



GOVERNOR LAURA KELLY

**EXECUTIVE ORDER NO. 21-11**

Temporarily suspending certain rules relating to sale alcoholic beverages

**WHEREAS**, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

**WHEREAS**, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

**WHEREAS**, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 30,147,000 cases of the illness and more than 547,000 deaths as a result of the illness across the United States;

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020;

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

**WHEREAS**, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020, and extended to May 28, 2021, by Section 5 of Senate Bill 40 enacted during the 2021 Legislative Session;

**WHEREAS**, as of this date, there have been over 302,372 reported positive cases of COVID-19 in Kansas spread among all 105 counties, including 4,913 deaths;

**WHEREAS**, limitation or closure of in-person services at restaurants and bars effectively prohibits the sale of alcoholic beverages, specifically supplies of alcoholic beverages that will spoil if not consumed by a certain date, resulting in significant financial hardships for many Kansas businesses, further burdening Kansas employees and their families who have lost income due to these circumstances;

**WHEREAS**, many small Kansas business operating restaurants or bars rely on the sale of alcoholic beverages;

**WHEREAS**, provisions in 2020 Special Session House Bill 2016 and 2021 Session Senate Bill 14 enacted measures originally included in Executive Order 20-27 regarding the sale of partially consumed liquor and also expanded on the provisions in that order to allow additional sales of unopened alcoholic beverages from certain establishments;

**WHEREAS**, certain provisions of Senate Bill 14 expire on March 31, 2021;

**WHEREAS**, House Bill 2137—which is poised to receive final approval by the Legislature—would make permanent the provisions of Senate Bill 14 but will not become law before March 31;

**WHEREAS**, a brief period during which the provisions of Senate Bill 14 relating to liquor sales have expired and the pre-pandemic law is reinstated will result in confusion and financial losses to a restaurant and bar industry that has already been among the hardest hit by the COVID-19 pandemic, resulting in business closures and layoffs that threaten the continued mitigation of and recovery from the COVID-19 pandemic; and

**WHEREAS**, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925(c)(1) and (c)(11), in order to slow the spread and mitigate the effects of COVID-19 I hereby direct and order the following:

1. In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the provisions of subsection (a), a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more containers of alcoholic liquor that is not in the original container, subject to the following conditions:
  - a. It must be legal for the licensee to sell the alcoholic liquor;
  - b. each container of alcoholic liquor must have been purchased by a patron on the licensed premises;
  - c. the licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor; and
  - d. before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must place the container in a transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

This document shall be filed with the Secretary of State as Executive Order No. 21-11. It shall become effective immediately and remain in force until House Bill 2137, introduced in the 2021 Legislative Session, becomes effective or May 28, 2021, whichever is earlier.

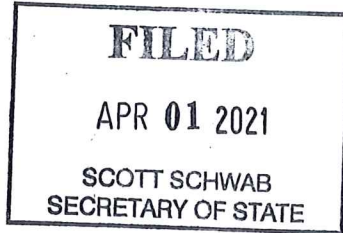
THE GOVERNOR'S OFFICE

BY THE GOVERNOR

*Laura Kelly*

DATED

4.1.21



*Scott Schwab*

Secretary of State

Assistant Secretary of State