

1. **ABC Action on Local Law Enforcement Report of Violations**

After a state Court of Appeals Case in 2014, violations of the Liquor Control Act observed and reported by local law enforcement have been unenforceable by the ABC. New law requires local law enforcement to serve notice on the licensee or their representative on premise at the time of the violation. ABC will have a single form available for law enforcement use to report these violations to both the business and to the ABC. Or you can use your own form if it meets the requirements for information and service to the licensee. The ABC will be putting a law enforcement page on their website with forms and other information. (<http://www.ksrevenue.org/abc.html>). Amends KSA 41-106. §2 of the bill.

2. **Consumption in Unlicensed Business**

Businesses not licensed by the ABC are allowed to permit consumption on their premises when those consuming bring their own liquor. Aimed at businesses such as Art Studios and Cigar Shops, but the bill is very broad and covers nearly any business not licensed by the ABC. The consumption is limited to 9AM to midnight and there can be no cover charge or charge for being allowed to consume alcohol. These businesses are not subject to regulation or penalty by the ABC, and there is no right to entry for law enforcement as exists for licensed premises. The ABC will be putting a law enforcement page on their website with a related form and other information. (<http://www.ksrevenue.org/abc.html>) Amends KSA 41-719. §17of the bill.

3. **Catered Event on Public Property**

Consumption of alcoholic liquor at catered events held on public property is allowed if proper notice is provided to the ABC and the city or county has approved the event. The notice must be provided by electronic notification to ABC at least 48 hours before any event. The electronic notice provided to ABC must include the time, location, and names of the contracting parties of the event. No notice to ABC is required for weddings, funerals, events sponsored by religious institutions, or business-, industry-, or trade-sponsored meetings including, but not limited to, awards presentations and retirement celebrations. The notice to local law enforcement is no longer required. The ABC will supposedly have these notices posted on their website for law enforcement to access. Creates new statute. Amends KSA 41-719. §17 & 25 of the bill.

4. **Core Commercial Business Districts**

Cities may allow by ordinances liquor retailers, microbreweries, microdistilleries, and farm wineries to locate within 200 feet of any public or parochial school or college or church in a core commercial district. The law had allowed those facilities to be located within 200 feet of schools, colleges, or churches only if the retailer, microbrewery, microdistillery, or farm winery was already in a location and a school or church chose to establish itself within 200 feet of that facility and without any action or intervention by cities. Amends KSA 41-2643 & 41-710. §26 & 27 of the bill.

5. **Farmer's Markets, Wine Sales**

A farm winery may sell wine at a farmers' market provided they have an ABC sales permit. The permit should include the locations of the farmers' markets at which wine will be sold and any deviation must be provided to the ABC before sale of wine at the additional location. The bill defines "farmers' market" as any common facility or area where producers or growers gather on a regular, recurring basis to sell fruits, vegetables, meats, and other farm products directly to consumers. Amends KSA 41-351. §29 of the bill

6. Flavor Infusion

Drinking establishments may sell and serve alcoholic liquor infused with spices, herbs, fruits, vegetables, candy, or other substances intended for human consumption if no additional fermentation occurs during the process. “Infuse” means to add flavor or scent to a liquid by steeping additional ingredients in the liquid. Creates new statute. §1 of the bill.

7. Licensing: Sanctions and ABC Authority

The Director may suspend, involuntarily cancel, or revoke a license if, after notice and opportunity for a hearing, it is determined the licensee did any of the following: 1) Fraudulently obtained the license by providing false information on the license application or at a hearing related to the license; 2) Violated any provision of the Liquor Control Act or related rules and regulations; or 3) Became ineligible to obtain a license. Proceedings involving the denial, suspension, involuntary cancellation, or revocation of any license, or any assessment of civil fines, are governed by the Kansas Administrative Procedure Act. Amends KSA 41-2623, 41-319, 41-320, 41-321, 41-326, 41-328, 41-719, 41-2609, & 41-2611. §7 of the bill.

8. Licensing: By LLC

LLCs applying for retailer’s licenses are required to meet the licensure qualifications for co-partnerships applying for retailer’s licenses. If applying for a license under the Club and Drinking Establishment Act, the applicant must meet the licensure qualifications for corporations. If applying for license under the Cereal Malt Beverage Act they must meet the licensure qualifications for corporations and individuals owning, in the aggregate, 25.0 percent or more of the ownership interest in the LLC will be required to meet the qualifications for an individual applying for a license. Creates new statutes. §8, 9, and 10 of the bill.

