensed premises, provided, the licensed premises are located in a
 34 county where the sale of alcoholic liquor is permitted by law in licensed
 35 drinking establishments. Wine sold pursuant to this paragraph shall not be
 36 subject to the provisions of the club and drinking establishment act, K.S.A.
 37 41-2601 et seq., and amendments thereto, and no drinking establishment
 38 license shall be required to make such sales;

39 (6) if the licensee is also licensed as a club or drinking establishment,
 40 the sale of domestic wine, domestic fortified wine and other alcoholic
 41 liquor for consumption on the licensed premises as authorized by the club
 42 and drinking establishment act;

43 (7) if the licensee is also licensed as a caterer, the sale of domestic

1 wine, domestic fortified wine and other alcoholic liquor for consumption
2 on the unlicensed premises as authorized by the club and drinking
3 establishment act;

4 (8) the sale and shipping, in the original unopened container, to
5 consumers outside this state of wine manufactured by the licensee,
6 provided that the licensee complies with applicable laws and rules and
7 regulations of the jurisdiction to which the wine is shipped; and

8 (9) the sale and shipping of wine within this state pursuant to a permit
9 issued pursuant to K.S.A. 2018 Supp. 41-350, and amendments thereto.

10 (b) Upon application and payment of the fee prescribed by K.S.A. 41-
11 310, and amendments thereto, by a farm winery licensee, the director may
12 issue not to exceed three winery outlet licenses to the farm winery
13 licensee. A winery outlet license shall allow:

14 (1) The sale, on the licensed premises and at special events monitored
15 and regulated by the division of alcoholic beverage control in the original
16 unopened container to consumers for consumption off the licensed
17 premises, of wine manufactured by the licensee;

18 (2) the serving on the licensed premises of samples of wine
19 manufactured by the licensee or imported under subsection (e), if the
20 premises are located in a county where the sale of alcoholic liquor is
21 permitted by law in licensed drinking establishments; and

22 (3) the manufacture of domestic table wine and domestic fortified
23 wine and the storage thereof; provided, that the aggregate quantity of wine
24 produced by the farm winery licensee, including all winery outlets, shall
25 not exceed 100,000 gallons per year.

26 (c) Not less than 30% of the products utilized in the manufacture of
27 domestic table wine and domestic fortified wine by a farm winery shall be
28 grown in Kansas except when a lesser proportion is authorized by the
29 director based upon the director's findings and judgment. The production
30 requirement of this subsection shall be determined based on the annual
31 production of domestic table wine and domestic fortified wine by the farm
32 winery.

33 (d) A farm winery or winery outlet may sell domestic wine and
34 domestic fortified wine in the original unopened container to consumers
35 for consumption off the licensed premises at any time between 6 a.m. and
36 12 midnight on any day. If authorized by subsection (a), a farm winery
37 may serve samples of wine manufactured by the licensee and wine
38 imported under subsection (e) and serve and sell domestic wine, domestic
39 fortified wine and other alcoholic liquor for consumption on the licensed
40 premises at any time when a club or drinking establishment is authorized
41 to serve and sell alcoholic liquor. If authorized by subsection (b), a winery
42 outlet may serve samples of domestic wine, domestic fortified wine and
43 wine imported under subsection (e) at any time when the winery outlet is

1 authorized to sell domestic wine and domestic fortified wine.

2 (e) The director may issue to the Kansas state fair or any bona fide
3 group of grape growers or wine makers a permit to import into this state
4 small quantities of wines. Such wine shall be used only for bona fide
5 educational and scientific tasting programs and shall not be resold. Such
6 wine shall not be subject to the tax imposed by K.S.A. 41-501, and
7 amendments thereto. The permit shall identify specifically the brand and
8 type of wine to be imported, the quantity to be imported, the tasting
9 programs for which the wine is to be used and the times and locations of
10 such programs. The secretary shall adopt rules and regulations governing
11 the importation of wine pursuant to this subsection and the conduct of
12 tasting programs for which such wine is imported.

13 (f) A farm winery license or winery outlet license shall apply only to
14 the premises described in the application and in the license issued and only
15 one location shall be described in the license.

