

Senate Substitute for HOUSE BILL No. 2138

By Committee on Federal and State Affairs

3-18

1 AN ACT concerning alcoholic beverages; providing for suspension or
2 revocation of licenses for violations of orders issued by the director;
3 *{specifying requirements for serving alcoholic liquor in pitchers;}*
4 authorizing sales on Sunday and certain holidays; requiring issuance of
5 a cereal malt beverage retailers' license to licensed producers; allowing
6 the sale and removal of beer and cereal malt beverage in certain
7 containers; amending K.S.A. 2020 Supp. 41-308, 41-320a, 41-712, 41-
8 718, 41-2611, *{41-2640,}* 41-2653, as amended by section 1 of 2021
9 Senate Bill No. 14, 41-2703, 41-2704 and 41-2911 and repealing the
10 existing sections.
11

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

13 Section 1. K.S.A. 2020 Supp. 41-308 is hereby amended to read as
14 follows: 41-308. (a) Except as provided in K.S.A. 2020 Supp. 41-308d,
15 and amendments thereto, a retailer's license shall allow the licensee to sell
16 and offer for sale at retail and deliver in the original package, as therein
17 prescribed, alcoholic liquor and cereal malt beverage for use or
18 consumption off and away from the premises specified in such license.

19 (b) A retailer's license shall permit sale and delivery of alcoholic
20 liquor and cereal malt beverage only on the licensed premises and shall not
21 permit sale of alcoholic liquor and cereal malt beverage for resale in any
22 form, except that a licensed retailer may:

23 (1) Sell alcoholic liquor and cereal malt beverage to a temporary
24 permit holder for resale by such permit holder; and

25 (2) sell and deliver alcoholic liquor and cereal malt beverage to a
26 caterer or to the licensed premises of a public venue, club or drinking
27 establishment, if such premises are in the county where the retailer's
28 premises are located or in an adjacent county, for resale by such public
29 venue, club, establishment or caterer.

30 (c) A retailer may:

31 (1) Charge a delivery fee for delivery of alcoholic liquor and cereal
32 malt beverage to a public venue, club, drinking establishment or caterer
33 pursuant to subsection (b);

34 (2) sell lottery tickets and shares to the public in accordance with the
35 Kansas lottery act, if the retailer is selected as a lottery retailer;

36 (3) include in the sale of alcoholic liquor and cereal malt beverage

1 any goods included by the manufacturer in packaging with the alcoholic
2 liquor or cereal malt beverage, subject to the approval of the director;

3 (4) distribute to the public, without charge, consumer advertising
4 specialties bearing advertising matter, subject to rules and regulations of
5 the secretary limiting the form and distribution of such specialties so that
6 they are not conditioned on or an inducement to the purchase of alcoholic
7 liquor or cereal malt beverage;

8 (5) store alcoholic liquor and cereal malt beverage in refrigerators,
9 cold storage units, ice boxes or other cooling devices, and the licensee may
10 sell such alcoholic liquor and cereal malt beverage to consumers in a
11 chilled condition; ~~and~~

12 (6) sell any other good or service on the licensed premises, except
13 that the gross sales of other goods and services, excluding fees derived
14 from the sale of lottery tickets and revenues from sales of cigarettes and
15 tobacco products, shall not exceed 20% of the retailer's total gross sales;
16 *and*

17 (7) *sell containers of beer, domestic beer and cereal malt beverage*
18 *that are sold on the licensed premises to consumers and served in*
19 *refillable and sealable containers for consumption off the licensed*
20 *premises if such containers:*

21 (A) *Contain between 32 and 64 fluid ounces; and*

22 (B) *have a label affixed that clearly indicates the licensee's name and*
23 *the type of alcoholic beverage contained in such container.*

24 (d) All alcoholic liquor, cereal malt beverage and nonalcoholic malt
25 beverage sold by a holder of a retail license shall be subject to the liquor
26 enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.

27 Sec. 2. K.S.A. 2020 Supp. 41-320a is hereby amended to read as
28 follows: 41-320a. (a) The director may suspend, involuntarily cancel or
29 revoke any license issued pursuant to the Kansas liquor control act if, after
30 notice and an opportunity for a hearing, the director determines that the
31 licensee has:

32 (1) Fraudulently obtained the license by providing false information
33 on the application therefor, or at any hearing thereon;

34 (2) violated any of the provisions of the Kansas liquor control act, ~~or~~
35 any rules or regulations adopted pursuant to such act *or any lawful order*
36 *issued by the director;* or

37 (3) become ineligible to obtain a license or permit under K.S.A. 41-
38 311 or K.S.A. 2020 Supp. 41-311b, and amendments thereto.

39 (b) This section shall be a part of and supplemental to the Kansas
40 liquor control act.