9. Licensing: Eligibility

Persons found to have held an undisclosed beneficial interest in a liquor license obtained through fraud or false statement on the application for the license are not eligible to be licensed. Amends KSA 41-311 & 41-2623. §6 & 7 of the bill.

10. Powdered Alcohol

The sale and service of any form of powdered alcohol by a licensee is prohibited. “Powdered alcohol” is alcohol prepared in a powdered or crystal form for either direct use or for reconstruction in a nonalcoholic liquid. Creates a new statute. Amends KSA 41-102 & 41-2640. §3, 4, & 5 of the bill.

11. Sampling, By Distributor

Distributors may provide samples of spirits, wine, and beer or cereal malt beverages to alcoholic beverage retailer licensees and their employees or other distributor licensees and their employees in the course of business or at industry seminars. Sales are not allowed for consumption on the premises. Sampling is authorized on the distributor’s premises or on the retailer licensee’s premises, but not in areas open to the public where alcoholic sales occur. A sample cannot be served to a minor and the sample sizes of the Club and Drinking Establishment Act apply. Amends KSA 41-306, 41-306a, & 41-307. §21-23 of the bill.

12. Self-Serve Dispensers

Public venues, clubs, and drinking establishments may offer customer self-service of wine from automated devices on licensed premises. Licensees are required to monitor and have the ability to control the dispensing of wine from the automated devices to prevent dispensing to underage persons. Amends KSA 41-2640. §5 of the bill.

13. **State Fair**

As of July 1, 2016, the Director may issue a sufficient number of temporary permits for the sale of wine in unopened containers and the sale of beer, wine, or both by the glass on the State Fairgrounds as specified in the temporary permit issued. Through the 2015 fair there is only one temporary permit for the Kansas State Fair. The number of temporary permits issued by ABC for the State Fairgrounds is unlimited, but any permit must be issued consistent with the requirements of the State Fair Board. Amends KSA 41-2645. §28 of the bill.

14. **State Capitol**

Consumption of alcoholic liquor is allowed in the State Capitol for official state functions that are nonpartisan in nature subject to approval by the Legislative Coordinating Council. Amends KSA 41-719. §17 of the bill.

15. **Vineyard Permits**

A vineyard permit authorizes: 1) The sale of wine in the original, unopened container; 2) The serving of wine by the drink; and 3) Conducting wine tastings within existing laws on sampling. Wine sold or served by a permit holder must be produced, in whole or in part, using grapes grown by the permit holder, and must be manufactured by a farm winery. Any wine not consumed on the premises must be disposed of by the permit holder or securely resealed in a tamper-proof, transparent bag, sealed in a manner that makes it visibly apparent if the bag subsequently is opened before being removed from the property. Amends KSA 41-709. §24 of the bill.

NOTE: The Alcohol Beverage Control will add a page to their website prior to July 1, 2015, with additional information. Watch for it at <http://www.ksrevenue.org/abc.html>.

Other information that will be posted on their website includes:

- The ABC Summary of Legislation
- Notices by caterers for catered events on public property

Currently posted on their website is:

- Statutes, Regulations, Handbooks, and Guides (<http://www.ksrevenue.org/abcstatutes.html>)
- List of licensees (<https://www.kdor.org/abc/licensee/default.aspx>)
- List of administrative actions taken (<https://www.kdor.org/abc/abclla/abcadactionslic.aspx>)
- Chart of allowable operating hours (<http://www.ksrevenue.org/pdf/daysalcoholmaybesold.pdf>)
- Liquor license overview (<http://www.ksrevenue.org/pdf/abc899.pdf>)

The ABC will also provide electronic forms for reporting violations by licensees (an agency may use its own provided all the same data is included) and for reporting problems created by the BYOB for unlicensed businesses.

NOTICE: The author is not an attorney and nothing in this document should be construed to be legal advice. The intent is to provide a reference document to the new changes made to the alcohol laws by the 2015 Kansas Legislature. For interpretation of the new law seek guidance from the ABC, your agency legal provider, or your local prosecutor. Always follow your agency's policy and procedures in applying the law.

Send comments, suggestions, corrections, or additions to ed.klump@kslawenforcementinfo.com.