Alcoholic Beverage Control
109 SW 9th Street, 5th Floor
PO Box 3506
Topeka KS 66601-3506
Mark A. Burghart, Secretary

Kansas
Department of Revenue

Phone: 785-296-7015
Fax: 785-296-7185
Kdor_abc.email@ks.gov
www.ksrevenue.org
Laura Kelly, Governor

MEMORANDUM

March 18, 2020

RE: COVID-19 Concerns Regarding Sales on the Licensed Premises

Kansas Liquor Licensees:

As Director of the Kansas Alcoholic Beverage Control Division, I am authorized pursuant to K.S.A. 41-210(b) to exercise "broad discretionary powers to govern the traffic in alcoholic liquors and to enforce strictly all the provisions of this act in the interest of sanitation, purity of products, truthful representation and honest dealings in such manner as generally will promote the public health and welfare."

With this in mind, many in the industry have recently expressed concerns regarding the COVID-19 pandemic and its effect on licensees that sell alcoholic liquor to the public, specifically involving the potential closure of such businesses in light of increasing social distancing requirements.

Therefore, effective immediately, ABC will adopt the following policy:

1. A licensee may make "curbside" sales to customers, subject to all existing provisions of the Kansas Liquor Control Act (K.S.A. 41-101 et seq.) and the Kansas Club and Drinking Establishment Act (K.S.A. 41-2601 et seq.). For the duration of this policy only, the payment and physical delivery of the alcoholic liquor may occur on or off of the licensed premises, subject to the additional guidelines described below.
2. This means that sales to underage individuals, sales below cost, and similar provisions are still strictly prohibited. Licensees shall remain restricted to those types of sales specifically authorized by their license.
3. Drinking establishments and class A clubs, class B clubs may sell bottles of beer or wine curbside, in accordance with the provisions of K.S.A. 41-2653. For the duration of this policy only, beer or wine sold in this fashion needs to be opened on the licensed premises and properly sealed, but does not need to be partially consumed on the licensed premises.
4. To accommodate these curbside sales, the licensee shall designate specific "to-go" parking stalls or similar locations, which must all be located within a 50-foot radius of the entrance to their licensed premises.

5. Sales of any kind (i.e. payment or delivery of alcoholic liquor) occurring outside of this 50-foot radius are strictly prohibited.
6. This policy shall only apply to the following license types: retail liquor store, drinking establishment, class A club, class B club, farm winery, microbrewery, microdistillery and producer.

This policy will continue in effect until further notice. Thank you for your cooperation in this matter.

Sincerely,

Debbi Beavers

Debbi Beavers
Director, Alcoholic Beverage Control