41 Sec. 3. K.S.A. 2020 Supp. 41-712 is hereby amended to read as
42 follows: 41-712. (a) Within any city where the days of sale at retail of
43 alcoholic liquor in the original package have not been expanded as

1 provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have
2 been so expanded and subsequently restricted as provided by K.S.A. 2020
3 Supp. 41-2911, and amendments thereto, ~~and within any township where~~
4 ~~the days of sale at retail of alcoholic liquor in the original package have~~
5 ~~not been expanded as provided by K.S.A. 2020 Supp. 41-2911, and~~
6 ~~amendments thereto, or have been so expanded and subsequently restricted~~
7 ~~as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, no~~
8 person shall sell at retail any alcoholic liquor in the original package: (1)
9 On Sunday; (2) on ~~Memorial Day, Independence Day, Labor Day,~~
10 ***Memorial Day, Independence Day, Labor Day,*** Thanksgiving Day or
11 Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day when the
12 sale is permitted. The governing body of any city by ordinance may
13 require the closing of premises prior to 11 p.m., but such ordinance shall
14 not require closing prior to 8 p.m.

15 (b) Within any city where the days of sale at retail of alcoholic liquor
16 in the original package have been expanded as provided by K.S.A. 2020
17 Supp. 41-2911, and amendments thereto, and have not been subsequently
18 restricted as provided by K.S.A. 2020 Supp. 41-2911, and amendments
19 thereto, and within any township where the days of sale at retail of
20 alcoholic liquor in the original package have been expanded as provided
21 by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not
22 been subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911,
23 and amendments thereto, no person shall sell at retail alcoholic liquor in
24 the original package: (1) On Sunday ~~before 12 noon or after~~ *not earlier*
25 *than 10 a.m. and not later than 8 p.m.*; (2) on Easter Sunday, Thanksgiving
26 Day or Christmas Day; or (3) before 9 a.m. or after 11 p.m. on any day
27 when the sale is permitted. The governing body of any city by ordinance
28 may require the closing of premises prior to 11 p.m., but such ordinance
29 shall not require closing prior to 8 p.m.

30 Sec. 4. K.S.A. 2020 Supp. 41-718 is hereby amended to read as
31 follows: 41-718. (a) No person except a manufacturer, distributor,
32 microbrewery, microdistillery, farm winery or wholesaler shall fill or refill,
33 in whole or in part, any original package of alcoholic liquor with the same
34 or any other kind or quality of alcoholic liquor.

35 (b) No person shall have in the person's possession for sale at retail
36 any bottles, casks or other containers containing alcoholic liquor, except in
37 original packages.

38 (c) *This section shall not apply to the sale of beer, domestic beer or*
39 *cereal malt beverage by a retailer in accordance with K.S.A. 41-308(c)(7),*
40 *and amendments thereto.*

41 Sec. 5. K.S.A. 2020 Supp. 41-2611 is hereby amended to read as
42 follows: 41-2611. The director may suspend, involuntarily cancel or
43 revoke any license issued pursuant to the club and drinking establishment

1 act for any one or more of the following reasons:

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

4 (b) The licensee has violated any of the provisions of ~~this the club~~
5 ~~and drinking establishment act~~ or, any rules or regulations adopted
6 ~~hereunder pursuant to such act or any lawful order issued by the director.~~

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

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

11 (e) The licensee, or its manager or employee, has permitted any
12 disorderly person to remain on premises where alcoholic liquor is sold by
13 such licensee.

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

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

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

26 (i) The licensee holds a license as a class B club, drinking
27 establishment or caterer and:

28 (1) Has been found guilty of a violation of article 10 of chapter 44 of
29 the Kansas Statutes Annotated, and amendments thereto, under a decision
30 or order of the Kansas human rights commission ~~which~~ that has become
31 final; or

32 (2) such licensee has been found guilty of a violation of K.S.A. 21-
33 4003, prior to its repeal, or K.S.A. 2020 Supp. 21-6102, and amendments
34 thereto.

35 (j) There has been a violation of K.S.A. 21-4106 or 21-4107, prior to
36 their repeal, or K.S.A. 2020 Supp. 21-6204, and amendments thereto, on
37 premises where alcoholic liquor is sold by such licensee.

38 ***{Sec. 6. K.S.A. 2020 Supp. 41-2640 is hereby amended to read as***
39 ***follows: 41-2640. (a) No club, drinking establishment, caterer or holder***
40 ***of a temporary permit, nor any person acting as an employee or agent***
41 ***thereof, shall:***

42 (1) ***Offer or serve any free cereal malt beverage or alcoholic liquor***
43 ***in any form to any person;***

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

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

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

11 (5) *sell, offer to sell or serve free of charge any form of powdered*
12 *alcohol, as defined in K.S.A. 41-102, and amendments thereto; or*

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

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

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

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

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

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

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

31 (6) *sell, offer to sell or serve free of charge any form of powdered*
32 *alcohol, as defined in K.S.A. 41-102, and amendments thereto; or*

33 (7) *advertise or promote in any way, whether on or off the licensed*
34 *premises, any of the practices prohibited under subsections (b)(1)*
35 *through (6).*

36 (c) *A public venue, club, drinking establishment, caterer or holder*
37 *of a temporary permit may:*

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

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

40 (3) *sell, offer to sell and serve individual drinks at different prices*
41 *throughout any day;*