16 (g) No farm winery or winery outlet shall:

17 (1) Employ any person under the age of 18 years in connection with
18 the manufacture, sale or serving of any alcoholic liquor;

19 (2) permit any employee of the licensee who is under the age of 21
20 years to work on the licensed premises at any time when not under the on-
21 premise supervision of either the licensee or an employee of the licensee
22 who is 21 years of age or over;

23 (3) employ any person under 21 years of age in connection with
24 mixing or dispensing alcoholic liquor; or

25 (4) employ any person in connection with the manufacture or sale of
26 alcoholic liquor if the person has been convicted of a felony.

27 (h) Whenever a farm winery or winery outlet licensee is convicted of
28 a violation of the Kansas liquor control act, the director may revoke the
29 licensee's license and order forfeiture of all fees paid for the license, after a
30 hearing before the director for that purpose in accordance with the
31 provisions of the Kansas administrative procedure act.

32 (i) This section shall be part of and supplemental to the Kansas liquor
33 control act.

34 ~~Sec. 8-19.~~ K.S.A. 2018 Supp. 41-719 is hereby amended to read as
35 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
36 8-1599, and amendments thereto, no person shall drink or consume
37 alcoholic liquor on the public streets, alleys, roads or highways or inside
38 vehicles while on the public streets, alleys, roads or highways.

39 (2) Alcoholic liquor may be consumed ~~at a special event or catered~~
40 ~~event held~~ on public streets, alleys, roads, sidewalks or highways when:

41 (A) A temporary permit has been issued pursuant to ~~K.S.A. 41-2645~~
42 ~~section 1~~, and amendments thereto, for such ~~special an event or when the~~;

43 (B) a caterer's licensee has provided the required notification *for a*

1 *catered event* pursuant to K.S.A. 41-2643, and amendments thereto. ~~Any~~
 2 ~~special event; or~~

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

6 (3) *Consumption of alcoholic liquor on public streets, alleys, roads,*
 7 *sidewalks or highways must be approved, by ordinance or resolution, by*
 8 *the local governing body of any city, county or township where such*
 9 ~~special event is being held~~ *consumption will occur.* No alcoholic liquor
 10 may be consumed inside vehicles while on public streets, alleys, roads or
 11 highways at any ~~special event or catered event~~ time.

12 (3)(4) No person shall remove any alcoholic liquor from inside the
 13 boundaries of ~~a special~~ an event as designated by the governing body of
 14 any city, county or township, ~~or from the boundaries of the~~ a catered event
 15 *or from the extended licensed premises of a public venue, hotel, hotel*
 16 *caterer, drinking establishment caterer or drinking establishment.* ~~The~~
 17 ~~boundaries of a special event~~ Such boundaries shall be clearly marked by
 18 signs, a posted map or other means which reasonably identify the area in
 19 which alcoholic liquor may be possessed or consumed ~~at such special~~
 20 ~~event.~~

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

24 (b) Alcoholic liquor may be consumed within common consumption
 25 areas designated by a city or county on public streets, alleys, roads,
 26 sidewalks or highways pursuant to K.S.A. 2018 Supp. 41-2659, and
 27 amendments thereto, except that no alcoholic liquor may be consumed
 28 inside vehicles while on public streets, alleys, roads or highways within a
 29 common consumption area. Further, no person shall remove any alcoholic
 30 liquor from inside the boundaries of the common consumption area which
 31 shall be clearly designated by a physical barrier.

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

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

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

42 (3) in a lodging room of any hotel, motel or boarding house by the
 43 person occupying such room and by the guests of such person, if no charge

1 is made for the serving or mixing of any drink or drinks of alcoholic liquor
2 or for any substance mixed with any alcoholic liquor and if no sale of
3 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
4 takes place;

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

9 (5) on the premises of a manufacturer, microbrewery, microdistillery
10 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or
11 K.S.A. 2018 Supp. 41-354, and amendments thereto;

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

14 (7) within a common consumption area established pursuant to
15 K.S.A. 2018 Supp. 41-2659, and amendments thereto.

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

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

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

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

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

31 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
32 beer or wine or wine imported under K.S.A. 41-308a(e), and amendments
33 thereto, and is consumed only for purposes of judging competitions; (B)
34 the alcoholic liquor is wine or beer and is sold and consumed during the
35 days of the Kansas state fair on premises leased by the state fair board to a
36 person who holds a temporary permit issued pursuant to ~~K.S.A. 41-2645~~
37 *section 1*, and amendments thereto, authorizing the sale and serving of
38 such wine or beer, or both; or (C) the alcoholic liquor is consumed on
39 nonfair days in conjunction with bona fide scheduled events involving not
40 less than 75 invited guests and the state fair board, in its discretion,
41 authorizes the consumption of the alcoholic liquor, subject to any
42 conditions or restrictions the board may require.

