

SENATE BILL No. 468

By Committee on Ways and Means

2-18

1 AN ACT concerning alcoholic beverages; authorizing the creation of
2 entertainment districts and consumption of alcoholic beverages therein;
3 amending K.S.A. 2015 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) A city by ordinance or county by resolution may
7 establish an entertainment district within the boundaries of the city or
8 within the unincorporated portion of the county, as applicable, and
9 authorize the consumption of alcoholic liquor on the public sidewalks,
10 streets, alleys, roads or highways located within the entertainment district.
11 The ordinance or resolution shall designate the boundaries of such
12 entertainment district and prescribe the times during which alcoholic
13 liquor may be consumed on the public sidewalks, streets, alleys, roads or
14 highways located within the entertainment district. Upon adoption of such
15 ordinance or resolution, the city or county shall notify the director of the
16 establishment of an entertainment district pursuant to this section and shall
17 submit a copy of the ordinance or resolution along with such notice.

18 (b) Any entertainment district established pursuant to this section
19 shall continue in existence until abolished by a subsequent ordinance or
20 resolution adopted by the municipality that established such district.

21 (c) The boundaries of an entertainment district shall be clearly
22 identified as an area in which alcoholic liquor may be possessed or
23 consumed.

24 (d) Nothing in this section shall be construed to limit or otherwise
25 restrict the application of any of the provisions of the Kansas liquor
26 control act, the club and drinking establishment act or the Kansas cereal
27 malt beverage act with respect to the licensure and regulation of any
28 licensees who hold a license issued pursuant to any of the aforementioned
29 acts.

30 (e) The provisions of this section shall be part of and supplemental to
31 the Kansas liquor control act.

32 Sec. 2. K.S.A. 2015 Supp. 41-719 is hereby amended to read as
33 follows: 41-719. (a) ~~(1)~~ Except as otherwise provided herein and in K.S.A.
34 8-1599, and amendments thereto, no person shall drink or consume
35 alcoholic liquor on the public streets, alleys, roads or highways or inside
36 vehicles while on the public streets, alleys, roads or highways.

1 ~~(2)~~ (b) (1) Alcoholic liquor may be consumed at a special event or
2 catered event held on public streets, alleys, roads, sidewalks or highways
3 when a temporary permit has been issued pursuant to K.S.A. 41-2645, and
4 amendments thereto, for such special event or when the caterer's licensee
5 has provided the required notification pursuant to K.S.A. 41-2643, and
6 amendments thereto. Any special event must be approved, by ordinance or
7 resolution, by the local governing body of any city, county or township
8 where such special event is being held. No alcoholic liquor may be
9 consumed inside vehicles while on public streets, alleys, roads or
10 highways at any special event or catered event.

11 ~~(3)~~ (2) No person shall remove any alcoholic liquor from inside the
12 boundaries of a special event as designated by the governing body of any
13 city, county or township, or the boundaries of the catered event. The
14 boundaries of a special event shall be clearly marked by signs, a posted
15 map or other means which reasonably identify the area in which alcoholic
16 liquor may be possessed or consumed at such special event.

17 ~~(4)~~ (3) No person shall possess or consume alcoholic liquor inside the
18 premises licensed as a special event that was not sold or provided by the
19 licensee holding the temporary permit for such special event.

20 (c) *Alcoholic liquor may be consumed on public streets, alleys, roads,
21 sidewalks or highways within an entertainment district established by a
22 city or county pursuant to section 1, and amendments thereto. No
23 alcoholic liquor may be consumed inside vehicles while on public streets,
24 alleys, roads or highways within an entertainment district. No person shall
25 remove any alcoholic liquor from inside the boundaries of an
26 entertainment district, except a person may remove alcoholic liquor in the
27 original unopened container from such district.*

28 ~~(b)~~ (d) No person shall drink or consume alcoholic liquor on private
29 property except:

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

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

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

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

5 (5) on the premises of a manufacturer, microbrewery, microdistillery
6 or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or
7 K.S.A. 2015 Supp. 41-354, and amendments thereto; or

8 (6) on the premises of an unlicensed business as authorized pursuant
9 to subsection ~~(j)~~ (k).

10 ~~(e)~~ (e) No person shall drink or consume alcoholic liquor on public
11 property except:

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

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

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

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

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

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

41 (7) On the premises of any state-owned historic site under the
42 jurisdiction and supervision of the state historical society, on the
43 surrounding premises and in any other building on such premises, as

1 authorized by rules and regulations of the state historical society.

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

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

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

12 (11) On property exempted from this subsection ~~(e)~~ (e) pursuant to
13 subsection ~~(d), (e), (f), (g) or (h)~~ (f), (g), (h), (i) or (j).

14 (12) On the premises of the state capitol building or on its
15 surrounding premises during an official state function of a nonpartisan
16 nature that has been approved by the legislative coordinating council.

17 ~~(d)~~ (f) Any city may exempt, by ordinance, from the provisions of
18 subsection ~~(e)~~ (e) specified property the title of which is vested in such
19 city.

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

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

29 ~~(g)~~ (i) The board of regents of Washburn university may exempt from
30 the provisions of subsection ~~(e)~~ (e) the Mulvane art center and the
31 Bradbury Thompson alumni center on the campus of Washburn university,
32 and other specified property the title of which is vested in such board and
33 which is not used for classroom instruction, where alcoholic liquor may be
34 consumed in accordance with policies adopted by such board.

35 ~~(h)~~ (j) The board of trustees of a community college may exempt
36 from the provisions of subsection ~~(e)~~ (e) specified property which is under
37 the control of such board and which is not used for classroom instruction,
38 where alcoholic liquor may be consumed in accordance with policies
39 adopted by such board.

40 ~~(i)~~ (k) (1) An unlicensed business may authorize patrons or guests of
41 such business to consume alcoholic liquor on the premises of such
42 business provided:

43 (A) Such alcoholic liquor is in the personal possession of the patron

1 and is not sold, offered for sale or given away by the owner of such
2 business or any employees thereof;

3 (B) possession and consumption of alcoholic liquor shall not be
4 authorized between the hours of 12 a.m. and 9 a.m.;

5 (C) the business, or any owner thereof, shall not have had a license
6 issued under either the Kansas liquor control act or the club and drinking
7 establishment act revoked for any reason; and

8 (D) no charge of any sort may be made by the business for the
9 privilege of possessing or consuming alcoholic liquor on the premises, or
10 for mere entry onto the premises.

11 (2) It shall be a violation of this section for any unlicensed business to
12 authorize the possession or consumption of alcoholic liquor by a patron of
13 such business when such authorization is not in accordance with the
14 provisions of this subsection.

15 (3) For the purposes of this subsection, "patron" means a natural
16 person who is a customer or guest of an unlicensed business.

17 ~~(j)~~ (l) Violation of any provision of this section is a misdemeanor
18 punishable by a fine of not less than \$50 or more than \$200 or by
19 imprisonment for not more than six months, or both.

20 ~~(k)~~ (m) For the purposes of this section, "special event" means a
21 picnic, bazaar, festival or other similar community gathering, which has
22 been approved by the local governing body of any city, county or
23 township.

24 Sec. 3. K.S.A. 2015 Supp. 41-719 is hereby repealed.

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