42 (4) *sell or serve beer-~~or~~, cereal malt beverage or mixed alcoholic*
43 *beverage in a pitcher-~~capable of containing not more than 64 fluid~~*

1 ounces; or

2 (5) offer samples of alcohol liquor free of charge as authorized by
3 this act; or

4 ~~(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed~~
5 ~~alcoholic beverages as approved by the director in a pitcher containing not~~
6 ~~more than 64 fluid ounces.~~

7 (d) A hotel of which the entire premises is licensed as a drinking
8 establishment may, in accordance with rules and regulations adopted by
9 the secretary, distribute to its guests coupons redeemable on the hotel
10 premises for drinks containing alcoholic liquor. The hotel shall remit
11 liquor drink tax in accordance with the provisions of the liquor drink tax
12 act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink
13 served based on a price which is not less than the acquisition cost of the
14 drink.

15 (e) (1) A public venue, club or drinking establishment may offer
16 customer self-service of beer or wine, or both, from automated devices
17 on licensed premises so long as the licensee monitors and has the ability
18 to control the dispensing of such beer or wine, or both, from the
19 automated devices.

20 (2) (A) For purposes of this subsection, "automated device" shall
21 mean means any mechanized device capable of dispensing wine or beer,
22 or both, directly to a customer in exchange for compensation that a
23 licensee has received directly from the customer.

24 (B) No licensee shall allow an automated device to be used on its
25 licensed premises without first providing written or electronic
26 notification to the director of the licensee's intent to use the automated
27 device. The licensee shall provide this notification at least 48 hours
28 before any automated device is used on the licensed premises.

29 (C) Each licensee offering customer self-service of wine or beer, or
30 both, from any automated device shall provide constant video
31 monitoring of the automated device at all times during which the
32 licensee is open to the public. The licensee shall keep recorded footage
33 from the video monitoring for at least 60 days and shall provide the
34 footage, upon request, to any agent of the director or other authorized
35 law enforcement agent.

36 (D) The compensation required by subsection (a) shall be in the
37 form of a programmable, prepaid access card containing a fixed amount
38 of monetary credit that may be directly exchanged for beer or wine
39 dispensed from the automated device. Access cards may be sold, used or
40 reactivated only during a business day. Each access card shall be
41 purchased from the licensee by a customer. A licensee shall not issue
42 more than one active access card to a customer. For purposes of this
43 subsection, an access card shall be deemed active if the access card

1 *contains monetary credit or has not yet been used to dispense 15 ounces*
2 *of wine or 32 ounces of beer. Each purchase of an access card under*
3 *this subparagraph shall be subject to the liquor drink tax imposed by*
4 *K.S.A. 79-41a02, and amendments thereto.*

5 *(E) In order to obtain a prepaid access card from a licensee, each*
6 *customer shall produce a valid driver's license, identification card or*
7 *other government-issued document that contains a photograph of the*
8 *individual and demonstrates that the individual is at least 21 years of*
9 *age. Each access card shall be programmed to require the production of*
10 *the customer's valid identification before the access card can be used for*
11 *the first time during any business day or for any subsequent reactivation*
12 *as provided in subparagraph (D).*

13 *(F) Each access card shall become inactive at the end of each*
14 *business day.*

15 *(G) Each access card shall be programmed to allow the dispensing*
16 *of no more than 15 ounces of wine or 32 ounces of beer to a customer.*
17 *Once an access card has been used to dispense 15 ounces of wine or 32*
18 *ounces of beer to a customer, the access card shall become inactive. Any*
19 *customer in possession of an inactive access card may, upon production*
20 *of the customer's valid identification to the licensee or licensee's*
21 *employee, have the access card reactivated to allow the dispensing of an*
22 *additional 15 ounces of wine or 32 ounces of beer from an automated*
23 *device.*

24 *Subparagraph (D), (E), (F) or (G) shall not apply to wine or beer that*
25 *is dispensed directly to the licensee or the licensee's agent or employee.*

26 *(3) The secretary shall adopt rules and regulations prior to January*
27 *1, 2019, as necessary to implement the provisions of this subsection.*

28 *(4) Notwithstanding any other provision of law, all laws and rules*
29 *and regulations applicable to the sale of alcoholic liquor to persons*
30 *under the legal age of consumption shall be applicable to the sales*
31 *transaction of the prepaid access card.*

32 *(f) A hotel of which the entire premises is not licensed as a drinking*
33 *establishment may, in accordance with rules and regulations adopted by*
34 *the secretary, through an agreement with one or more clubs or drinking*
35 *establishments, distribute to its guests coupons redeemable at such clubs*
36 *or drinking establishments for drinks containing alcoholic liquor. Each*
37 *club or drinking establishment redeeming coupons issued by a hotel*
38 *shall collect from the hotel the agreed price, which shall be not less than*
39 *the acquisition cost of the drink plus the liquor drink tax for each drink*
40 *served. The club or drinking establishment shall collect and remit the*
41 *liquor drink tax in accordance with the provisions of the liquor drink tax*
42 *act, K.S.A. 79-41a01 et seq., and amendments thereto.*

