

1) **IMMEDIATE ENTRY**

The right to immediate entry and inspection of the licensed premises by law enforcement officers is a condition of the license.

- A retailer shall not refuse to permit the director or any agent or employee of the director to inspect the licensed premises and any alcoholic liquor in the retailer's possession or under the retailer's control upon the licensed premises or upon any other premises where the retailer has stored any alcoholic liquor

2) **SAMPLING**

Serving Free Samples of Alcoholic Liquor.

- A retailer may serve free samples of alcoholic liquor at tasting events on the licensed premises or at adjacent premises monitored and regulated by the ABC.
- Samples may only be served during hours in which it is legal for the retailer to sell liquor.
- The adjacent premises are subject to immediate entry and inspection by the Director or any agent or employee of the Director at any time such adjacent premises are occupied.
- The liquor must come from the retailer's inventory.
- Each bottle removed from inventory shall be marked as reserved for samples only in a manner that does not obscure the label.
- Samples must be poured and served by an employee or agent of the retailer.
- No samples may be served to anyone less than 21 years of age.
- No samples may be removed from the retail or adjacent premises.
- Liquor may be mixed with other liquor or non-alcoholic mixers and ice for sampling purposes.
- The owner or manager of the retail store may consume wine before or during a tasting event to verify it has not deteriorated in quality or become unfit for consumption. No other employee of the retailer may consume liquor while on duty.
- A farm winery licensee may participate in and conduct product tastings at a retail licensee's premises for presentation and educational purposes. All wine must come from the retailer's inventory.
- Persons holding a Kansas supplier's permit may purchase liquor from a retailer and serve free samples of that liquor at tasting events on the retailer's premises or adjacent premises monitored and regulated by ABC.
- Distributors may not participate except to provide educational materials about the products being sampled. For the purposes of sampling, a distributor who also possesses a Kansas supplier permit is limited to providing educational information only.
- The supplier must purchase the liquor from the retailer.
- The supplier's employee or agent may pour and serve samples and provide educational information about the products.
- A supplier may provide food, mixers, cups, napkins, and other similar items during a tasting event occurring at a retailer's adjacent premises. Suppliers may provide cups, napkins and mixers for tasting events occurring on the retailer's licensed premises.
- At the conclusion of the tasting event, any remaining liquor used for sampling must be secured. Any liquor in adjacent premises must be disposed of or returned to the retail premises prior to the retailer's normal close of business on that day
- Partial bottles of liquor may be: disposed of; stored in a locked storage area, separate from alcoholic liquor intended for sale; or sealed with a tamperproof seal around the opening of the container.
- Records of inventory withdrawn or sold to a supplier for sampling must be maintained for a period of three years. See the section on records for further information.

3) **RECORDS**

Retailers shall retain the following records:

- invoices, purchase orders and sales tickets for all liquor purchased.
- invoices, purchase orders and sales tickets for all alcoholic liquor sold to class A and class B clubs, drinking establishments, caterers and temporary permit holders.

- invoices and other records of sales of alcoholic liquor to all other customers.
- administrative, such as the latest/most current employee list.

These records are **subject to immediate inspection**. For a period of 90 days after the purchase or sale, the records must be kept on the licensed premises. The records may be in electronic or paper format. If electronic, the records must be available to print upon request by the Director or any agent or employee of the Director.

After 90 days, the records may be stored off the licensed premises but shall be provided within a reasonable time upon request.

4) EMPLOYEE QUALIFICATION

The following restrictions apply to all persons employed in connection with the operation of a retail establishment:

- Must be at least 21 years old.
- Cannot have been convicted of any felony.
- Licensees are directly responsible for any violation of the Liquor Control Act or associated regulations by their employees.

The owner or owners must provide additional information to the Director before allowing anyone other than the owner or owners to perform any management or operational services, including the following activities:

- Hiring, firing or supervising the licensee's employees.
- Ordering products for the store, coordinating deliveries or determining the amount or type of inventory to be maintained at the store.
- Determining the advertising, marketing and promotional programs to be used.
- Negotiating or executing any contracts on behalf of the licensee.
- Paying or authorizing payment for services or product purchased by the store.
- Performing any other task essential to the operation of the store.

An employee of a retailer will **NOT** be considered to be a manager, and therefore will not need to be reported as such, if both of the following are true:

- Despite performing any of the activities listed, the employee does not exercise independent control in doing so; and
- The employee is not an independent contractor.

No person employed to perform management or operational services shall receive compensation based on a percentage of the gross receipts from the sale of liquor

Any person employed by the owner to perform management or operational services must meet the same qualifications for licensure as the owner. This would prohibit the owner of a retail liquor store from performing any management or operational services for the owner of another retail liquor store.

5) TRAINING AND RESPONSIBILITY

As a business owner and employer training your staff is your responsibility. Age verification seems to be a simple task, but when done in front of a customer or a hectic fast paced environment mistakes can be made. This can be alleviated with proper training and familiarity with checking identification. ABC Agents offer staff training. Our website has examples of IDs you can use with your staff to practice with. You can purchase age verification tools and APPs for your business. Your staff needs to know they are responsible as well. The employee is criminally charged when they do not verify age correctly. The business is cited administratively. This is not the type of interaction ABC Enforcement Agents want to have with you and your staff.

THERE ARE MULTIPLE VALID TYPES OF KANSAS DRIVER'S LICENSE / IDENTIFICATION CARDS

- Driver's license and identification cards issued to under-aged persons will continue to be in the vertical format.

- A red bar continues to appear under the cardholder's portrait who is between 14 and 20 years of age with the date when then they will turn 21 years of age.
- A green bar continues to appear under the portrait for those under 14 years of age.

TIPS FOR VERIFYING PATRON IS OF LEGAL DRINKING AGE

- You can refuse service to a person if you are suspicious about their age.
- Request a second or third form of identification.
- Question the person about their birthdate, age, address, etc. without them being able to refer to the ID.
- Be cautious of out-of-state driver's licenses when used by a person that is youthful in appearance.
- Post signage that you check IDs for age verification and then actually enforce the practice.

COMMON MISTAKES MADE DURING AGE VERIFICATION CHECKS

- Selling to a person who presents a vertical license (these are issued to underage persons).
- It is possible that they have turned 21 and still have the old license, but be very careful.
- The vertical license will also contain a colored bar which includes the words "under 21 until **/**/**" (the date of their 21st birthday).
- The driver's license issued to an adult, over the age of 21, is horizontal.
- It is recommended that a licensee have a visible reminder for employees, which states what date a person must have been born before to be 21 years of age. Many businesses use a daily changing calendar type device.
- The picture on the identification doesn't match the person presenting it.
- Be aware that modern technology allows for the production of a more sophisticated fake ID.
- Selling alcoholic beverages to a person with no form of photo identification.

LICENSEE TRAINING IS AVAILABLE

- Request an educational visit from an ABC Agent. Training topics include: proper identification verification procedures, how to be compliant with liquor statutes and regulations, and an overview of Underage Drinking Laws.
- Find your agent at: [Kansas Department of Revenue Alcoholic Beverage Control - Contact Alcoholic Beverage Control \(ksrevenue.org\)](http://ksrevenue.org)

