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State of Kansas

**Department of Revenue
Division of Alcoholic Beverage Control**

Permanent Administrative Regulations

Article 13.—RETAIL LIQUOR DEALER

14-13-1. Definitions. As used in this article of the division's regulations, unless the context clearly requires otherwise, each of the following terms shall have the meaning specified in this regulation:

(a) "Adjacent premises" means an enclosed permanent structure that is contiguous to the licensed premises and may be located in front of, beside, behind, below, or above the licensed premises. Adjacent premises shall be under the direct or indirect control of the retailer. This term shall not include empty lots, parking lots, temporary structures, or enclosed structures not contiguous to the licensed premises.

(b) "Beneficial interest" means any ownership interest by a person or that person's spouse in a business, corporation, partnership, trust, association, or other form of business organization.

(c) "Bulk wine" means wine that is sold to a club by either a retailer or a distributor in barrels, casks, or bulk containers that individually exceed 20 liters.

(d) "Cereal malt beverage" has the meaning specified in K.S.A. 41-2701, and amendments thereto.

(e) "Church" means a building that is owned or leased by a religious organization and is used exclusively as a place for religious worship and other activities ordinarily conducted by a religious organization.

(f) "Crime opposed to decency and morality" means a crime involving any of the following:

(1) Prostitution;

(2) solicitation of a child under 18 years of age for any immoral act involving sex;

(3) possession or sale of narcotics, marijuana, amphetamines, or barbiturates;

(4) rape;

(5) incest;

(6) gambling;

(7) adultery;

(8) bigamy; or

(9) procuring any person to be involved in the commission of any of the criminal acts specified in paragraphs (f) (1)-(8).

(g) "Licensed premises" means those areas described in an application for a retailer's license that are under the control of the applicant and are intended as the area in which alcoholic liquor is to be sold for consumption off the licensed premises or stored for later sale.

(h) "Manager" means a person with the status, duties, and authority to have control over the licensee's business operation, finances, or disbursement of business funds including any of the following:

(1) The authority to make decisions concerning the day-to-day operations of the business;

(2) the authority to hire or fire employees;

(3) the authority to sign business checks;

(4) the authority to direct payment of business funds; or

(5) supervision of those employees responsible for any of these duties.

(i) "Mixer" means any liquid capable of being consumed by a human being that can be combined with alcoholic liquor for consumption.

(j) "Tasting event" means any time during which a retailer or supplier is serving free samples of alcoholic liquor on the retailer's licensed premises or at adjacent premises monitored and regulated by the director. (Authorized by K.S.A. 41-210 and K.S.A. 2017 Supp. 41-212;

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implementing K.S.A. 2017 Supp. 41-102; effective May 1, 1988; amended Aug. 6, 1990; amended, T-14-11-9-92, Nov. 9, 1992; amended Dec. 21, 1992; amended, T-14-6-28-12, July 1, 2012; amended, T-14-10-25-12, Oct. 29, 2012; amended Feb. 22, 2013; amended June 7, 2018.)

14-13-2. Application for retail liquor license; requirements, conditions, and restrictions on issuance of license. (a) A retailer's license shall be issued by the director to each applicant who is determined by the director to have met the requirements of the liquor control act.

(b) Each application for a retailer's license shall be submitted on forms prescribed by the director and include the following:

(1) A copy of any partnership agreement, operating agreement of a limited liability company, declaration of trust, or other documents specifying the aims and purposes of the trust, if applicable;

(2) a copy of a written lease or proof of ownership of the premises to be licensed;

(3) a certified statement from the applicant that the licensed premises are located in one of the following areas:

(A) An area where the zoning regulations of the city, township, or county allow the operation of a retail liquor store; or

(B) an area where no zoning regulations have been adopted;

(4) the proper license fee and registration fee;

(5) a bond, pursuant to K.S.A. 41-317 and amendments thereto;

(6) a diagram of the licensed premises, showing the area or areas in which alcoholic liquor will be stored and sold. Subject to the prior approval of the director, the licensed premises may include either of the following:

(A) Those areas outside the main sales area that are within 100 yards of the main sales area and located upon property that is subject to the applicant's legal control; or

(B) a detached storage area, located within 100 yards of the main sales area and used exclusively for storage of alcoholic liquor by the retailer; and

(7) all other information necessary to complete the application process.