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

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

2 *(h) 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*
5 *the licensee or temporary permit holder as provided by K.S.A. 41-2633a,*
6 *and amendments thereto.*

7 *(i) For the purposes of this section, the term:*

8 *(1) "Day" means from 6:00 a.m. until 2:00 a.m. the following*
9 *calendar day;*

10 *(2) "mixed alcoholic beverage" means a beverage that is made by*
11 *combining alcoholic liquor with a non-alcoholic liquid or other edible*
12 *substance and that is comprised of at least 25% non-alcoholic liquid or*
13 *other edible substance, including, but not limited to, margarita, sangria,*
14 *daiquiri or mojito; and*

15 *(3) "pitcher" means any container that is capable of containing more*
16 *than 32 fluid ounces but not more than 64 fluid ounces that is used to*
17 *serve alcoholic liquor or cereal malt beverage to one or more individuals.}*

18 ~~Sec. 6.~~ {7.} K.S.A. 2020 Supp. 41-2653, as amended by section 1 of
19 2021 Senate Bill No. 14, is hereby amended to read as follows: 41-2653.

20 (a) In addition to the rights of a licensee pursuant to provisions of K.S.A.
21 41-2637, 41-2641 or 41-2642, and amendments thereto, a class A club
22 license, class B club license or drinking establishment license shall allow
23 the licensee to allow legal patrons of the club or drinking establishment to
24 remove *alcoholic liquor* from the licensed premises one or more opened
25 containers of alcoholic liquor *from the licensed premises*, subject to the
26 following conditions:

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

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

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

33 (4) the licensee or the licensee's employee must provide the patron
34 with a dated receipt for the unfinished container or containers of alcoholic
35 liquor; and

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

41 (b) (1) In addition to the rights of a licensee pursuant to provisions of
42 K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the
43 provisions of subsection (a), a class A club license, class B club license or

1 drinking establishment license shall allow the licensee to allow legal
2 patrons of the club or drinking establishment to remove from the licensed
3 premises one or more containers of alcoholic liquor that is not in the
4 original container, subject to the following conditions:

5 (A) It must be legal for the licensee to sell the alcoholic liquor;

6 (B) each container of alcoholic liquor must have been purchased by a
7 patron on the licensed premises;

8 (C) the licensee or the licensee's employee must provide the patron
9 with a dated receipt for the alcoholic liquor; and

10 (D) before the container of alcoholic liquor is removed from the
11 licensed premises, the licensee or the licensee's employee must place the
12 container in a transparent bag that is sealed in a manner that makes it
13 visibly apparent if the bag is subsequently tampered with or opened.

14 (2) The provisions of this subsection shall expire on March 31, 2021.

15 (c) *A patron may remove one or more containers of beer, domestic*
16 *beer and cereal malt beverage, as those terms are defined in K.S.A. 41-*
17 *102, and amendments thereto, that are sold on the licensed premises to*
18 *consumers and served in refillable and sealable containers for*
19 *consumption off the licensed premises if such containers:*

20 (1) *Contain between 32 and 64 fluid ounces;*

21 (2) *have a label affixed that clearly indicates the licensee's name and*
22 *the type of alcoholic beverage contained in such container; and*

23 (3) *are not sold or removed from the premises after 11:00 p.m.*

24 (d) *All alcoholic liquor, cereal malt beverage and nonalcoholic malt*
25 *beverage sold by a licensee shall be subject to the tax imposed by K.S.A.*
26 *79-41a02, and amendments thereto.*

27 (e) This section shall be a part of and supplemental to the club and
28 drinking establishment act.

29 ~~Sec. 7.~~ **8.** K.S.A. 2020 Supp. 41-2703 is hereby amended to read as
30 follows: 41-2703. (a) After examination of an application for a retailer's
31 license, the board of county commissioners or the director shall, if they
32 approve the same, issue a license to the applicant. The governing body of
33 the city shall, if the applicant is qualified as provided by law, issue a
34 license to such applicant.

35 (b) No retailer's license shall be issued to:

36 (1) A person who is not a resident of the county in which the place of
37 business covered by the license is located, has not been a resident of such
38 county for at least six months or has not been a resident in good faith of
39 the state of Kansas.

40 (2) A person who has not been a resident of this state for at least one
41 year immediately preceding application for a retailer's license.

42 (3) A person who is not of good character and reputation in the
43 community in which the person resides.

1 (4) A person who is not a citizen of the United States.

2 (5) A person who, within two years immediately preceding the date
3 of application approval, has been convicted of, released from incarceration
4 for or released from probation or parole for a felony or any crime
5 involving moral turpitude, drunkenness, driving a motor vehicle while
6 under the influence of intoxicating liquor or violation of any other
7 intoxicating liquor law of any state or of the United States.

8 (6) A partnership, unless all the members of the partnership are
9 otherwise qualified to obtain a license.

