

SENATE BILL No. 221

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning alcoholic liquor; relating to clubs and drinking  
2 establishments; **retailer's license**; removal of unconsumed beer and  
3 cereal malt beverage from licensed premises; amending K.S.A. ~~2018~~  
4 **2019 Supp. 41-308 and 41-2653** and repealing the existing ~~section~~  
5 **sections**.

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

8 **Section 1. K.S.A. 2019 Supp. 41-308 is hereby amended to read as**  
9 **follows: 41-308. (a) Except as provided in K.S.A. 2019 Supp. 41-308d,**  
10 **and amendments thereto, a retailer's license shall allow the licensee to**  
11 **sell and offer for sale at retail and deliver in the original package, as**  
12 **therein prescribed, alcoholic liquor and cereal malt beverage for use or**  
13 **consumption off and away from the premises specified in such license.**

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

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

20 **(2) sell and deliver alcoholic liquor and cereal malt beverage to a**  
21 **caterer or to the licensed premises of a public venue, club or drinking**  
22 **establishment, if such premises are in the county where the retailer's**  
23 **premises are located or in an adjacent county, for resale by such public**  
24 **venue, club, establishment or caterer.**

25 **(c) A retailer may:**

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

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

31 **(3) include in the sale of alcoholic liquor and cereal malt beverage**  
32 **any goods included by the manufacturer in packaging with the alcoholic**  
33 **liquor or cereal malt beverage, subject to the approval of the director;**

34 **(4) distribute to the public, without charge, consumer advertising**  
35 **specialties bearing advertising matter, subject to rules and regulations of**  
36 **the secretary limiting the form and distribution of such specialties so**

1 *that they are not conditioned on or an inducement to the purchase of*  
2 *alcoholic liquor or cereal malt beverage;*

3 *(5) store alcoholic liquor and cereal malt beverage in refrigerators,*  
4 *cold storage units, ice boxes or other cooling devices, and the licensee*  
5 *may sell such alcoholic liquor and cereal malt beverage to consumers in*  
6 *a chilled condition; and*

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

12 *(7) sell containers of beer, domestic beer and cereal malt beverage,*  
13 *as those terms are defined in K.S.A. 41-102, and amendments thereto, that*  
14 *are sold on the licensed premises to consumers and served in refillable*  
15 *and sealable containers for consumption off the licensed premises if such*  
16 *containers:*

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

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

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

23 ~~Section 1.~~ *Sec. 2.* K.S.A.—2018 2019 Supp. 41-2653 is hereby  
24 amended to read as follows: 41-2653. (a) In addition to the rights of a  
25 licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642,  
26 and amendments thereto, a class A club license, class B club license or  
27 drinking establishment license shall allow the licensee to allow legal  
28 patrons of the club or drinking establishment to remove *alcoholic liquor*  
29 *from the licensed premises in accordance with this section.*

30 *(b) A patron may remove one or more opened containers of alcoholic*  
31 *liquor from the licensed premises, subject to the following conditions:*

32 *(1) It must be legal for the licensee to sell the alcoholic liquor in its*  
33 *original container;*

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

35 *(3) each container of alcoholic liquor must have been purchased by a*  
36 *patron and the alcoholic liquor in each container must have been partially*  
37 *consumed on the licensed premises;*

38 *(4) the licensee or the licensee's employee must provide the patron*  
39 *with a dated receipt for the unfinished container or containers of alcoholic*  
40 *liquor; and*

41 *(5) before the container of alcoholic liquor is removed from the*  
42 *licensed premises, the licensee or the licensee's employee must securely*  
43 *reseal each container, place the container in a tamper-proof, transparent*

1 bag which is sealed in a manner that makes it visibly apparent if the bag is  
2 subsequently tampered with or opened.

3 *(c) A patron may remove one or more containers of beer, domestic*  
4 *beer and cereal malt beverage, as those terms are defined in K.S.A. 41-*  
5 *102, and amendments thereto, that are sold on the licensed premises to*  
6 *consumers and served in refillable and sealable containers for*  
7 *consumption off the licensed premises if such containers:*

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

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

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

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

14 ~~Sec. 2.~~ **3.** K.S.A. ~~2018~~ **2019** Supp. **41-308 and** 41-2653 ~~is~~ **are** hereby  
15 repealed.

16 ~~Sec. 3.~~ **4.** This act shall take effect and be in force from and after its  
17 publication in the statute book.