(c) On and after April 1, 2020, in addition to the items specified in subsection (b), each application for a renewal of a retailer's license shall include a statement of gross receipts from the previous 12-month period showing that the sale of all goods and services other than cereal malt beverage and alcoholic liquor is not more than 20 percent of the retailer's total gross sales. For the purposes of this calculation, all fees derived from the sale of lottery tickets and cigarette and tobacco products shall be excluded.

(d) The initial application for any retailer's license, or any renewal application for a retailer's license, may be rejected by the director for any of the following reasons:

(1) The applicant does not provide all the information necessary for completion of the application process.

(2) The applicant does not include the proper license fee and registration fee.

(3) The applicant does not include the required bond.

(4) The applicant or its owners, officers, resident agent, or managers have violated a provision of the liquor control act or these regulations relating to the sales of alcoholic liquor that may have been grounds for license revocation.

(5) The applicant or its owners, officers, resident agent, or managers are currently delinquent in payment of any gallonage tax, liquor enforcement tax, liquor drink tax, license fees, or liquor-related fines to the state of Kansas.

(6) The applicant or its owners, officers, resident agent, or managers previously held a license issued under the liquor control act or the club and drinking establishment act, and when that license expired or was surrendered, the licensee was delinquent in payment of any gallonage tax, liquor enforcement tax, liquor drink tax, license fees, or liquor-related fines to the state of Kansas.

(7) The applicant has had a liquor license revoked for cause in Kansas or another state.

(8) The applicant or its owners, officers, resident agent, or managers have been convicted of a crime opposed to decency and morality.

(9) For any renewal application received on or after April 1, 2020, the licensee has failed to demonstrate that the sale of all goods and services other than cereal malt beverage and alcoholic liquor is not more than 20 percent of the retailer's total gross sales pursuant to subsection (c).

(e) Each person who provides financing to or leases premises to a retailer upon terms that result in that person having a beneficial interest in the retailer's business shall be deemed to be a partner in the retailer's business. Each person who provides financing to a retailer shall be deemed to have a beneficial interest in the retailer's business if the terms for repayment are conditioned on the amount of the retailer's receipts or profits from the sale of alcoholic liquor. A lessor shall be deemed to have a beneficial interest in a retailer's business if the lessor receives as rent, in whole or in part, a percentage of the retailer's receipts or profits from the sale of alcoholic liquor. (Authorized by K.S.A. 41-210 and K.S.A. 2017 Supp. 41-212; implementing K.S.A. 2017 Supp. 41-308, K.S.A. 2017 Supp. 41-310, K.S.A. 2017 Supp. 41-311, K.S.A. 41-315, and K.S.A. 2017 Supp. 41-317; effective May 1, 1988; amended Aug. 6, 1990; amended, T-14-11-9-92, Nov. 9, 1992; amended Dec. 21, 1992; amended Feb. 22, 2013; amended June 7, 2018.)

14-13-10. Records of purchases and sales; retention of records; reports. (a) Each retailer purchasing alcoholic liquor from a licensed distributor shall obtain a numbered invoice, purchase order, or sales ticket that contains the following information:

(1) The date of purchase;

(2) the name, address, and license number of the retailer;

(3) the name, address, and license number of the distributor;

(4) the name of the individual making the purchase for the retailer;

(5) the brand, size, and amount of each brand purchased;

(6) the unit cost and total price for each brand and size; and

(7) the subtotal of the cost of the alcoholic liquor purchased and the total cost of the order including delivery charge, if any.