10 (7) A corporation, if any manager, officer or director thereof, or any
11 stockholder owning in the aggregate more than 25% of the stock of such
12 corporation, would be ineligible to receive a license hereunder for any
13 reason other than the citizenship and residency requirements.

14 (8) A person whose place of business is conducted by a manager or
15 agent unless the manager or agent possesses all the qualifications of a
16 licensee.

17 (9) A person whose spouse would be ineligible to receive a retailer's
18 license for any reason other than citizenship, residence requirements or
19 age, except that this subsection (b)(9) shall not apply in determining
20 eligibility for a renewal license.

21 (10) A person whose spouse has been convicted of a felony or other
22 crime which would disqualify a person from licensure under this section
23 and such felony or other crime was committed during the time that the
24 spouse held a license under this act.

25 (c) After examination of an application for a retailer's license, the
26 board of county commissioners or the governing body of a city may deny a
27 license to a person, partnership or corporation if any manager, officer or
28 director thereof, or any stockholder owning in the aggregate more than
29 25% of the stock of such corporation; has been an officer, manager,
30 director or a stockholder owning in the aggregate more than 25% of the
31 stock; of a corporation ~~which~~ that has:

32 (1) Had a retailer's license revoked under K.S.A. 41-2708, and
33 amendments thereto; or

34 (2) been convicted of a violation of the club and drinking
35 establishment act or the cereal malt beverage laws of this state.

36 (d) *If an applicant has been issued a producer's license pursuant to*
37 *K.S.A. 41-355, and amendments thereto, an application for a retailers'*
38 *license shall be approved by the board of county commissioners or the*
39 *director, subject to the requirements of subsections (b) and (c).*

40 (e) Retailers' licenses shall be issued either on an annual basis or for
41 the calendar year. If such licenses are issued on an annual basis, the board
42 of county commissioners or the governing body of the city shall notify the
43 distributors supplying the county or city on or before April 1 of the year if

1 a retailer's license is not renewed.

2 (e)(f) In addition to, and consistent with the requirements of K.S.A.
3 41-2701 et seq., and amendments thereto, the board of county
4 commissioners of any county or the governing body of any city may
5 provide by resolution or ordinance for the issuance of a special event
6 retailers' permit ~~which~~ that shall allow the permit holder to offer for sale,
7 sell and serve cereal malt beverage for consumption on unpermitted
8 premises, ~~which~~ that may be open to the public, subject to the following:

9 (1) A special event retailers' permit shall specify the premises for
10 which the permit is issued;

11 (2) a special event retailers' permit shall be issued for the duration of
12 the special event, the dates and hours of which shall be specified in the
13 permit;

14 (3) ~~not~~ more than four special event retailers' permits may be
15 issued to any one applicant in a calendar year; and

16 (4) a special event retailers' permit shall not be transferable or
17 assignable.

18 (f)(g) A special event retailers' permit holder shall not be subject to
19 the provisions of the beer and cereal malt beverage keg registration act,
20 K.S.A. 41-2901 et seq., and amendments thereto.

21 ~~Sec. 8. {9.}~~ K.S.A. 2020 Supp. 41-2704 is hereby amended to read as
22 follows: 41-2704. (a) In addition to and consistent with the requirements
23 of the Kansas cereal malt beverage act, the board of county commissioners
24 of any county or the governing body of any city may prescribe hours of
25 closing, standards of conduct and rules and regulations concerning the
26 moral, sanitary and health conditions of places licensed pursuant to this act
27 and may establish zones within which no such place may be located.

28 (b) Within any city where the days of sale at retail of cereal malt
29 beverage in the original package have not been expanded as provided by
30 K.S.A. 2020 Supp. 41-2911, and amendments thereto, or have been so
31 expanded and subsequently restricted as provided by K.S.A. 2020 Supp.
32 41-2911, and amendments thereto, ~~and within any township where the~~
33 ~~hours and days of sale at retail of cereal malt beverage in the original~~
34 ~~package have not been expanded as provided by K.S.A. 2020 Supp. 41-~~
35 ~~2911, and amendments thereto, or have been so expanded and~~
36 ~~subsequently restricted as provided by K.S.A. 2020 Supp. 41-2911, and~~
37 ~~amendments thereto~~, no cereal malt beverages or beer containing not more
38 than 6% alcohol by volume may be sold:

39 (1) Between the hours of 12 midnight and 6 a.m.; or

40 (2) on Sunday, except in a place of business which is licensed to sell
41 cereal malt beverage for consumption on the premises, which derives not
42 less than 30% of its gross receipts from the sale of food for consumption
43 on the licensed premises and which is located in a county where such sales

1 on Sunday have been authorized by resolution of the board of county
2 commissioners of the county or in a city where such sales on Sunday have
3 been authorized by ordinance of the governing body of the city.

