



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 23, 1977

ATTORNEY GENERAL OPINION NO. 77- 106

Mr. Daniel F. Meara
Bourbon County Attorney
Court House
Fort Scott, Kansas 66701

Re: Intoxicating Liquors And Beverages -- Cereal Malt Beverages --
Operation Of Licensed Establishments.

Synopsis: The holder of cereal malt beverage license, which does not also possess a private club license issued by the director of alcoholic beverage control, is precluded from operating the business as a private club since the Cereal Malt Beverage Act requires that such place be accessible to the general public.

* * *

Dear Mr. Meara:

You pose the question of whether a holder of a cereal malt beverage license, issued under the authority of the Cereal Malt Beverage Act, may close its doors to the public and operate as a private club that sells 3.2% beer to its members.

K.S.A. 41-2704 provides in part:

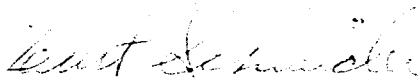
"Said place of business shall be open to the public
and to the police at all times during business hours,

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except that a premises licensed as a club under a license issued by the state director of alcoholic beverage control shall be open to the police and not the public."
(Emphasis added.)

In light of the above it is our opinion that a cereal malt beverage licensee, who does not also possess a valid private club license issued by the alcoholic beverage control division, is precluded from operating the business behind locked doors and must, during the hours of business, be operated as a place accessible to the general public.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:WMS:eb