43 (6) In the state historical museum provided for by K.S.A. 76-2036,

1 and amendments thereto, on the surrounding premises and in any other
2 building on such premises, as authorized by rules and regulations of the
3 state historical society.

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

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

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

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

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

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

23 (13) On premises of a common consumption area established by
24 K.S.A. 2018 Supp. 41-2659, and amendments thereto.

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

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

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

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

42 (i) The board of trustees of a community college may exempt from
43 the provisions of subsection (d) specified property which is under the

1 control of such board and which is not used for classroom instruction,
2 where alcoholic liquor may be consumed in accordance with policies
3 adopted by such board.

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

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

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

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

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

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

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

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

27 (l) For the purposes of this section: ~~(1) "Special event" means a~~
28 ~~picnic, bazaar, festival or other similar community gathering, which has~~
29 ~~been approved by the local governing body of any city, county or~~
30 ~~township; and~~

31 ~~(2)~~—, "common consumption area" has the *same* meaning as *that term*
32 *is* defined in K.S.A. 2018 Supp. 41-2659, and amendments thereto.

33 Sec. ~~9~~ **{10.}** K.S.A. 2018 Supp. 41-2601 is hereby amended to read
34 as follows: 41-2601. As used in the club and drinking establishment act:

35 (a) The following terms shall have the meanings provided by K.S.A.
36 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3)
37 "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

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

41 (c) "Caterer" means an individual, partnership or corporation which
42 sells alcoholic liquor by the individual drink, and provides services related
43 to the serving thereof, on unlicensed premises which may be open to the

1 public, but does not include a holder of a temporary permit, selling
2 alcoholic liquor in accordance with the terms of such permit.

3 (d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-
4 2701, and amendments thereto.

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

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

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

16 (h) "Drinking establishment" means premises which may be open to
17 the general public, where alcoholic liquor by the individual drink is sold.
18 Drinking establishment includes a railway car.

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

22 (j) "Food service establishment" has the meaning provided by K.S.A.
23 36-501, and amendments thereto.

24 (k) "Hotel" has the meaning provided by K.S.A. 36-501, and
25 amendments thereto.

26 (l) "Individual drink" means a beverage containing alcoholic liquor or
27 cereal malt beverage served to an individual for consumption by such
28 individual or another individual, but which is not intended to be consumed
29 by two or more individuals. The term "individual drink" includes
30 beverages containing not more than: (1) Eight ounces of wine; (2) thirty-
31 two ounces of beer or cereal malt beverage; or (3) four ounces of a single
32 spirit or a combination of spirits.

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

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

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

43 (p) "Municipal corporation" means the governing body of any county

1 or city.

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

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

7 (2) not less than two private suites, which are enclosed or semi-
8 enclosed seating areas, having controlled access and separated from the
9 general admission areas by a permanent barrier.

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

15 (s) "Restaurant" means:

16 (1) In the case of a club, a licensed food service establishment which,
17 as determined by the director, derives from sales of food for consumption
18 on the licensed club premises not less than 50% of its gross receipts from
19 all sales of food and beverages on such premises in a 12-month period;

20 (2) in the case of a drinking establishment subject to a food sales
21 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
22 food service establishment which, as determined by the director, derives
23 from sales of food for consumption on the licensed drinking establishment
24 premises not less than 30% of its gross receipts from all sales of food and
25 beverages on such premises in a 12-month period; and

26 (3) in the case of a drinking establishment subject to no food sales
27 requirement under K.S.A. 41-2642, and amendments thereto, a licensed
28 food service establishment.

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

33 (u) "Sample" means a serving of alcoholic liquor ~~which~~ *{that}*
34 ~~contains not more than~~ *{not more than}*: (1) ~~One-half ounce of~~ *{One-half*
35 *ounce of}* distilled spirits; (2) ~~one ounce of~~ *{one ounce of}* wine; or (3)
36 ~~two ounces of~~ *{two ounces of}* beer or cereal malt beverage. A sample of a
37 mixed alcoholic beverage ~~shall contain not more than one-half ounce of~~
38 ~~distilled spirits~~ *{shall contain not more than ½ ounce*
39 *of distilled spirits}*.

