

SENATE BILL No. 36

By Committee on Federal and State Affairs

1-16

1 AN ACT concerning alcoholic beverages; relating to clubs and drinking
2 establishments; permitting tastings on the licensed premises; amending
3 K.S.A. 2012 Supp. 41-2637, 41-2640, 41-2641 and 41-2642 and
4 repealing the existing sections.
5

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

7 Section 1. K.S.A. 2012 Supp. 41-2637 is hereby amended to read as
8 follows: 41-2637. (a) A license for a class A club shall allow the licensee
9 to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on
10 the licensed premises by members and their families, and guests
11 accompanying them; and (2) *serve samples of alcoholic liquor free of*
12 *charge on the licensed premises and at special events, monitored and*
13 *regulated by the division of alcoholic beverage control for consumption by*
14 *members and their families, and guests accompanying them.*

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

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

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

32 Sec. 2. K.S.A. 2012 Supp. 41-2640 is hereby amended to read as
33 follows: 41-2640. (a) *Except as otherwise provided in this act*, no club,
34 drinking establishment, caterer or holder of a temporary permit, nor any
35 person acting as an employee or agent thereof, shall:

36 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in

1 any form to any person;

2 (2) offer or serve to any person an individual drink at a price that is
3 less than the acquisition cost of the individual drink to the licensee or
4 permit holder;

5 (3) sell, offer to sell or serve to any person an unlimited number of
6 individual drinks during any set period of time for a fixed price, except at
7 private functions not open to the general public or to the general
8 membership of a club;

9 (4) encourage or permit, on the licensed premises, any game or
10 contest which involves drinking alcoholic liquor or cereal malt beverage or
11 the awarding of individual drinks as prizes; or

12 (5) advertise or promote in any way, whether on or off the licensed
13 premises, any of the practices prohibited under subsections (a)(1) through
14 (4).

15 (b) No public venue, nor any person acting as an employee or agent
16 thereof, shall:

17 (1) Offer or serve any free cereal malt beverage or alcoholic liquor in
18 any form to any person;

19 (2) offer or serve to any person a drink or original container of
20 alcoholic liquor or cereal malt beverage at a price that is less than the
21 acquisition cost of the drink or original container of alcoholic liquor or
22 cereal malt beverage to the licensee;

23 (3) sell or serve alcoholic liquor in glass containers to customers in
24 the general admission area;

25 (4) sell or serve more than two drinks per customer at any one time in
26 the general admission area;

27 (5) encourage or permit, on the licensed premises, any game or
28 contest which involves drinking alcoholic liquor or cereal malt beverage or
29 the awarding of drinks as prizes; or

30 (6) advertise or promote in any way, whether on or off the licensed
31 premises, any of the practices prohibited under subsections (b)(1) through
32 (5).

33 (c) A public venue club, drinking establishment, caterer or holder of a
34 temporary permit may:

35 (1) Offer free food or entertainment at any time;

36 (2) sell or deliver wine by the bottle or carafe;

37 (3) sell, offer to sell and serve individual drinks at different prices
38 throughout any day; ~~or~~

39 (4) sell or serve beer or cereal malt beverage in a pitcher capable of
40 containing not more than 64 fluid ounces; ~~or~~

41 (5) *offer samples of alcoholic liquor free of charge as authorized by*
42 *this act.*

43 (d) Violation of any provision of this section is a misdemeanor

1 punishable as provided by K.S.A. 41-2633, and amendments thereto.

2 (e) Violation of any provision of this section shall be grounds for
3 suspension or revocation of the licensee's license as provided by K.S.A.
4 41-2609, and amendments thereto, and for imposition of a civil fine on the
5 licensee or temporary permit holder as provided by K.S.A. 41-2633a, and
6 amendments thereto.

7 (f) Every licensed club and drinking establishment shall make
8 available at any time upon request a price list showing the club's or
9 drinking establishment's current prices per individual drink for all
10 individual drinks.

11 Sec. 3. K.S.A. 2012 Supp. 41-2641 is hereby amended to read as
12 follows: 41-2641. (a) A license for a class B club shall allow the licensee
13 to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on
14 the licensed premises by members of such club and guests accompanying
15 them; and (2) *serve samples of alcoholic liquor free of charge on the*
16 *licensed premises and at special events, monitored and regulated by the*
17 *division of alcoholic beverage control for consumption by such members*
18 *and guests accompanying them.*

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

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

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

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

35 (2) pay an annual membership fee of not less than \$10; and

36 (3) wait for a period of 10 days after completion of the application
37 form and payment of the membership fee.

38 (d) Notwithstanding the membership fee and waiting period
39 requirement of subsection (c):

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

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

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

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

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

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

40 (e) A licensee may store on its premises wine sold to a customer for
41 consumption at a later date on its premises in the unopened container. Such
42 wine must be kept separate from all other alcohol stock and in a secure
43 locked area separated by customer. Such wine shall not be removed from

1 the licensed premises in its unopened condition.

2 Sec. 4. K.S.A. 2012 Supp. 41-2642 is hereby amended to read as
3 follows: 41-2642. (a) A license for a drinking establishment shall allow the
4 licensee to: (1) Offer for sale, sell and serve alcoholic liquor for
5 consumption on the licensed premises which may be open to the public;
6 *and (2) serve samples of alcoholic liquor free of charge on the licensed*
7 *premises and at special events, monitored and regulated by the division of*
8 *alcoholic beverage control*, but only if such premises are located in a
9 county where the qualified electors of the county:

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

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

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

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

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

32 (c) A drinking establishment shall specify in the application for a
33 license or renewal of a license the premises to be licensed, which may
34 include all premises which are in close proximity and are under the control
35 of the applicant or licensee.

36 (d) Notwithstanding any other provision of law to the contrary, any
37 hotel of which the entire premises are licensed as a drinking establishment
38 or as a drinking establishment/caterer may sell alcoholic liquor or cereal
39 malt beverage by means of minibars located in guest rooms of such hotel,
40 subject to the following:

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

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

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

6 (e) A drinking establishment may store on its premises wine sold to a
7 customer for consumption at a later date on its premises in the unopened
8 container. Such wine must be kept separate from all other alcohol stock
9 and in a secure locked area separated by customer. Such wine shall not be
10 removed from the licensed premises in its unopened condition.

11 Sec. 5. K.S.A. 2012 Supp. 41-2637, 41-2640, 41-2641 and 41-2642
12 are hereby repealed.

13 Sec. 6. This act shall take effect and be in force from and after its
14 publication in the statute book.
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