



**HANDBOOK**

**FOR**

**COMMON CONSUMPTION**

**AREA PERMITS**

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## Definition

A “common consumption area” is a defined indoor or outdoor area not otherwise licensed where the possession and consumption of alcoholic liquor is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or other apparent line of demarcation. [Subsection (g) of New Section 1, 2017 Substitute for House Bill 2277]

## Application Process

Prior to application for a common consumption area permit, the city or county in which the common consumption area is to be located must pass an ordinance or resolution “creating” the common consumption area and designating its boundaries. Any specific rules or guidelines applicable to the common consumption area shall be included in the ordinance or resolution. The ordinance or resolution must require that any public street or roadway within the common consumption area be blocked from motorized traffic during any hours in which alcohol is consumed. [Subsection (a)(1) of New Section 1, 2017 Substitute for House Bill 2277]

Permits may be issued to the following:

- The city or county in which the common consumption area will be located
- An individual who is a resident of Kansas and has been approved by the city or county
- An organization that has its principal place of business in Kansas and has been approved by the city or county

[Subsection (b) of New Section 1, 2017 Substitute for House Bill 2277]

Apply online at <http://ksabconline.org> or download and print the Common Consumption Area Permit Application (Form ABC-836) found on <https://ksrevenue.org/abcforms.html>. Follow the directions for submitting the application to ABC.

A copy of the city or county ordinance or resolution creating the common consumption area to be covered by the permit must be submitted to ABC Licensing with the application for a Common Consumption Area Permit. [Subsection (c)(1) of New Section 1, 2017 Substitute for House Bill 2277]

The permit is valid for up to one year from the date it is issued by ABC and can be renewed annually. The annual fee for the permit is \$100, and is nonrefundable. [Subsections (c)(2) and (c)(3) of New Section 1, 2017 Substitute for House Bill 2277]

## Authorized Activities

Once a Common Consumption Area permit has been issued by ABC, alcoholic liquor may be possessed and consumed within the common consumption area designated by the permit. The boundaries of the common consumption area must be clearly marked with a physical barrier or other

apparent line of demarcation. [Subsection (g) of New Section 1, 2017 Substitute for House Bill 2277, and Subsection (b) of K.S.A. 41-719]

A licensee located within or immediately adjacent to a common consumption area may elect to participate in the common consumption area by allowing its legal patrons to remove alcoholic liquor purchased on the licensed premises to be removed into the common consumption area. In order to do this, the licensee must request and receive permission from ABC by submitting the ABC-838 form found on <https://ksrevenue.org/abcforms.html>. [Subsections (d) and (e) of New Section 1, 2017 Substitute for House Bill 2277]

If a licensee has been approved by ABC to participate in a common consumption area, any alcoholic liquor removed from its licensed premises must be placed into or served in a container that displays that licensee's trade name or logo, or other unique identifying mark. [Subsection (e) of New Section 1, 2017 Substitute for House Bill 2277] Licensees participating in a common consumption area shall post a copy of any documentation received from ABC approving such participation on the licensed premises at all times.

## **Prohibited Activities**

Common Consumption Area permits are for possession and consumption of alcoholic liquor only. No sales of alcoholic liquor may occur on premises covered by a common consumption area permit, unless the sales are conducted by a licensed caterer in accordance with all requirements for a catered event, or a separate temporary permit has been issued for that specific area. [ABC interpretation and application of K.S.A. 41-104]

No person shall remove any open container of alcoholic liquor from within the boundaries of a common consumption area. [Subsection (f)(2) of New Section 1, 2017 Substitute for House Bill 2277]

## **Liability for Violations**

A Common Consumption Area permit holder shall comply with all terms and conditions outlined in the city or county ordinance or resolution. These may include, but are not limited to, restrictions upon the hours in which possession and consumption are allowed, smoking restrictions, prohibitions on glass containers, etc.

Common Consumption Area permit holders are liable for any and all violations that occur within the defined boundaries of the common consumption area subject to the permit. A permit holder shall not be liable for violations involving the sale and consumption of alcohol that occur on the licensed premises of participating licensees. [Subsection (f)(2) of New Section 1, 2017 Substitute for House Bill 2277]