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

41 (w) "Temporary permit" means a temporary permit issued pursuant to
42 ~~K.S.A. 41-2645 section 1~~, and amendments thereto.

43 ~~Sec. 10.~~ *{11.}* K.S.A. 2018 Supp. 41-2608 is hereby amended to read

1 as follows: 41-2608. (a) Any public venue, club or drinking establishment
2 license issued pursuant to this act shall be for one particular premises
3 which shall be stated in the application and in the license. Not more than
4 one premises licensed under the club and drinking establishment act shall
5 exist at a single legal address.

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

9 (c) *The licensed premises of a license may be extend into a city,*
10 *county or township street, alley, road, sidewalk or highway if: (1) Such*
11 *street, alley, road, sidewalk or highway is closed to motor vehicle traffic*
12 *by the governing body of such city, county or township at any time during*
13 *which alcoholic liquor is to be sold or consumed; and (2) such extension*
14 *has been approved by the city, county or township by ordinance or*
15 *resolution that specifies the exact times during which alcoholic liquor may*
16 *be sold or consumed on the street, alley, road, sidewalk or highway.*

17 ~~Sec. 41-2606.~~ *{12.} K.S.A. 2018 Supp. 41-2622 is hereby amended to read*
18 *as follows: 41-2622. (a) At the time application is made to the director*
19 *for a license pursuant to the club and drinking establishment act, the*
20 *applicant shall pay the following license fee in the manner provided by*
21 *K.S.A. 41-2606, and amendments thereto:*

22 (1) *For a class A club which is a bona fide nonprofit fraternal or*
23 *war veterans' club, as defined by rules and regulations of the secretary,*
24 *\$500;*

25 (2) *for a class A club which is a bona fide nonprofit social club, as*
26 *defined by rules and regulations of the secretary, and which has not*
27 *more than 500 members, \$1,000;*

28 (3) *for a class A club which is a bona fide nonprofit social club, as*
29 *defined by rules and regulations of the secretary, and which has more*
30 *than 500 members, \$2,000;*

31 (4) *for a class B club, \$2,000;*

32 (5) *for a caterer, \$1,000;*

33 (6) *for a drinking establishment, \$2,000;*

34 (7) *for a hotel of which the entire premises are licensed as a*
35 *drinking establishment, \$6,000;*

36 (8) *for a drinking establishment/caterer establishment caterer,*
37 *\$3,000;*

38 (9) *for a drinking establishment/caterer establishment caterer, if the*
39 *drinking establishment is a hotel of which the entire premises are*
40 *licensed as a drinking establishment, \$7,000;*

41 (10) *for a public venue with a maximum capacity of not more than*
42 *10,000 persons, \$5,000;*

43 (11) *for a public venue with a maximum capacity of not more than*

1 25,000 persons, \$7,500; and

2 (12) for a public venue with a maximum capacity exceeding 25,000
3 persons, \$10,000.

4 (b) In addition to the fee provided by subsection (a), any city where
5 the licensed premises of a club or drinking establishment are located or,
6 if such licensed premises are not located in a city, the board of county
7 commissioners of the county where the licensed premises are located
8 may levy and collect a biennial occupation or license tax from the
9 licensee in an amount equal to not less than \$200 nor more than \$500.

10 (c) In addition to the fee provided by subsection (a), any city where
11 the licensed premises of a public venue is located or, if such licensed
12 premises is not located in a city, the board of county commissioners of
13 the county where the licensed premises is located may levy and collect a
14 biennial occupation or license tax from the licensee in an amount not
15 more than \$1,000.

16 (d) No occupational or excise tax or license fee other than that
17 authorized by subsection (b) or (c) shall be levied by any city or county
18 against or collected from a licensed public venue, club or drinking
19 establishment.

