

**STATE OF KANSAS**

*Bill Graves, Governor*



**DEPARTMENT OF REVENUE**

*Stephen S. Richards, Secretary*

Robert Longino, Director  
Division of Alcoholic Beverage Control  
Kansas Department of Revenue  
915 SW Harrison  
Topeka, KS 66625-3512

(785) 296-7015  
FAX (785) 296-7185  
Email:  
abc\_mail@kdor.state.ks.us  
Internet:  
www.ksrevenue.org/abc

**Division of Alcoholic Beverage Control**

**July 15, 2002**

**ABC NOTICE – Guidelines for Retail Liquor Store Entrances to other Businesses and Vestibules**

Dear Retail Liquor Store Licensee,

The Division recently published a policy memorandum (Policy Memo 2002-1 dated Feb 18 2002) concerning entrances to other businesses. The purpose of this letter is to provide notice to retail liquor store licensees on the new policy memorandum and the guidelines included.

The use of vestibules connecting retail liquor stores to other businesses, especially party shops, has increased dramatically. It has been quite some time since the ABC has published guidance on this issue, and unfortunately, the published guidance previously offered has neither been adhered to nor, in some cases, enforced in numerous situations. The information presented in the policy memorandum clarifies the acceptable standards for such vestibules, and also establishes the approval process. Those entrances to retail liquor stores that are determined to be outside these limits will require modification or closure prior to license renewal in calendar year 2003.

The following guidelines are addressed in the policy memorandum. The changes in bold are provided to highlight changes from the past guidance issued on this subject.

1. The vestibule **must be a neutral**, non-business area. No advertising, equipment or business transactions shall occur or be placed 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 only into 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.

4. All proposals for new vestibule entrances (anything not previously approved by the ABC in writing as of the date of this memorandum) **MUST be submitted by written request to the ABC along with a detailed diagram and explanation of the diagram prior to construction occurring.** On site inspections by ABC compliance or enforcement agents will be conducted as needed. 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. All retail liquor stores with existing vestibule entrances will be reviewed by ABC Agents. Those determined to be violating this policy will be required to rectify the situation and come into compliance by January 1, 2003, at the latest. The ABC will provide specific guidance on how to bring existing configurations into compliance.

6. 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 by January 1<sup>st</sup> 2003 in order to qualify for renewal of their license thereafter.

Please review the entire policy memorandum on our website at [www.ksrevenue.org/abc](http://www.ksrevenue.org/abc). If you have questions seeking further clarification, please provide them to our office in writing or via our email mailbox at “abc\_mail@kdor.state.ks.us.”

Sincerely,

*Original signed and on file*

R.G. Longino