

October 25, 2010

## **POLICY MEMORANDUM 2003-7 (Revised)**

### **Subject: Display or Distribution of Materials from within Retail Liquor Stores**

1. **Purpose:** The purpose of this memorandum is to provide clarification of the statutes and regulations regarding the display or distribution of materials from within retail liquor stores.
2. **Applicability:** All retailers.
3. **Discussion:** There has been discussion through the years of what types of materials may be displayed or distributed within retail liquor establishments. This memorandum provides statutory clarification and guidance for allowable materials.
  - a. Statutory Authority.
    - K.S.A. 41-208 prohibits a retailer offering to sell, selling, giving away or permitting to be sold, offered for sale or given away from its licensed premises any service or thing of value whatsoever except alcoholic liquor in the original container, **except** that a licensed retailer may:
      - Charge a delivery fee for delivery to a club, drinking establishment or caterer;
      - Sell lottery tickets in accordance with the Kansas Lottery Act, if selected as a lottery retailer;
      - Include any goods packaged with the alcoholic liquor by the manufacturer with the sale of liquor; and
      - Distribute to the public, without charge, consumer advertising specialties bearing advertising material in accordance with rules and regulations adopted by the Secretary.
  - b. Allowable materials that may be distributed or displayed in the retail liquor store.
    - The following types of materials have been found by ABC as allowable, since they do not promote or provide a service to any particular business:
      - Educational materials related to alcohol use and abuse;
      - Materials relating to community educational or fundraising events;
      - Materials relating to domestic abuse and prevention, suicide prevention, or other public service announcements;
      - Crime Stoppers or other crime prevention material provided by law enforcement departments.
  - c. Materials not allowed to be distributed or displayed in the retail liquor store.
    - The following types of materials have been found by ABC to be things of value or to provide a service to a particular business:
      - Collection bins for fundraising activities or other charitable causes;
      - Business cards for other businesses;
      - Materials relating to community events that are not educational or charitable in nature;
      - Any item not specifically allowed by statute, regulation, or this policy memorandum.
  - d. Display and distribution in vestibules.
    - Vestibules are allowed pursuant to Policy Memorandum 2002-1 and must be business neutral.
    - No materials shall be displayed or distributed from the vestibule of any retail liquor store except:
      - Materials relating to general community events.

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**4. Additional Comments:**

- a. Any planned activity beyond that allowed by this memorandum, current regulations or Kansas statutes must be approved by the Director, in writing, prior to implementation.
- b. Failure to comply with the applicable statutes, regulations and/or this policy memorandum, may result in administrative action for violation of the liquor laws.
- c. Alcoholic Beverage Control Enforcement Agents will verify compliance with the provisions of the applicable statutes, regulations and this policy memorandum.

**5. 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](mailto:abc_mail@kdor.state.ks.us).

**6. Effective Date of this policy:** This policy is effective from the date of signature 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