20 (e) The director shall remit all moneys received under this section
21 to the state treasurer in accordance with the provisions of K.S.A. 75-
22 4215, and amendments thereto. Upon receipt of each such remittance,
23 the state treasurer shall deposit the entire amount in the state treasury.
24 Of each such deposit, 50% shall be credited to the state general fund,
25 and the remaining 50% shall be credited to the other state fees fund of
26 the Kansas department for aging and disability services. In addition to
27 other purposes for which expenditures may be made from the other state
28 fees fund of the Kansas department for aging and disability services,
29 expenditures may be made by the secretary for aging and disability
30 services for the purpose of implementing the powers and duties of the
31 secretary under the provisions of K.S.A. 65-4006 and 65-4007, and
32 amendments thereto.

33 *Sec. 12. {13.} K.S.A. 2018 Supp. 41-2637 is hereby amended to read*
34 *as follows: 41-2637. (a) A license for a class A club shall allow the*
35 *licensee to: (1) Offer for sale, sell and serve alcoholic liquor for*
36 *consumption on the licensed premises by members and their families,*
37 *and guests accompanying them; and (2) serve samples of alcoholic*
38 *liquor free of charge for consumption by members and their families*
39 *and guests accompanying them.*

40 *No charge of any sort may be made for a sample serving. A person*
41 *may be served no more than five samples per visit. Samples may not be*
42 *served to a minor. No samples may be removed from the licensed*
43 *premises. No consideration shall be requested or required for entry onto*

1 *the premises, participation in any event taking place on the premises or*
2 *to remain on the premises.*

3 *(b) (1) Subject to the provisions of subsection (b)(2), any two or*
4 *more class A or class B clubs may permit, by an agreement filed with*
5 *and approved by the director, the members of each such club to have*
6 *access to all other clubs which are parties to such agreement. The*
7 *privileges extended to the visiting members of other clubs under such an*
8 *agreement shall be determined by the agreement and, if the agreement*
9 *so provides, any club which is a party to such agreement may sell, offer*
10 *for sale and serve, to any person who is a member of another club which*
11 *is a party to such agreement, alcoholic liquor for consumption on the*
12 *licensed premises by such person and such person's family, and guests*
13 *accompanying them.*

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

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

21 *Sec. ~~13~~. {14.} K.S.A. 2018 Supp. 41-2641 is hereby amended to read*
22 *as follows: 41-2641. (a) A license for a class B club shall allow the*
23 *licensee to: (1) Offer for sale, sell and serve alcoholic liquor for*
24 *consumption on the licensed premises by members of such club and*
25 *guests accompanying them; and (2) serve samples of alcoholic liquor*
26 *free of charge on the licensed premises for consumption by such*
27 *members and their families and guests accompanying them.*

28 *No charge of any sort may be made for a sample serving. A person*
29 *may be served no more than five samples per visit. Samples may not be*
30 *served to a minor. No samples may be removed from the licensed*
31 *premises. Providing samples is prohibited for any licensee who charges*
32 *a cover charge or entry fee at any time during the business day. No*
33 *consideration shall be requested or required for entry onto the premises,*
34 *participation in any event taking place on the premises or to remain on*
35 *the premises.*

36 *(b) (1) Subject to the provisions of subsection (b)(2), any two or*
37 *more class A or class B clubs may permit, by an agreement filed with*
38 *and approved by the director, the members of each such club to have*
39 *access to all other clubs which are parties to such agreement. The*
40 *privileges extended to the visiting members of other clubs under such an*
41 *agreement shall be determined by the agreement and, if the agreement*
42 *so provides, any club which is a party to such agreement may sell, offer*
43 *for sale and serve, to any person who is a member of another club which*

1 *is a party to such agreement, alcoholic liquor for consumption on the*
2 *licensed premises by such person and such person's family, and guests*
3 *accompanying them.*

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

6 (c) *Except as provided by subsection (d), an applicant for*
7 *membership in a class B club shall, before becoming a member of such*
8 *club:*

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

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

11 (d) *Notwithstanding the membership fee requirement of subsection*
12 *(c):*

13 (1) *Any class B club located on the premises of a hotel or RV resort*
14 *may establish rules whereby a guest, who registered at the hotel or RV*
15 *resort and who is not a resident of the county in which the club is*
16 *located, may file application for temporary membership in such club.*
17 *The membership, if granted, shall be valid only for the period of time*
18 *that the guest is a bona fide registered guest at the hotel or RV resort*
19 *and such temporary membership shall not be subject to the fee*
20 *requirement of this section.*

