

**KANSAS DEPARTMENT OF REVENUE  
ALCOHOLIC BEVERAGE CONTROL DIVISION**

**STATUTORY REQUIREMENTS FOR ON-PREMISE LICENSES**

K.S.A.41-311: "(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

- 1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) of such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;
- 2) Who has been convicted of a felony under the laws of this state, any other state or the United States;
- 3) Who has had a license revoked for cause under the provisions of this act or who has had any license issued under the cereal malt beverage laws of any state revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;
- 4) Who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;
- 5) Who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear
- 6) Who is not at least 21 years of age;
- 7) Who, other than a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;
- 8) Who intends to carry on the business authorized by the license as agent of another;
- 9) Who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);
- 10) Who is the holder of a valid and existing license under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702 and amendments thereto shall be eligible to receive a retailer's license under the Kansas Liquor Control Act;
- 11) Who does not own the premises for which a license is sought, or does not have a written lease thereon for at least  $\frac{3}{4}$  of the period for which the license is to issued; or
- 12) Whose spouse would be ineligible to receive under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license."

K.S.A. 41-2632: “(A) No license shall be issued under the provisions of this act to:

- 1) Any person described in subsection (a) (1), (2), (4), (5), (6), (7), (8), (9) or (12) of K.S.A. 41-311 and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.
- 2) A person who has had the person’s license revoked for cause under the provisions of this act.
- 3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.
- 4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:
  - (A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.
  - (B) A license for a club or drinking establishments which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.
  - (C) A caterer’s license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.
  - (D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.
  - (E) On and after January 1, 1988, a license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas Liquor Control Act.
- 5) A copartnership, unless all of the copartners are qualified to obtain a license.
- 6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.
- 7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director or stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which.
  - A) Has had a license revoked under provisions of the club and drinking establishment act:  
or
  - B) Has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.
- 8) A corporation organized under the laws of any state other than this state.
- 9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311 and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.
  - B) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:
    - 1) A person described in subsection (a)(11) of K.S.A. 41-311 and amendments thereto.
    - 2) A person who is not a resident of the county in which the premises sought to be licensed are located.”

**Compiled to August 1, 1994**

**(K.S.A. 1994 Supp.)**

The statutes contained herein are not to be construed as an official publication,  
but are assembled as a matter of convenience based upon the Kansas Statutes Annotated.