4 (c) Within any city where the days of sale at retail of cereal malt
5 beverage in the original package have been expanded as provided by
6 K.S.A. 2020 Supp. 41-2911, and amendments thereto, and have not been
7 subsequently restricted as provided in K.S.A. 2020 Supp. 41-2911, and
8 amendments thereto, ~~and within any township where the days of sale at~~
9 ~~retail of cereal malt beverage in the original package have been expanded~~
10 ~~as provided by K.S.A. 2020 Supp. 41-2911, and amendments thereto, and~~
11 ~~have not been subsequently restricted as provided by K.S.A. 2020 Supp.~~
12 ~~41-2911, and amendments thereto,~~ no person shall sell at retail cereal malt
13 beverage or beer containing not more than 6% alcohol by volume:

14 (1) Between the hours of 12 midnight and 6 a.m.;

15 (2) in the original package ~~before 12 noon or after~~ *not earlier than 10*
16 *a.m. and not later than 8 p.m.* on Sunday;

17 (3) on Easter Sunday; or

18 (4) for consumption on the licensed premises on Sunday, except in a
19 place of business which is licensed to sell cereal malt beverage for
20 consumption on the premises, which derives not less than 30% of its gross
21 receipts from the sale of food for consumption on the licensed premises
22 and which is located in a county where such sales on Sunday have been
23 authorized by resolution of the board of county commissioners of the
24 county or in a city where such sales on Sunday have been authorized by
25 ordinance of the governing body of the city.

26 (d) No private rooms or closed booths shall be operated in a place of
27 business, but this provision shall not apply if the licensed premises also are
28 licensed as a club pursuant to the club and drinking establishment act.

29 (e) Each place of business shall be open to the public and to law
30 enforcement officers at all times during business hours, except that a
31 premises licensed as a club pursuant to the club and drinking establishment
32 act shall be open to law enforcement officers and not to the public.

33 (f) Except as otherwise provided by this subsection, no licensee shall
34 permit a person under the legal age for consumption of cereal malt
35 beverage or beer containing not more than 6% alcohol by volume to
36 consume or purchase any cereal malt beverage in or about a place of
37 business. A licensee's employee who is not less than 18 years of age may
38 dispense or sell cereal malt beverage or beer containing not more than 6%
39 alcohol by volume, if:

40 (1) The licensee's place of business is licensed only to sell at retail
41 cereal malt beverage or beer containing not more than 6% alcohol by
42 volume in the original package and not for consumption on the premises;
43 or

1 (2) the licensee's place of business is a licensed food service
2 establishment, as defined by K.S.A. 36-501, and amendments thereto, and
3 not less than 50% of the gross receipts from the licensee's place of
4 business is derived from the sale of food for consumption on the premises
5 of the licensed place of business.

6 (g) No person shall have any alcoholic liquor, except beer containing
7 not more than 6% alcohol by volume, in such person's possession while in
8 a place of business, unless the premises are currently licensed as a club or
9 drinking establishment pursuant to the club and drinking establishment act.

10 (h) Cereal malt beverages may be sold on premises ~~which~~ *that* are
11 licensed pursuant to both the Kansas cereal malt beverage act and the club
12 and drinking establishment act at any time when alcoholic liquor is
13 allowed by law to be served on the premises.

14 ~~Sec. 9.~~ **{10.}** K.S.A. 2020 Supp. 41-2911 is hereby amended to read
15 as follows: 41-2911. (a) (1) The board of county commissioners of any
16 county may, by resolution:

17 (A) Expand the days of sale at retail of cereal malt beverage in the
18 original package to allow such sale within the unincorporated area of the
19 county on any Sunday, except Easter, ~~between the hours of 12 noon and~~
20 ~~not earlier than 10 a.m. and not later than 8 p.m. as established in the~~
21 ~~resolution~~ and expand the days of sale at retail of alcoholic liquor in the
22 original package, if licensing of such sale of alcoholic liquor is authorized
23 within the unincorporated area of the county, to allow such sale within the
24 unincorporated area of the county on any Sunday, except Easter, ~~between~~
25 ~~the hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m.~~
26 ~~and on Memorial Day, Independence Day and Labor Day~~ ***and on***
27 ***Memorial Day, Independence Day and Labor Day*** ~~as established in the~~
28 ~~resolution; or~~

29 (B) restrict the days of sale at retail of cereal malt beverage in the
30 original package to prohibit such sale within the unincorporated area of the
31 county on Sunday and restrict the days of sale at retail of alcoholic liquor
32 in the original package, if licensing of such sale of alcoholic liquor is
33 authorized within the unincorporated area of the county, to prohibit such
34 sale within the unincorporated area of the county on Sunday, ~~Memorial~~
35 ~~Day, Independence Day and Labor Day~~, ***Memorial Day, Independence***
36 ***Day and Labor Day***.

37 Such resolution shall be published once, within two weeks after its
38 adoption, in the official county newspaper. Such resolution shall not
39 become effective earlier than 60 days following the date of its publication
40 ~~or November 15, 2005, whichever is later.~~ If, within 60 days following
41 publication of the resolution, a petition requesting that a proposition be
42 submitted for approval by the voters is filed in accordance with subsection
43 (a)(2), such resolution shall not become effective until a proposition is

1 submitted to and approved at an election as provided by this subsection
2 (a).

