

SENATE BILL No. 226

By Committee on Federal and State Affairs

3-13

1 AN ACT concerning the sale of cereal malt beverage; amending K.S.A.
2 2016 Supp. 41-2704, as amended by section 9 of chapter 56 of the 2017
3 Session Laws of Kansas, and repealing the existing section.

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

6 Section 1. K.S.A. 2016 Supp. 41-2704, as amended by section 9 of
7 chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read
8 as follows: 41-2704. (a) In addition to and consistent with the
9 requirements of the cereal malt beverage act, the board of county
10 commissioners of any county or the governing body of any city may
11 prescribe hours of closing, standards of conduct and rules and regulations
12 concerning the moral, sanitary and health conditions of places licensed
13 pursuant to this act and may establish zones within which no such place
14 may be located.

15 (b) Within any city where the days of sale at retail of cereal malt
16 beverage in the original package have not been expanded as provided by
17 K.S.A. ~~2016~~ 2018 Supp. 41-2911, and amendments thereto, or have been
18 so expanded and subsequently restricted as provided by K.S.A. ~~2016~~ 2018
19 Supp. 41-2911, and amendments thereto, and within any township where
20 the hours and days of sale at retail of cereal malt beverage in the original
21 package have not been expanded as provided by K.S.A. ~~2016~~ 2018 Supp.
22 41-2911, and amendments thereto, or have been so expanded and
23 subsequently restricted as provided by K.S.A. ~~2016~~ 2018 Supp. 41-2911,
24 and amendments thereto, no cereal malt beverages or beer containing not
25 more than 6% alcohol by volume may be sold:

26 (1) ~~Between the hours of 12 midnight and 6 a.m. Before 9 a.m. or~~
27 ~~after 11 p.m. on any day when the sale is permitted;~~ ~~or~~

28 (2) on Sunday, except in a place of business which is licensed to sell
29 cereal malt beverage for consumption on the premises, which derives not
30 less than 30% of its gross receipts from the sale of food for consumption
31 on the licensed premises and which is located in a county where such sales
32 on Sunday have been authorized by resolution of the board of county
33 commissioners of the county or in a city where such sales on Sunday have
34 been authorized by ordinance of the governing body of the city; *or*

35 (3) *on Memorial Day, Independence Day, Labor Day, Thanksgiving*
36 *Day or Christmas Day.*

1 (c) Within any city where the days of sale at retail of cereal malt
2 beverage in the original package have been expanded as provided by
3 K.S.A.—2016 2018 Supp. 41-2911, and amendments thereto, and have not
4 been subsequently restricted as provided in K.S.A.—2016 2018 Supp. 41-
5 2911, and amendments thereto, and within any township where the days of
6 sale at retail of cereal malt beverage in the original package have been
7 expanded as provided by K.S.A.—2016 2018 Supp. 41-2911, and
8 amendments thereto, and have not been subsequently restricted as
9 provided by K.S.A.—2016 2018 Supp. 41-2911, and amendments thereto,
10 no person shall sell at retail cereal malt beverage:

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

12 ~~(2) in the original package before 12 noon or after 8 p.m. on Sunday;~~

13 ~~(3) on Easter Sunday On Sunday before 12 noon or after 8 p.m.;~~

14 (2) *on Easter Sunday, Thanksgiving Day or Christmas Day;*

15 (3) *before 9 a.m. or after 11 p.m. on any day when the sale is*
16 *permitted. The governing body of any city by ordinance may require the*
17 *closing of premises prior to 11 p.m., but such ordinance shall not require*
18 *closing prior to 8 p.m.; or*

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

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

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

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

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

1 or

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

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

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

15 Sec. 2. K.S.A. 2016 Supp. 41-2704, as amended by section 9 of
16 chapter 56 of the 2017 Session Laws of Kansas, is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after April
18 1, 2019, and its publication in the Kansas register.