

SENATE BILL No. 269

By Committee on Federal and State Affairs

2-20

1 AN ACT concerning alcoholic beverages; relating to charitable raffle
2 prizes; exempting prizes of alcoholic liquor and cereal malt beverages
3 from the Kansas liquor control act, the club and drinking establishment
4 act and the Kansas cereal malt beverage act; amending K.S.A. 41-104
5 and repealing the existing section.

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

8 Section 1. K.S.A. 41-104 is hereby amended to read as follows: 41-
9 104. (a) No person shall manufacture, bottle, blend, sell, barter, transport,
10 deliver, furnish or possess any alcoholic liquor for beverage purposes,
11 except as specifically provided in this act, the club and drinking
12 establishment act or article 27 of chapter 41 of the Kansas Statutes
13 Annotated, and amendments thereto, except that nothing contained in ~~this~~
14 ~~act~~ such acts shall prevent:

15 (a)(1) The possession and transportation of alcoholic liquor for the
16 personal use of the possessor, the possessor's family and guests except that
17 the provisions of K.S.A. 41-407, and amendments thereto, shall be
18 applicable to all persons;

19 (b)(2) the making of wine, cider or beer by a person from fruits,
20 vegetables or grains, or the product thereof, by simple fermentation and
21 without distillation, if it is made solely for the use of the maker, the
22 maker's family, guests and judges at a contest or competition of such
23 beverages, provided, the maker receives no compensation for producing
24 such beverages or for allowing the consumption thereof;

25 (c)(3) any duly licensed practicing physician or dentist from
26 possessing or using alcoholic liquor in the strict practice of the medical or
27 dental profession;

28 (d)(4) any hospital or other institution caring for sick and diseased
29 persons, from possessing and using alcoholic liquor for the treatment of
30 bona fide patients of such hospital or institution;

31 (e)(5) any drugstore employing a licensed pharmacist from
32 possessing and using alcoholic liquor in the compounding of prescriptions
33 of duly licensed physicians;

34 (f)(6) the possession and dispensation of wine by an authorized
35 representative of any church for the purpose of conducting any bona fide
36 rite or religious ceremony conducted by such church;

1 ~~(g)~~(7) the sale of wine to a consumer in this state by a person which
 2 holds a valid license authorizing the manufacture of wine in this or another
 3 state and the shipment of such wine directly to such consumer, subject to
 4 the following:

5 ~~(+)~~(A) The consumer must be at least 21 years of age;

6 ~~(2)~~(B) the consumer must purchase the wine while physically present
 7 on the premises of the wine manufacturer;

8 ~~(3)~~(C) the wine must be for the consumer's personal consumption and
 9 not for resale; and

10 ~~(4)~~(D) the consumer shall comply with the provisions of K.S.A. 41-
 11 407, and amendments thereto, by payment of all applicable taxes within
 12 such time after purchase of the wine as prescribed by rules and regulations
 13 adopted by the secretary;

14 ~~(h)~~(8) the serving of complimentary alcoholic liquor or cereal malt
 15 beverages at fund raising activities of charitable organizations as defined
 16 by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to
 17 ~~26 U.S.C.A.~~ U.S.C. § 501(c) and by committees formed pursuant to K.S.A.
 18 25-4142 et seq., and amendments thereto. The serving of such alcoholic
 19 liquor at such fund raising activities shall not constitute a sale pursuant to
 20 this act, the club and drinking establishment act or article 27 of chapter 41
 21 of the Kansas Statutes Annotated, and amendments thereto. Any such fund
 22 raising activity shall not be required to obtain a license or a temporary
 23 permit pursuant to this act, the club and drinking establishment act or
 24 article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments
 25 thereto; ~~or~~

26 ~~(i)~~(9) the serving of complimentary alcoholic liquor or cereal malt
 27 beverage on the unlicensed premises of a business by the business owner
 28 or owner's agent at an event sponsored by a nonprofit organization
 29 promoting the arts and which has been approved by ordinance or
 30 resolution of the governing body of the city, county or township wherein
 31 the event will take place and whereby the director of the alcoholic
 32 beverage control has been notified thereof no less than 10 days in
 33 advance; *or*

34 (10) *the provision of alcoholic liquor or cereal malt beverage as a*
 35 *prize for a charitable raffle conducted in accordance with K.S.A. 75-5171*
 36 *et seq., and amendments thereto, except that no such prize shall be*
 37 *provided to any person under 21 years of age.*

38 ~~(j)~~(b) For purposes of subsection ~~(b)~~ (a)(2), the term "guest" means a
 39 natural person who is known to the host and receives a personal invitation
 40 to an event conducted by the host. The term "guest" ~~shall~~ *does* not mean a
 41 natural person who receives an invitation to an event conducted by the
 42 host when such invitation has been made available to the general public.

43 Sec. 2. K.S.A. 41-104 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.