

June 28, 2010

## **POLICY MEMORANDUM 2002-1 (Revised)**

### **Subject: Guidelines for Retail Liquor Store Entrances to other Businesses and Vestibules**

1. **Purpose:** The purpose of this memorandum is to provide clarification of the statutes and regulations as they pertain to retail liquor stores and entrances to other businesses via vestibules.
2. **Applicability:** All Retail Liquor Stores who currently have or plan to have vestibule entrances to other businesses.
3. **Discussion:**
  - a. The information presented in this policy memorandum will clarify the acceptable standards for vestibules, as well as set forth the approval process. Those entrances to retail liquor stores that are determined to be outside the limits will require modification or closure prior to license renewal.
  - b. K.S.A. 41-711 states, "No alcoholic liquor shall be sold at retail upon any premises which have an inside entrance or opening which connects with any other place of business." This means that a retail liquor store cannot have a door, window or any other opening which provides access directly to another business.
  - c. Retail licensees are required to notify ABC prior to making any changes to their licensed premises. When requesting approval to construct a party shop adjacent to a retail liquor store, the applicant's plans routinely include a "non-business vestibule" as an architectural means of separating the two businesses.
  - d. The following guidelines shall be followed in the construction and use of vestibules and other access areas between a liquor store and any other place of business.
    1. The vestibule must be a neutral, non-business area. No advertising, equipment or business transactions shall occur or be placed in the vestibule. No product from either business may be displayed in the vestibule. The vestibule must provide separate lockable entrances into both the retail liquor store and the other business. Open entryways with a lockable door into only one business area are not allowed.
    2. The walls of the vestibule and all common walls separating the retail store from the other business must be constructed in such a manner that there are no holes or openings large enough to pass items of merchandise through. This includes items sold in either business, such as cigars from a party shop and 50ml bottles from the retail liquor store. The walls must also go from floor to ceiling so as not to allow items to be passed over partial walls in any manner.
    3. Any and all doors, doorways or entryways from the vestibule to the retail liquor store or to the other business must be lockable and free of any holes or openings large enough to overcome the locking mechanism or to pass items or merchandise through.

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4. All proposals for new vestibule entrances **MUST** be submitted by written request to the ABC along with a detailed diagram and explanation of the diagram prior to construction. On site inspections by ABC enforcement agents will be conducted as needed.
  - i. If the vestibule is within the guidelines, the ABC will provide written approval to the licensee. This approval document shall be retained by the licensee on the licensed premises at all times and be made available for inspection upon request. Mere approval of a license application that includes a diagram of the premises with a vestibule entrance shall NOT constitute approval of the vestibule itself.
5. Any retail liquor store that currently has a vestibule outside of the revised guidelines, but which has *specific written permission* from the ABC for the vestibule in question, will be grandfathered under this policy and need not come into compliance with the guidelines set forth herein. **All other retail liquor stores with existing vestibules – but that do not have specific written permission for them – must be in compliance with K.S.A. 41-711 and this policy memorandum to qualify for renewal of their license.**

**4. Additional Comments:**

- a. Failure to comply with the applicable statutes, regulations and/or this policy memorandum, may result in administrative action for violation of the liquor laws.
- b. Alcoholic Beverage Control Enforcement Agents will verify compliance with the provisions of the applicable statutes, regulations and this policy memorandum.

**5. Clarification of Policy:** All clarification requests to this policy should be directed in writing to this office via mail, fax, or submitted to the agency's email at [abc\\_mail@kdor.state.ks.us](mailto:abc_mail@kdor.state.ks.us)

**6. Effective Date of this policy:** This policy is effective from the date of signature until further notice.

***Original Signed and On File***

Thomas W. Groneman

cc: Assistant Attorney General  
Chief of Enforcement  
Licensing Supervisor  
Compliance Supervisor  
Administration Supervisor  
Enforcement Agents