

July 12, 2010

POLICY MEMORANDUM 2001-1 (Revised)

Subject: Public and Private Events Conducted on Private Club Premises

1. **Purpose:** The purpose of this memorandum is to provide clarification of the statutes and regulations as they pertain to what lawful activities may be held on a club's premises.
2. **Applicability:** All licensed class A and class B clubs.
3. **Discussion:** For ease of discussion, two separate categories of events are addressed.
 - a. **Private Events**
 - Private events are events that may include non-members and which are hosted at the club by a club member.
 - Alcoholic liquor may be consumed or served in accordance with state laws during the event.
 - If the club has an exemption from the state wide or any local smoking ban, smoking may be allowed during the private event.
 - Private events are not open to the general public.
 - Advertising for private events must state the event is for "club members and guests only".
 - All attendees must be current club members or bona fide guests of a current club member.
 - The sponsor of the event must be a current club member and must remain at the club for the duration of the event.
 - "Guest" means a person to whom a private or personal invitation, as opposed to a public announcement, has been extended for the event.
 - Guests must be either:
 - Known personally by the member(s) of the club for a period of time (measured in days, weeks, months or years), **or**
 - Linked to the specific private event occurring (i.e. invited guests to a wedding reception or party hosted by the club member)
 - b. **Public Events**
 - A club may allow a sponsor to hold a public event and maintain club privileges in accordance with one of the following options:
 - Permanent de-licensing areas of the club for events
 - The club may permanently de-license specific area(s) that will no longer be part of the private club premises by submitting an ABC-806 form to the Director.
 - Either the de-licensed areas or the remaining licensed club areas shall be enclosed on all sides by solid walls, windows or doorways extending from floor to ceiling that will prevent the passage of smoke or alcoholic liquor from the licensed private club areas of the premises.
 - The club shall not sell or serve alcoholic beverages at any event taking place in the de-licensed area(s) or to the sponsor of an event.
 - The sponsor of the event may apply for a temporary permit to sell and serve alcoholic liquor at the event by submitting application form ABC-830 at least 14 days prior to the event.
 - ❖ Form ABC-830 is available for download from the ABC website at <http://www.ksrevenue.org/abctemppermit.html>.
 - No permit or caterer is required if the sponsor does not intend to sell alcoholic liquor.

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- Alcoholic liquor may be sold or served by the club in accordance with state laws in the licensed private club area of the premises during the event.
 - If the club has an exemption from the state wide smoking ban or any local, more restrictive, smoking ban, smoking may be allowed only in the licensed private club area of the premises, where members of the general public are not allowed.
 - The club may use the de-licensed area(s) for club activities by filing an ABC-806 form requesting approval to temporarily extend its licensed premises.
 - Form ABC-806 must be submitted to the Director at least 14 days prior to the proposed extension. The form may be faxed to (785)296-7185 or mailed to:
 - Alcoholic Beverage Control Division
 - Attn: Special Events Coordinator
 - 915 SW Harrison St., Room 214
 - Topeka, KS 66625-3512
 - The request shall be stamped "approved" or "not approved" and returned to the club.
 - If approved, the approved request form shall be maintained on the club premises for 90 days after the event and shall be available for inspection upon request by an ABC enforcement agent for three years following the event.
 - Form ABC-806 is available for download from the ABC webpage at <http://www.ksrevenue.org/abconprem.htm>. Reproduction of the form is authorized.
- Temporary de-licensing areas of the club for an event.
 - A club that elects to not permanently de-license a portion of its club premises may host public events **as approved by the Director** on a case by case basis.
 - Any advertising for the event may only mention the club's name and location. The club may not receive any sponsorship credit in the advertising.
 - The club shall not sell or serve alcoholic liquor in the de-licensed area(s) during the event.
 - The sponsor of the event may apply for a temporary permit to sell and serve alcoholic liquor at the event by submitting application form ABC-830 at least 14 days prior to the event.
 - ❖ Form ABC-830 is available for download from the ABC website at <http://www.ksrevenue.org/abctemppermit.html>.
 - A charitable organization is not required to have a temporary permit for fund-raising activities at which complimentary alcohol is served.
 - No permit or caterer is required if the sponsor does not intend to sell alcoholic liquor.
 - Alcoholic liquor may be sold or served by the club in accordance with state laws in the licensed private club areas of the premises, where members of the general public are not allowed, during the event.
 - Either the de-licensed areas or the remaining licensed club areas shall be enclosed on all sides by solid walls, windows or doorways extending from floor to ceiling that will prevent the passage of smoke or alcoholic liquor from the licensed private club areas of the premises.
 - If the club has an exemption from the state wide smoking ban or any local, more restrictive, smoking ban, smoking may be allowed only in the licensed private club premises, where members of the general public are not allowed, during the event.
 - Either the de-licensed areas or the remaining licensed club areas shall be enclosed on all sides by solid walls, windows or doorways extending from floor to ceiling that will prevent the passage of smoke or alcoholic liquor from the private club areas of the premises.
 - No activities associated with the public event shall take place in the licensed private club area.
 - The club must submit form ABC-825 (Request for public function) to the Director at least 10 days prior to the event. The form may be faxed to (785)296-7185 or mailed to:
 - Alcoholic Beverage Control Division
 - Attn: Special Events Coordinator
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- The request shall be stamped “approved” or “not approved” and returned to the club.
 - If approved, the approved request form shall be maintained on the club premises for 90 days after the event and shall be available for inspection upon request by an ABC enforcement agent for three years following the event.
 - Form ABC-825 is available for download from the ABC webpage at <http://www.ksrevenue.org/abconprem.htm>. Reproduction of the form is authorized.
4. **Additional information:** ABC Enforcement Agents and local law enforcement officers will verify compliance with the provisions of the applicable statutes, regulations and this policy memorandum.
6. **Clarification of Policy:** All clarification requests to this policy should be directed in writing to this office via mail, fax, or submitted to the agency’s email at abc_mail@kdor.state.ks.us.
5. **Effective Date of this policy:** This policy is effective from July 6, 2010 until further notice.

Original Signed and On File

Thomas W. Groneman

cc: Assistant Attorney General
Chief of Enforcement
Licensing Supervisor
Compliance Supervisor
Administration Supervisor
Enforcement Agents