

Kansas Administrative Regulations

Kansas Department of Revenue—Division of Alcoholic Beverage Control

Article 25.—Off-Premises Cereal Malt Beverage Retailers

14-25-6. Prohibited conduct of retailer.

(a) A retailer shall not permit gambling or the possession of any gambling or gaming device on the licensed premises.

(b) A retailer shall not, as a condition for the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume to a customer, require that the customer purchase or contract to purchase cereal malt beverage or beer containing not more than six percent alcohol by volume of another form, quantity, or brand in addition to or partially in lieu of that specifically desired by the customer.

(c) A retailer shall not sell or deliver cereal malt beverage or beer containing not more than six percent alcohol by volume of a particular form or brand to a customer under any arrangement, agreement, or understanding, direct or implied, such that the sale will be made only if the customer also buys a quantity of cereal malt beverage or beer containing not more than six percent alcohol by volume of another form or brand.

(d) A retailer shall not refuse to permit the director, any agent or employee of the director, or any law enforcement officer to inspect the licensed premises and any cereal malt beverage or beer containing not more than six percent alcohol by volume in the retailer's possession or under the retailer's control upon the licensed premises or upon any other premises where the retailer has stored any cereal malt beverage or beer containing not more than six percent alcohol by volume.

(e) A retailer shall not make any false or misleading representations with respect to any cereal malt beverage or beer containing not more than six percent alcohol by volume on the licensed premises or in connection with a sales transaction relating to brand, type, proof, or age of any cereal malt beverage or beer containing not more than six percent alcohol by volume. A retailer shall not deceive or attempt to deceive a customer by removing or changing any label or sanitation cover from a container or

package of cereal malt beverage or beer containing not more than six percent alcohol by volume.

(f) A retailer shall not sell or remove any cereal malt beverage or beer containing not more than six percent alcohol by volume from the licensed premises on any day other than a legal day for the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume at retail, after the legal closing hour or before the legal opening hour.

(g) A retailer shall not, directly or indirectly, offer or furnish any gifts, prizes, premiums, rebates, or similar inducements with the sale of any cereal malt beverage or beer containing not more than six percent alcohol by volume, nor shall any retailer directly or indirectly offer, furnish, or sell any cereal malt beverage or beer containing not more than six percent alcohol by volume at less than its cost plus applicable tax, except according to the following:

(1) Any retailer may include in the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume any goods included by the manufacturer in packaging with the cereal malt beverage or beer containing not more than six percent alcohol by volume. Goods included by the manufacturer shall be packaged with one or more original packages of cereal malt beverage or beer containing not more than six percent alcohol by volume in such a manner as to be delivered to the consumer as a single unit. A retailer shall not sell or give away goods included by a manufacturer that are not packaged as a single unit with the original package of cereal malt beverage or beer containing not more than six percent alcohol by volume as shipped by the manufacturer.

(2) Any retailer may distribute consumer advertising specialty items, subject to the limitations imposed by this regulation. For the purposes of this regulation, consumer advertising specialty items shall be limited to the following: ashtrays, bottle or can openers, corkscrews, matches, printed recipes, informational pamphlets, cards and leaflets, blotters, postcards, posters, printed sports schedules, pens, pencils, and other items of minimal value as approved by the director. Each consumer advertising specialty item shall contain advertising material relating to a brand name of cereal malt beverage or beer containing not more than six percent alcohol by volume or to the

operation of the retailer distributing the consumer advertising specialty item. No charge may be made for any consumer advertising specialty item or any purchase required in order to receive any consumer advertising specialty item.

(h) A retailer shall not open or permit to be opened, on the licensed premises, any container or original package containing cereal malt beverage or beer containing not more than six percent alcohol by volume, unless the retailer is also licensed as an on-premises retailer.

(i) A retailer shall not permit the drinking of alcoholic liquors or cereal malt beverage on or about the licensed premises, unless the retailer is also licensed as an on-premises retailer.

(j) A retailer shall not allow an intoxicated person to frequent, loiter, or be employed upon the licensed premises. A retailer's employee shall not be intoxicated while on duty for the retailer.

(k) A retailer shall not accept or receive from any agent or employee of any licensed distributor any cash rebate or thing of value, or enter into or be a party to any agreement or transaction with any licensed distributor, directly or indirectly, that would result in, or have as its purpose, the purchase of any cereal malt beverage or beer containing not more than six percent alcohol by volume by the retailer at a price less than the listed price that has been filed by the distributor in the office of the director.

(l) A retailer shall not sell, give, or deliver any cereal malt beverage or beer containing not more than six percent alcohol by volume to any person under 21 years of age. A retailer shall not sell, give, or deliver any cereal malt beverage or beer containing not more than six percent alcohol by volume to any person if the retailer knows or has reason to know that the cereal malt beverage or beer containing not more than six percent alcohol by volume is being obtained for a person under 21 years of age.

(m) A retailer shall not purchase or sell any cereal malt beverage or beer containing not more than six percent alcohol by volume on credit. A retailer shall not enter into any transaction or scheme the purpose of which is to buy or sell cereal malt beverage or beer containing not more than six percent alcohol by volume on credit. The following transactions shall be considered to be buying or selling cereal malt beverage or beer containing not more than six percent alcohol by volume on credit:

- (1) Taking or giving a postdated check;
 - (2) giving an insufficient funds check;
 - (3) taking a check with knowledge that there are insufficient funds to pay the check upon presentment;
 - (4) accepting delivery from a distributor without making payment for the cereal malt beverage or beer containing not more than six percent alcohol by volume when delivered or before delivery; and
 - (5) allowing any cereal malt beverage or beer containing not more than six percent alcohol by volume to be removed from the licensed premises without receiving payment for the cereal malt beverage or beer containing not more than six percent alcohol by volume.
- (n) A retailer shall not fail to make the reports or keep the records required by this article of the division's regulations.
- (o) A retailer shall not refill a package of cereal malt beverage or beer containing not more than six percent alcohol by volume and shall not sell cereal malt beverage or beer containing not more than six percent alcohol by volume in anything other than the original package.
- (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

***** Authenticated Kansas Administrative Regulation *****