3 (2) A petition to submit a proposition to the qualified voters of a
4 county pursuant to this subsection (a) shall be filed with the county
5 election officer. The petition shall be signed by qualified voters of the
6 county who reside within the unincorporated area of the county equal in
7 number to not less than 5% of the voters of the county residing within the
8 unincorporated area of the county who voted for the office of president of
9 the United States at the last preceding general election at which such office
10 was elected. The appropriate version of the following shall appear on the
11 petition:

12 (A) If licensing of sale at retail of alcoholic liquor in the original
13 package is not authorized within the unincorporated area of the county, the
14 petition shall read: "We request an election to determine whether sale at
15 retail of cereal malt beverage in the original package shall be (allowed on
16 any Sunday, except Easter, ~~between the hours of 12 noon and not earlier~~
17 *than 10 a.m. and not later than 8 p.m. as established in the petition*)
18 (prohibited on Sunday) within the unincorporated area of _____
19 county."

20 (B) If licensing of sale at retail of alcoholic liquor is authorized
21 within the unincorporated area of the county, the petition shall read: "We
22 request an election to determine whether sale at retail of cereal malt
23 beverage in the original package shall be (allowed on any Sunday, except
24 Easter, ~~between the hours of 12 noon and not earlier than 10 a.m. and not~~
25 *later than 8 p.m. as established in the petition*) (prohibited on Sunday)
26 within the unincorporated area of _____ county and whether sale at
27 retail of alcoholic liquor in the original package shall be (allowed on any
28 Sunday, except Easter, ~~between the hours of 12 noon and not earlier than~~
29 *10 a.m. and not later than 8 p.m. and on Memorial Day, Independence*
30 ~~Day and Labor Day~~ *{and on Memorial Day, Independence Day and*
31 *Labor Day}* *as established in the petition*) (prohibited on Sunday,
32 ~~Memorial Day, Independence Day and Labor Day~~, *Memorial Day,*
33 *Independence Day and Labor Day*) within the unincorporated area of
34 _____ county."

35 (3) Upon submission of a valid petition calling for an election
36 pursuant to this subsection (a), the county commission shall call a special
37 election to be held not later than 45 days after submission of the petition
38 unless a countywide primary or general election is to be held within 90
39 days after submission of the petition, in which case the proposition shall be
40 submitted at such countywide election. Thereupon, the county election
41 officer shall cause the appropriate version of the following proposition to
42 be placed on the ballot in the unincorporated area of the county at such
43 election:

1 (A) If licensing of sale at retail of alcoholic liquor is not authorized
2 within the unincorporated area of the county, the following proposition
3 shall be placed on the ballot: "Within the unincorporated area of
4 _____ county shall sale at retail of cereal malt beverage in the
5 original package be (allowed on any Sunday, except Easter, ~~between the~~
6 ~~hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m. as~~
7 ~~established in the petition~~) (prohibited on Sunday)?"

8 (B) If licensing of sale at retail of alcoholic liquor is authorized
9 within the unincorporated area of the county, the following proposition
10 shall be placed on the ballot: "Within the unincorporated area of _____
11 county shall sale at retail of cereal malt beverage in the original package
12 be (allowed on any Sunday, except Easter, ~~between the hours of 12 noon~~
13 ~~and not earlier than 10 a.m. and not later than 8 p.m. as established in the~~
14 ~~petition~~) (prohibited on Sunday) and shall the sale at retail of alcoholic
15 liquor in the original package be (allowed on any Sunday, except Easter,
16 ~~between the hours of 12 noon and not earlier than 10 a.m. and not later~~
17 ~~than 8 p.m. and on Memorial Day, Independence Day and Labor Day~~ **{and**
18 **on Memorial Day, Independence Day and Labor Day}** *as established in the*
19 *petition*) (prohibited on Sunday, ~~Memorial Day, Independence Day and~~
20 ~~Labor Day~~, **Memorial Day, Independence Day and Labor Day**)?"

21 (b) (1) The governing body of any city may, by ordinance:

22 (A) Expand the days of sale at retail of cereal malt beverage in the
23 original package to allow such sale within the city on any Sunday, except
24 Easter, ~~between the hours of 12 noon and not earlier than 10 a.m. and not~~
25 ~~later than 8 p.m. as established in the ordinance~~ and expand the days of
26 sale at retail of alcoholic liquor in the original package, if licensing of such
27 sale of alcoholic liquor is authorized within the city, to allow such sale
28 within the city on any Sunday, except Easter, ~~between the hours of 12 noon~~
29 ~~and not earlier than 10 a.m. and not later than 8 p.m. and on Memorial~~
30 ~~Day, Independence Day and Labor Day~~ **{and on Memorial Day,**
31 **Independence Day and Labor Day}** *as established in the ordinance*; or

32 (B) restrict the days of sale at retail of cereal malt beverage in the
33 original package to prohibit such sale within the city on Sunday and
34 restrict the days of sale at retail of alcoholic liquor in the original package,
35 if licensing of such sale of alcoholic liquor is authorized within the city, to
36 prohibit such sale within the city on Sunday, ~~Memorial Day, Independence~~
37 ~~Day and Labor Day~~, **Memorial Day, Independence Day and Labor Day**.