21 (2) *Any class B club located on property which is owned or*
22 *operated by a municipal airport authority and upon which consumption*
23 *of alcoholic liquor is authorized by law may establish rules whereby an*
24 *air traveler who is a holder of a current airline ticket may file*
25 *application for temporary membership in such club for the day such air*
26 *traveler's ticket is valid, and such temporary membership shall not be*
27 *subject to the fee requirement of this section.*

28 (3) *Any class B club may establish rules whereby military personnel*
29 *of the armed forces of the United States on temporary duty and housed*
30 *at or near any military installation located within the exterior*
31 *boundaries of the state of Kansas may file application for temporary*
32 *membership in such club. The membership, if granted, shall be valid*
33 *only for the period of the training, not to exceed 20 weeks. Any person*
34 *wishing to make application for temporary membership in a class B club*
35 *under this subsection (d)(3) shall present the temporary duty orders to*
36 *the club. Temporary membership issued under this subsection (d)(3)*
37 *shall not be subject to the fee requirements of this section.*

38 (4) *Any class B club may enter into a written agreement with a*
39 *hotel or RV resort whereby a guest who is registered at the hotel or RV*
40 *resort and who is not a resident of the county in which the club is*
41 *located may file application for temporary membership in such club.*
42 *The temporary membership, if granted, shall be valid only for the period*
43 *of time that the guest is a bona fide registered guest at the hotel or RV*

1 *resort and shall not be subject to the fee requirement of this section. A*
2 *club may enter into a written agreement with a hotel or RV resort*
3 *pursuant to this provision only if: (A) The hotel or RV resort is located*
4 *in the same county as the club; (B) there is no class B club located on*
5 *the premises of the hotel or RV resort; and (C) no other club has entered*
6 *into a written agreement with the hotel or RV resort pursuant to this*
7 *section.*

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

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

19 *Sec. ~~14~~ {15.} K.S.A. 2018 Supp. 41-2642 is hereby amended to read*
20 *as follows: 41-2642. (a) A license for a drinking establishment shall*
21 *allow the licensee to offer for sale, sell and serve alcoholic liquor for*
22 *consumption on the licensed premises which may be open to the public,*
23 *and to serve samples of alcoholic liquor free of charge on licensed*
24 *premises subject to the requirements of subsection (c), but only if such*
25 *premises are located in a county where the qualified electors of the*
26 *county:*

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

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

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

41 *(1) Have approved, at an election pursuant to K.S.A. 41-2646, and*
42 *amendments thereto, a proposition to allow sales of alcoholic liquor by*
43 *the individual drink in public places within the county without a*

1 *requirement that any portion of their gross receipts be derived from the*
2 *sale of food; and*

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

6 *(c) No charge of any sort may be made for a sample serving. A*
7 *person may be served no more than five samples per visit. Samples may*
8 *not be served to a minor. No samples may be removed from the licensed*
9 *premises. Providing samples is prohibited for any licensee who charges*
10 *a cover charge or entry fee at any time during the business day. No*
11 *consideration shall be requested or required for entry onto the premises,*
12 *participation in any event taking place on the premises or to remain on*
13 *the premises.*

14 *(d) A drinking establishment shall specify in the application for a*
15 *license or renewal of a license the premises to be licensed, which may*
16 *include all premises which are in close proximity and are under the*
17 *control of the applicant or licensee.*

18 *(e) Notwithstanding any other provision of law to the contrary, any*
19 *hotel of which the entire premises are licensed as a drinking*
20 *establishment or as a drinking establishment/caterer may sell alcoholic*
21 *liquor or cereal malt beverage by means of minibars located in guest*
22 *rooms of such hotel, subject to the following:*

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

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

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

31 *(f) A drinking establishment may store on its premises wine sold to*
32 *a customer for consumption at a later date on its premises in the*
33 *unopened container. Such wine must be kept separate from all other*
34 *alcohol stock and in a secure locked area separated by customer. Such*
35 *wine shall not be removed from the licensed premises in its unopened*
36 *condition.*

37 *{Sec. 16. K.S.A. 2018 Supp. 41-2659 is hereby amended to read as*
38 *follows: 41-2659. (a) (1) A city or a county may establish one or more*
39 *common consumption areas within the limits of the city or within the*
40 *unincorporated portion of the county, as applicable, by ordinance or*
41 *resolution, respectively, and authorize the possession and consumption*
42 *of alcoholic liquor within the common consumption area. The ordinance*
43 *or resolution shall designate the boundaries of any common*

