

HOUSE BILL No. 2413

By Committee on Federal and State Affairs

3-16

1 AN ACT concerning alcoholic beverages; relating to the club and drinking
2 establishment act; creating the art studio permit; amending K.S.A. 2014
3 Supp. 41-719 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) Any business engaged in the practice of teaching
7 or allowing its patrons to produce artwork may apply to the director for an
8 annual art studio permit.

9 (b) An art studio permit shall authorize the possession and
10 consumption of alcoholic liquor on private property owned or leased by
11 the permit holder. Such alcoholic liquor shall be in the personal possession
12 of the patrons of the permit holder's business, and shall not be sold, offered
13 for sale or given away by the permit holder.

14 (c) Any alcoholic liquor not consumed by a patron shall be disposed
15 of by the permit holder or, prior to its removal from the property, securely
16 re-sealed and placed in a tamper-proof, transparent bag which is sealed in
17 a manner that makes it visibly apparent if the bag is subsequently opened.

18 (d) Permits issued under this section shall be valid for one year from
19 the date of issuance.

20 (e) The annual fee for an art studio permit shall be \$25.

21 (f) For the purposes of this section:

22 (1) "Artwork" means tangible products paid for and created by a
23 patron of a business involving painting, drawing, sculpting or jewelry-
24 making; and

25 (2) "Patron" means a customer participating in a program offered by
26 the permit holder involving the production of artwork.

27 (g) The secretary may adopt rules and regulations as necessary to
28 implement the provisions of this section.

29 (h) This section shall be part of and supplemental to the club and
30 drinking establishment act.

31 Sec. 2. K.S.A. 2014 Supp. 41-719 is hereby amended to read as
32 follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A.
33 8-1599, and amendments thereto, no person shall drink or consume
34 alcoholic liquor on the public streets, alleys, roads or highways or inside
35 vehicles while on the public streets, alleys, roads or highways.

36 (2) Alcoholic liquor may be consumed at a special event held on

1 public streets, alleys, roads, sidewalks or highways when a temporary
2 permit has been issued pursuant to K.S.A. 41-2645, and amendments
3 thereto, for such special event. Such special event must be approved, by
4 ordinance or resolution, by the local governing body of any city, county or
5 township where such special event is being held. No alcoholic liquor may
6 be consumed inside vehicles while on public streets, alleys, roads or
7 highways at any such special event.

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

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

17 (b) No person shall drink or consume alcoholic liquor on private
18 property except:

19 (1) On premises where the sale of liquor by the individual drink is
20 authorized by the club and drinking establishment act;

21 (2) upon private property by a person occupying such property as an
22 owner or lessee of an owner and by the guests of such person, if no charge
23 is made for the serving or mixing of any drink or drinks of alcoholic liquor
24 or for any substance mixed with any alcoholic liquor and if no sale of
25 alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto,
26 takes place;

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

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

37 ~~or~~

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

41 (6) *on private property where possession and consumption of*
42 *alcoholic liquor is allowed pursuant to the issuance of a valid art studio*
43 *permit.*

1 (c) No person shall drink or consume alcoholic liquor on public
2 property except:

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

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

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

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

16 (5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic
17 beer or wine or wine imported under ~~subsection (c) of~~ K.S.A. 41-308a(e),
18 and amendments thereto, and is consumed only for purposes of judging
19 competitions; (B) the alcoholic liquor is wine or beer and is sold and
20 consumed during the days of the Kansas state fair on premises leased by
21 the state fair board to a person who holds a temporary permit issued
22 pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale
23 and serving of such wine or beer, or both; or (C) the alcoholic liquor is
24 consumed on nonfair days in conjunction with bona fide scheduled events
25 involving not less than 75 invited guests and the state fair board, in its
26 discretion, authorizes the consumption of the alcoholic liquor, subject to
27 any conditions or restrictions the board may require.

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

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

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

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

42 (10) On the premises of any Kansas national guard regional training
43 center or armory, and any building on such premises, as authorized by

1 rules and regulations of the adjutant general and upon approval of the
2 Kansas military board.

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

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

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

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

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

20 (g) The board of regents of Washburn university may exempt from
21 the provisions of subsection (c) the Mulvane art center and the Bradbury
22 Thompson alumni center on the campus of Washburn university, and other
23 specified property the title of which is vested in such board and which is
24 not used for classroom instruction, where alcoholic liquor may be
25 consumed in accordance with policies adopted by such board.

26 (h) The board of trustees of a community college may exempt from
27 the provisions of subsection (c) specified property which is under the
28 control of such board and which is not used for classroom instruction,
29 where alcoholic liquor may be consumed in accordance with policies
30 adopted by such board.

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

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

37 Sec. 3. K.S.A. 2014 Supp. 41-719 is hereby repealed.

38 Sec. 4. This act shall take effect and be in force from and after its
39 publication in the statute book.