38 Such ordinance shall be published at least once each week for two
39 consecutive weeks in the official city newspaper. Such ordinance shall not
40 become effective earlier than 60 days following the date of its publication
41 ~~or November 15, 2005, whichever is later~~. If, within 60 days following
42 publication of the ordinance, a petition requesting that a proposition be
43 submitted for approval by the voters is filed in accordance with subsection

1 (b)(2), such ordinance shall not become effective until a proposition is
 2 submitted to and approved at an election as provided by this subsection
 3 (b).

4 (2) A petition to submit a proposition to the qualified voters of a city
 5 pursuant to this subsection (b) shall be filed with the county election
 6 officer. The petition shall be signed by qualified voters of the city equal in
 7 number to not less than 5% of the voters of the city who voted for the
 8 office of president of the United States at the last preceding general
 9 election at which such office was elected. The appropriate version of the
 10 following shall appear on the petition:

11 (A) If licensing of sale at retail of alcoholic liquor in the original
 12 package is not authorized within the city, the petition shall read: "We
 13 request an election to determine whether sale at retail of cereal malt
 14 beverage in the original package shall be (allowed on any Sunday, except
 15 Easter, ~~between the hours of 12 noon and~~ *not earlier than 10 a.m. and not*
 16 *later than 8 p.m. as established in the petition*) (prohibited on Sunday)
 17 within the city of _____."

18 (B) If licensing of sale at retail of alcoholic liquor is authorized
 19 within the city, the petition shall read: "We request an election to
 20 determine whether sale at retail of cereal malt beverage in the original
 21 package shall be (allowed on any Sunday, except Easter, ~~between the hours~~
 22 ~~of 12 noon and~~ *not earlier than 10 a.m. and not later than 8 p.m. as*
 23 *established in the petition*) (prohibited on Sunday) within the city of
 24 _____ and whether sale at retail of alcoholic liquor in the original
 25 package shall be (allowed on any Sunday, except Easter, ~~between the hours~~
 26 ~~of 12 noon and~~ *not earlier than 10 a.m. and not later than 8 p.m. and on*
 27 ~~Memorial Day, Independence Day and Labor Day~~ ***and on Memorial Day,***
 28 ***Independence Day and Labor Day***) *as established in the petition*)
 29 (prohibited on Sunday, ~~Memorial Day, Independence Day and Labor Day~~,
 30 ***Memorial Day, Independence Day and Labor Day***) within the city of
 31 _____."

32 (3) Upon submission of a valid petition calling for an election
 33 pursuant to this subsection (b), the city governing body shall call a special
 34 election to be held not later than 45 days after submission of the petition
 35 unless a citywide primary or general election is to be held within 90 days
 36 after submission of the petition, in which case the proposition shall be
 37 submitted at such citywide election. Thereupon, the county election officer
 38 shall cause the appropriate version of the following proposition to be
 39 placed on the ballot in the city at such election:

40 (A) If licensing of sale at retail of alcoholic liquor is not authorized
 41 within the city, the following proposition shall be placed on the ballot:
 42 "Within the city of _____ shall sale at retail of cereal malt beverage
 43 in the original package be (allowed on any Sunday, except Easter, ~~between~~

1 ~~the hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m.~~
2 ~~as established in the petition) (prohibited on Sunday)?"~~

3 (B) If licensing of sale at retail of alcoholic liquor is authorized
4 within the city, the following proposition shall be placed on the ballot:

5 "Within the city of _____ shall sale at retail of cereal malt beverage in
6 the original package be (allowed on any Sunday, except Easter, ~~between~~

7 ~~the hours of 12 noon and not earlier than 10 a.m. and not later than 8 p.m.~~
8 ~~as established in the petition) (prohibited on Sunday) and shall the sale at~~

9 retail of alcoholic liquor in the original package be (allowed on any
10 Sunday, except Easter, ~~between the hours of 12 noon and not earlier than~~

11 ~~10 a.m. and not later than 8 p.m. and on Memorial Day, Independence~~
12 ~~Day and Labor Day {and on Memorial Day, Independence Day and~~

13 ~~Labor Day} as established in the petition) (prohibited on Sunday,~~
14 ~~Memorial Day, Independence Day and Labor Day}, **Memorial Day,**~~

15 ~~**Independence Day and Labor Day}**)?"~~

16 (c) The county election officer shall transmit to the director a copy of
17 the results of an election pursuant to this section.

18 (d) An election provided for by this section shall be called and held in
19 the manner provided by the general bond law.

20 Sec. ~~10.~~ **{11.}** K.S.A. 2020 Supp. 41-308, 41-320a, 41-712, 41-718,
21 41-2611, ~~{41-2640,}~~ 41-2653, as amended by section 1 of 2021 Senate Bill
22 No. 14, 41-2703, 41-2704 and 41-2911 are hereby repealed.

23 Sec. ~~11.~~ **{12.}** This act shall take effect and be in force from and after
24 its publication in the statute book.