1 *consumption area and prescribe the times during which alcoholic liquor*
2 *may be consumed therein. The ordinance or resolution shall require that*
3 *any public street or roadway that lies within a common consumption*
4 *area shall be blocked from motorized traffic during the hours in which*
5 *alcohol is consumed.*

6 *(2) The city or county shall immediately notify the director of the*
7 *division of alcoholic beverage control of the establishment of a common*
8 *consumption area and submit a copy of the ordinance or resolution*
9 *along with such notice.*

10 *(b) A common consumption area permit shall allow the*
11 *consumption of alcoholic liquor in any area designated by such permit.*
12 *The director may issue common consumption area permits to the city or*
13 *county or any one person who shall be a resident of Kansas or an*
14 *organization that has its principal place of business in Kansas and that*
15 *has been approved by the respective city or county, in accordance with*
16 *rules and regulations adopted by the secretary of revenue.*

17 *(c) Applications for common consumption area permits shall be*
18 *submitted to the director, subject to the following:*

19 *(1) A copy of any ordinance or resolution promulgated in*
20 *accordance with subsection (a) shall accompany any application for a*
21 *common consumption area permit.*

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

28 *(3) A common consumption area permit shall be issued for a period*
29 *of not to exceed one year. A common consumption area permit shall not*
30 *be transferable or assignable.*

31 *(d) Any licensee immediately adjacent to, or located within a*
32 *common consumption area may request that the licensee's licensed*
33 *premises participate in the common consumption area for the duration*
34 *of the common consumption area permit. Such a request shall be made*
35 *upon forms prescribed by the director.*

36 *(e) (1) Any licensee who has requested and received permission to*
37 *participate in the common consumption area may allow its legal patrons*
38 *to remove alcoholic liquor purchased from the licensee into the premises*
39 *described by the common consumption area permit. All alcoholic*
40 *beverages removed from a licensed premises in such fashion shall be*
41 *served in a container that displays the licensee's trade name or logo or*
42 *other identifying mark that is unique to the licensee.*

43 *(2) In addition to their licensed premises, one or more licensees that*

1 *have requested and received permission to participate in a common*
2 *consumption area may offer for sale, sell and serve alcoholic liquor for*
3 *consumption from one non-contiguous service area within the common*
4 *consumption area, as designated and approved by the common*
5 *consumption area permit holder. The licensee shall prominently display a*
6 *copy of its drinking establishment license and the approval of the common*
7 *consumption area permit holder at its non-contiguous service area.*

8 ***(f) (1) Each licensee within a common consumption area shall be***
9 ***liable for violations of all liquor laws governing the sale and***
10 ***consumption of alcoholic liquor that occur on the licensee's premises.***

11 ***(2) Each common consumption area permit holder shall be liable***
12 ***for violations that occur off the licensee's premises, but within the***
13 ***common consumption area identified in the permit. No permit holder***
14 ***shall permit any person to remove any open container of alcoholic***
15 ***liquor from the boundaries of the common consumption area.***

16 ***(g) For the purposes of this section, "common consumption area"***
17 ***shall mean a defined indoor or outdoor area not otherwise subject to a***
18 ***license issued pursuant to the Kansas liquor control act or the club and***
19 ***drinking establishment act where the possession and consumption of***
20 ***alcoholic liquor is allowed pursuant to a common consumption area***
21 ***permit. The boundaries of any common consumption area must be***
22 ***clearly marked using a physical barrier or any apparent line of***
23 ***demarcation.***

24 ***(h) The secretary shall adopt rules and regulations to implement***
25 ***this section.***

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

28 ~~Sec. 41-15. {17.}~~ K.S.A. {2016 Supp. 41-102, as amended by section
29 ***4 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A.}* 2018
30 ~~Supp. 41-308a, 41-347, 41-719, 41-2601, 41-2608, 41-2622, 41-2637, 41-~~
31 ~~2641, 41-2642 and {,}~~ ***41-2645 and {, 41-2657 and 41-2659}*** are hereby
32 repealed.**

33 ~~Sec. 42-16. {18.}~~ This act shall take effect and be in force from and
34 after ~~{April 1, 2019, and}~~ its publication in the ~~statute book~~ ***{Kansas***
35 ***register}***.