

HOUSE BILL No. 2766

By Committee on Federal and State Affairs

3-5

1 AN ACT concerning alcoholic beverages; relating to the club and drinking
2 establishment act; authorizing self-service beer dispensers; amending
3 K.S.A. 2017 Supp. 41-2640 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2017 Supp. 41-2640 is hereby amended to read as
7 follows: 41-2640. (a) No club, drinking establishment, caterer or holder of
8 a temporary permit, nor any person acting as an employee or agent thereof,
9 shall:

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

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

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

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

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

24 (6) advertise or promote in any way, whether on or off the licensed
25 premises, any of the practices prohibited under subsections (a)(1) through
26 (5).

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

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

31 (2) offer or serve to any person a drink or original container of
32 alcoholic liquor or cereal malt beverage at a price that is less than the
33 acquisition cost of the drink or original container of alcoholic liquor or
34 cereal malt beverage to the licensee;

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

- 1 (4) sell or serve more than two drinks per customer at any one time in
2 the general admission area;
- 3 (5) encourage or permit, on the licensed premises, any game or
4 contest which involves drinking alcoholic liquor or cereal malt beverage or
5 the awarding of drinks as prizes;
- 6 (6) sell, offer to sell or serve free of charge any form of powdered
7 alcohol, as defined in K.S.A. 41-102, and amendments thereto; or
- 8 (7) advertise or promote in any way, whether on or off the licensed
9 premises, any of the practices prohibited under subsections (b)(1) through
10 (6).
- 11 (c) A public venue, club, drinking establishment, caterer or holder of
12 a temporary permit may:
- 13 (1) Offer free food or entertainment at any time;
- 14 (2) sell or deliver wine by the bottle or carafe;
- 15 (3) sell, offer to sell and serve individual drinks at different prices
16 throughout any day;
- 17 (4) sell or serve beer or cereal malt beverage in a pitcher capable of
18 containing not more than 64 fluid ounces;
- 19 (5) offer samples of alcohol liquor free of charge as authorized by this
20 act; or
- 21 (6) sell or serve margarita, sangria, daiquiri, mojito or other mixed
22 alcoholic beverages as approved by the director in a pitcher containing not
23 more than 64 fluid ounces.
- 24 (d) A hotel of which the entire premises is licensed as a drinking
25 establishment may, in accordance with rules and regulations adopted by
26 the secretary, distribute to its guests coupons redeemable on the hotel
27 premises for drinks containing alcoholic liquor. The hotel shall remit
28 liquor drink tax in accordance with the provisions of the liquor drink tax
29 act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink
30 served based on a price which is not less than the acquisition cost of the
31 drink.
- 32 (e) (1) A public venue, club or drinking establishment may offer
33 customer self-service of *beer and* wine from automated devices on
34 licensed premises so long as the licensee monitors and has the ability to
35 control the dispensing of such *beer and* wine from the automated devices.
- 36 (2) The secretary may adopt rules and regulations as necessary to
37 implement the provisions of this subsection.
- 38 (f) A hotel of which the entire premises is not licensed as a drinking
39 establishment may, in accordance with rules and regulations adopted by
40 the secretary, through an agreement with one or more clubs or drinking
41 establishments, distribute to its guests coupons redeemable at such clubs or
42 drinking establishments for drinks containing alcoholic liquor. Each club
43 or drinking establishment redeeming coupons issued by a hotel shall

1 collect from the hotel the agreed price, which shall be not less than the
2 acquisition cost of the drink plus the liquor drink tax for each drink served.
3 The club or drinking establishment shall collect and remit the liquor drink
4 tax in accordance with the provisions of the liquor drink tax act, K.S.A.
5 79-41a01 et seq., and amendments thereto.

6 (g) Violation of any provision of this section is a misdemeanor
7 punishable as provided by K.S.A. 41-2633, and amendments thereto.

8 (h) Violation of any provision of this section shall be grounds for
9 suspension or revocation of the licensee's license as provided by K.S.A.
10 41-2609, and amendments thereto, and for imposition of a civil fine on the
11 licensee or temporary permit holder as provided by K.S.A. 41-2633a, and
12 amendments thereto.

13 Sec. 2. K.S.A. 2017 Supp. 41-2640 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book.