(b) Each retailer engaged in sales to licensed clubs, drinking establishments, caterers, public venues, or temporary permit holders shall provide a numbered invoice, purchase order, or sales ticket in connection with all purchases, which shall include the following information:

(continued)

- (1) The date of purchase;
- (2) the name, address, and license number of the retailer;
- (3) the name, address, and license number of the club, drinking establishment, caterer, public venue, or temporary permit holder;
- (4) the name of the individual making the purchase for the club, drinking establishment, caterer, public venue, or temporary permit holder and that individual's position with the club, drinking establishment, caterer, public venue, or temporary permit holder;
- (5) the brand, size, and amount of each brand purchased;
- (6) the unit cost and total price for each brand and size; and
- (7) the subtotal of the cost of the alcoholic liquor sold and the total cost of the order including enforcement tax and delivery charge, if any.

(c) Each retailer who holds a federal wholesale basic permit shall, between the first and the fifteenth day of each month, upon a form prescribed by the director, submit a certified report of all sales made to any licensed club, drinking establishment, caterer, public venue, or temporary permit holder during the preceding month. The report shall include the following information for each order placed by and sold to a club, drinking establishment, caterer, public venue, or temporary permit holder:

- (1) The date of the order;
- (2) the name, address, and license number of the club, drinking establishment, caterer, public venue, or temporary permit holder; and
- (3) the total price paid for each order.

(d) On and after April 1, 2019, each retailer shall keep all sales receipts from the sale to any customer of all alcoholic liquor, cereal malt beverage, and any other goods or services, excluding the sales of lottery tickets and cigarette and tobacco products.

(e) The retailer shall keep a copy of each invoice, purchase order, or sales ticket required by this regulation for at least three years from the date the alcoholic liquor was sold.

(f) The records required by this regulation shall be available for inspection by the director, any agent or employee of the director, or the secretary upon request.

(1) Each record required by this regulation shall be maintained on the retailer's licensed premises for at least 90 days after the sale. These records may be maintained in electronic format and shall be capable of being printed immediately upon request.

(2) After 90 days, all records required by this regulation may be stored and maintained off the licensed premises and shall be provided in electronic or paper format upon request. (Authorized by K.S.A. 41-210 and K.S.A. 2017 Supp. 41-212; implementing K.S.A. 2017 Supp. 41-308, K.S.A. 41-407, K.S.A. 41-703, and K.S.A. 41-708; effective May 1, 1988; amended Feb. 22, 2013; amended June 7, 2018.)

14-13-13. Prohibited conduct of retailer. (a) A retailer shall not permit gambling or the possession of any gambling or gaming device on the licensed premises. However, any retailer may sell, operate, possess, and offer to the public lottery tickets permitted by the Kansas lottery act if the retailer is authorized by the Kansas lottery commission to do so.

(b) A retailer shall not, as a condition for the sale or delivery of alcoholic liquor to a customer or to any other licensee who is licensed under the liquor control act or the club and drinking establishment act, require that the other licensee or customer purchase or contract to purchase alcoholic liquor of another form, quantity, or brand in addition to or partially in lieu of that specifically ordered or wanted by the licensee or customer.

(c) A retailer shall not sell or deliver alcoholic liquor of a particular form or brand to a customer or to any other licensee who is licensed under the liquor control act or the club and drinking establishment act under any arrangement, agreement, or understanding, direct or implied, such that the sale or delivery will be made only if the other licensee or customer also buys or accepts delivery of a quantity of alcoholic liquor of another form or brand.

(d) 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.

(e) A retailer shall not make any false or misleading representations with respect to any alcoholic liquor product or any licensed premises or in connection with a sales transaction relating to brand, type, proof, or age of an alcoholic liquor or beer. A retailer shall not deceive or attempt to deceive a customer by removing or changing any label or sanitation cover from a container of alcoholic liquor.

(f) A retailer shall not sell or remove any alcoholic liquor from the licensed premises on any day other than a legal day for the sale of alcoholic liquor at retail, after the legal closing hour or before the legal opening hour.

(g) A retailer shall not, directly or indirectly, offer or furnish any gifts, prizes, premiums, rebates, or similar inducements with the sale of any alcoholic liquor, nor shall any retailer directly or indirectly offer, furnish, or sell any alcoholic liquor at less than its cost plus enforcement tax, except according to the following:

(1) Any retailer may include in the sale of alcoholic liquor any goods included by the manufacturer in packaging with the alcoholic liquor. Goods included by the manufacturer shall be packaged with one or more original packages of alcoholic liquor in such a manner as to be delivered to the consumer as a single unit. A retailer shall not sell or give away goods included by a manufacturer that are not packaged as a single unit with the original package of alcoholic liquor as shipped by the manufacturer.

