



# REFERENCE GUIDE FOR CONSUMPTION OF ALCOHOLIC LIQUOR ON PUBLIC PROPERTY

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## **Introduction**

K.S.A. 41-719 in the Kansas Liquor Control Act prohibits the consumption of alcoholic liquor on public (including state-owned) property, except as specifically exempted in that statute (see below). Since cereal malt beverage is excluded from the definition of alcoholic liquor, it appears that the consumption of cereal malt beverage on public property is not controlled by this statute. Violation of this statute is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 and/or by imprisonment for not more than six months. [Subsection (j)]

Changes made to this handbook since the previous revision have been highlighted with a gray background. Please report errors, omissions or suggestions for improvement to this reference guide to the Division of Alcoholic Beverage Control by telephone at 785-296-7015 or by email to KDOR\_abc.email@ks.gov.

## **Definitions**

### Alcoholic liquor

Alcoholic liquor is defined as "alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage." [Subsection (b) of K.S.A. 41-102]

### Cereal malt beverage

Cereal malt beverage is defined as "any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than 3.2% alcohol by weight." [Subsection (a) of K.S.A. 41-2701]

## **General Rule**

No person shall drink or consume alcoholic liquor on public property or on the public streets, alleys, roads or highways, including while inside a vehicle located on such thoroughfares. [Subsections (a) and (c) of K.S.A. 41-719] Specific exceptions are allowed by K.S.A. 41-719, as follows:

## **Exceptions**

### Special Event

Alcoholic liquor may be consumed on the public streets, alleys, roads, sidewalks and highways at special events approved by the local governing body when a temporary permit has been issued under K.S.A. 41-2645 for the event. The event must be allowed by ordinance or resolution. [Subsection (a)] A special event means a picnic, bazaar, festival or other similar community gathering which has been approved by the local governing body. [Subsection (k)]

### Real estate leased by a city to others for use as hotel or motel

Alcoholic liquor may be consumed on real property leased by a city to others under the provisions of

K.S.A. 12-1740 through 12-1749, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto. [Subsection (c)(1)]

#### Residence of a state officer or employee

Alcoholic liquor may be consumed in any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence. [Subsection (c)(2)]

#### Club or drinking establishment on property of an airport authority

Alcoholic liquor may be consumed on premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city. [Subsection (c)(3)]

#### Kansas State Fairgrounds

- Alcoholic liquor may be consumed on the day of any race held on the Kansas State Fairgrounds pursuant to the Kansas Parimutuel Racing Act. [Subsection (c)(4)] The statute does not state any requirements for either state licensing or approval by the State Fair Board. However, since the State Fair Board controls all activities on the state fairgrounds, it can be assumed that the Board's permission would be required for such an activity.
- Domestic beer, domestic wine and wine imported under Subsection (e) of K.S.A. 41-308a may be consumed (but not sold) only for the purposes of judging competitions. [Subsection (c)(5)(A)] Since the State Fair Board controls all activities on the state fairgrounds, it can be assumed that the Board's permission would be required for such an activity.  
Y Domestic beer means beer which contains not more than 10% alcohol by weight and which is manufactured in this state. [Subsection (i) of K.S.A. 41-102]  
Y Domestic wine is defined as being manufactured from agricultural products grown in Kansas. [Subsections (j) and (k) of K.S.A. 41-102]  
Y Wine imported under Subsection (f) of K.S.A. 41-308a is wine imported by the state fair or a bona fide group of grape growers or wine makers under a permit issued by the Director. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold.
- Wine or beer may be sold and consumed by the drink during the days of the State Fair on the state fairgrounds on premises leased by the State Fair Board to a person holding a temporary permit issued by the Director in accordance with K.S.A. 41-2645. [Subsection (c)(5)(B)]
- Alcoholic liquor may be consumed on non-fair days in conjunction with a bona fide scheduled event involving at least 75 invited guests. The State Fair Board must authorize such event and may place conditions and restrictions on such consumption. [Subsection (c)(5)(C)]

#### State Historical Museum

Alcoholic liquor may be consumed in the State Historical Museum in Topeka and in any other buildings on the grounds of the Museum as authorized by rules and regulations adopted by the State Historical Society. [Subsection (c)(6)]

State-owned historic site supervised by the State Historical Society

Alcoholic liquor may be consumed in the buildings and on the grounds of any state-owned historical site under the supervision of the State Historical Society as authorized by their adopted rules and regulations. [Subsection (c)(7)]

Lake resort owned or leased by the state

Alcoholic liquor may be consumed on state-owned or leased property operated as a lake resort, as defined by K.S.A. 32-867. [Subsection (c)(8)]

Hiram Price Dillon house and grounds

Alcoholic liquor may be consumed in the Hiram Price Dillon house or grounds except as limited by policies adopted by the Legislative Coordinating Council under K.S.A. 75-3682. [Subsection (c)(9)]

Kansas National Guard Armories and Regional Training Center

Alcoholic liquor may be consumed in the buildings or on the grounds of any Kansas National Guard armory or the Salina Regional Training Center, as authorized by rules and regulations adopted by the Adjutant General and approved by the Kansas Military Board. [Subsection (c)(10)]

Property owned by a city and exempted by city ordinance

Alcoholic liquor may be consumed on any property owned by a city if authorized by city ordinance. [Subsection (d)]

Property owned by a county and exempted by county resolution

Alcoholic liquor may be consumed on any property owned by a county if authorized by county resolution. [Subdivision (e)]

Property under the control of the Kansas Board of Regents

Alcoholic liquor may be consumed in the Sternberg Museum on the campus of Fort Hays State University and any other specified property under the control of the Kansas Board of Regents and not used for classroom instruction, if exempted by policies adopted by the Board. [Subdivision (f)]

Washburn University

Alcoholic liquor may be consumed in the Mulvane Art Center and the Bradbury Thompson Alumni Center on the campus of Washburn University and any other specified property owned by the Board of Regents of Washburn University and not used for classroom instruction, if exempted by policies adopted by the Board. [Subdivision (g)]

Community Colleges

Alcoholic liquor may be consumed on any specified property under the control of a community college's Board of Regents and not used for classroom instruction, if exempted by policies adopted by such Board. [Subdivision (h)]