Session of 2015

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HOUSE BILL No. 2331

By Committee on Federal and State Affairs

2-12

AN ACT concerning alcoholic beverages; relating to consumption of
 alcoholic liquor on public property; permitted consumption at catered
 events; amending K.S.A. 41-2643 and K.S.A. 2014 Supp. 41-719 and
 repealing the existing section sections.

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

Section 1. K.S.A. 2014 Supp. 41-719 is hereby amended to read as
follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
8-1599, and amendments thereto, no person shall drink or consume
alcoholic liquor on the public streets, alleys, roads or highways or inside
vehicles while on the public streets, alleys, roads or highways.

12 (2) Alcoholic liquor may be consumed at a special event or catered 13 event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and 14 amendments thereto, for such special event, or when the caterer's licensee 15 16 has provided the required notifications pursuant to K.S.A. 41-2643, and amendments thereto. Such Any special event must be approved, by 17 ordinance or resolution, by the local governing body of any city, county or 18 19 township where such special event is being held. No alcoholic liquor may 20 be consumed inside vehicles while on public streets, alleys, roads or 21 highways at any such special event or catered event.

(3) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township, or the boundaries of a catered event. The boundaries of such a special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

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

(b) No person shall drink or consume alcoholic liquor on privateproperty except:

(1) On premises where the sale of liquor by the individual drink isauthorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as anowner or lessee of an owner and by the guests of such person, if no charge

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

5 (3) in a lodging room of any hotel, motel or boarding house by the 6 person occupying such room and by the guests of such person, if no charge 7 is made for the serving or mixing of any drink or drinks of alcoholic liquor 8 or for any substance mixed with any alcoholic liquor and if no sale of 9 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, 10 takes place;

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

16 (5) on the premises of a manufacturer, microbrewery, microdistillery 17 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or 18 K.S.A. 2014 Supp. 41-354, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on publicproperty except:

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

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

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

32 (4) On the state fair grounds on the day of any race held thereon33 pursuant to the Kansas parimutuel racing act.

34 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic 35 beer or wine or wine imported under subsection (e) of K.S.A. 41-308a(e), 36 and amendments thereto, and is consumed only for purposes of judging 37 competitions; (B) the alcoholic liquor is wine or beer and is sold and 38 consumed during the days of the Kansas state fair on premises leased by 39 the state fair board to a person who holds a temporary permit issued 40 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale 41 and serving of such wine or beer, or both; or (C) the alcoholic liquor is 42 consumed on nonfair days in conjunction with bona fide scheduled events 43 involving not less than 75 invited guests and the state fair board, in its

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discretion, authorizes the consumption of the alcoholic liquor, subject to
 any conditions or restrictions the board may require.

3 (6) In the state historical museum provided for by K.S.A. 76-2036, 4 and amendments thereto, on the surrounding premises and in any other 5 building on such premises, as authorized by rules and regulations of the 6 state historical society.

7 (7) On the premises of any state-owned historic site under the 8 jurisdiction and supervision of the state historical society, on the 9 surrounding premises and in any other building on such premises, as 10 authorized by rules and regulations of the state historical society.

11 (8) In a lake resort within the meaning of K.S.A. 32-867, and 12 amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises,
subject to limitations established in policies adopted by the legislative
coordinating council, as provided by K.S.A. 75-3682, and amendments
thereto.

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

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

(12) On property exempted from this subsection (c) pursuant to
 subsection (d), (e), (f), (g) or (h).

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

(e) The board of county commissioners of any county may exempt,
by resolution, from the provisions of subsection (c) specified property the
title of which is vested in such county.

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

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board. 1 (h) The board of trustees of a community college may exempt from 2 the provisions of subsection (c) specified property which is under the 3 control of such board and which is not used for classroom instruction, 4 where alcoholic liquor may be consumed in accordance with policies 5 adopted by such board.

6 (i) Violation of any provision of this section is a misdemeanor 7 punishable by a fine of not less than \$50 or more than \$200 or by 8 imprisonment for not more than six months, or both.

9 (j) For the purposes of this section, "special event" means a picnic, 10 bazaar, festival or other similar community gathering, which has been 11 approved by the local governing body of any city, county or township.

12 Sec. 2. K.S.A. 41-2643 is hereby amended to read as follows: 41-13 2643. (a) A caterer's license shall allow the licensee to offer for sale, sell 14 and serve alcoholic liquor for consumption on unlicensed premises, 15 which may be open to the public, but only if such premises are located 16 in a county where the qualified electors of the county:

17 (1) (A) Approved, by a majority vote of those voting thereon, the 18 proposition to amend section 10 of article 15 of the constitution of the 19 state of Kansas at the general election in November, 1986, or (B) have 20 approved a proposition to allow sales of alcoholic liquor by the 21 individual drink in public places within the county at an election 22 pursuant to K.S.A. 41-2646, and amendments thereto; and

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

(b) A caterer shall be required to derive from sales of food at
catered events not less than 30% of the caterer's gross receipts from
all sales of food and beverages at catered events in a 12-month period
unless the caterer offers for sale, sells and serves alcoholic liquor only
in counties where the qualified electors of the county:

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

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

(c) Each caterer shall maintain the caterer's principal place of
business in a county in this state where the caterer is authorized by
this section to sell alcoholic liquor by the individual drink in a public
place. All records of the caterer relating to the caterer's licensed
business and the caterer's license shall be kept at such place of

business. The caterer's principal place of business shall be stated in
 the application for a caterer's license and the caterer shall notify the
 director of any change in its location within 10 days after such change.

4 (d) A caterer shall notify the director at least 10 days prior to any5 event at which the caterer will sell alcoholic liquor by the individual drink
6 unless the director waives the 10-day requirement for good cause shown.
7 In addition, prior to the event, the caterer shall notify:

8 (1) The police chief of the city where the event will take place, if the
 9 event will take place within the corporate limits of a city; or

(2) the county sheriff of the county where the event will take place, if 10 the event will be outside the corporate limits of any city A caterer shall 11 provide electronic notification to the director at least 48 hours prior to any 12 event at which the caterer will sell alcoholic liquor by the individual drink. 13 14 The director shall make the electronic notification available to local law enforcement. Notice shall consist of the time, location and the names of 15 the contracting parties of the event. For events where alcohol is served, a 16 licensee shall retain all documents for a period of three years for 17 inspection by the director. The documents retained shall include 18 19 agreements, receipts, employees assigned to the event and records of 20 alcohol purchased.

(e) A caterer may rebate a portion of the caterer's receipts from
the sale of alcoholic liquor at an event to the person or organization
contracting with the caterer to sell alcoholic liquor at such event.

24 Sec. -2: 3. K.S.A. 41-2643 and K.S.A. 2014 Supp. 41-719-is are 25 hereby repealed.

26 Sec. 3. **4.** This act shall take effect and be in force from and after its 27 publication in the statute book.