(2) Any retailer may distribute consumer advertising specialty items, subject to the limitations imposed by this regulation. For the purposes of this regulation, consumer advertising specialty items shall be limited to the following: ashtrays, bottle or can openers, corkscrews, matches, printed recipes, informational pamphlets, cards and leaflets, blotters, postcards, posters, printed sports schedules, pens, pencils, and other items of minimal value as approved by the director. Each consumer advertising specialty item shall contain advertising material relating to a brand name of alcoholic liquor or to the operation of the retail liquor store distributing the consumer advertising specialty item. No charge may be

made for any consumer advertising specialty item or any purchase required in order to receive any consumer advertising specialty item.

(h) A retailer shall not open or permit to be opened, on the licensed premises, any container or original package containing alcoholic liquor or cereal malt beverage, except as provided in K.A.R. 14-13-16 and K.A.R. 14-13-17.

(i) A retailer shall not permit the drinking of alcoholic liquors or cereal malt beverage on or about the licensed premises, except that any consumer who is at least 21 years of age may sample alcoholic liquor available for sale by the retailer, on the licensed premises and at adjacent premises monitored and regulated by the director, in accordance with K.A.R. 14-13-16 and K.A.R. 14-13-17.

(j) A retailer shall not allow an intoxicated person to frequent, loiter, or be employed upon the licensed premises. A retailer's manager or employee shall not be intoxicated while on duty for the licensee.

(k) A retailer shall not permit any other person to use the licensed premises for the purpose of carrying on any business activity other than the sale of alcoholic liquor.

(l) A retailer shall not accept or receive from any agent or employee of any licensed distributor any cash rebate or thing of value, or enter into or be a party to any agreement or transaction with any licensed distributor, directly or indirectly, that would result in, or have as its purpose, the purchase of any alcoholic liquor by the retailer at a price less than the listed price that has been filed by the distributor in the office of the director.

(m) A retailer shall not sell, give, or deliver any intoxicating liquor to any person under the age of 21 years. A retailer shall not sell, give, or deliver any intoxicating liquor to any person if the retailer knows or has reason to know that the intoxicating liquor is being obtained for a person under 21 years of age.

(n) A retailer shall not purchase or sell any alcoholic liquor on credit. A retailer shall not enter into any transaction or scheme the purpose of which is to buy or sell alcoholic liquor on credit. The following transactions shall be considered to be buying or selling alcoholic liquor on credit:

- (1) Taking or giving a postdated check;
- (2) giving an insufficient funds check;
- (3) taking a check with knowledge that there are insufficient funds to pay the check upon presentment;
- (4) accepting delivery from a distributor without making payment for the alcoholic liquor when delivered or before delivery;
- (5) making delivery to a club, drinking establishment, or caterer without receiving payment before or at the time of delivery; and
- (6) allowing any alcoholic liquor to be removed from the licensed premises without receiving payment for the alcoholic liquor.

(o) A retailer shall not fail to make the reports or keep the records required by these regulations.

(p) A retailer who is authorized by the Kansas lottery commission to sell lottery tickets shall not commingle the proceeds from the sale of the lottery tickets with the proceeds from the sale of alcoholic liquor.

(q) A retailer shall not refill a package of alcoholic liquor and shall not sell alcoholic liquor in anything other than the original package. (Authorized by K.S.A. 41-210;

implementing K.S.A. 41-211, K.S.A. 2017 Supp. 41-308, K.S.A. 41-702, K.S.A. 41-703, K.S.A. 2017 Supp. 41-717, K.S.A. 2017 Supp. 41-718; effective May 1, 1988; amended, T-14-11-9-92, Nov. 9, 1992; amended Dec. 21, 1992; amended, T-14-6-28-12, July 1, 2012; amended, T-14-10-25-12, Oct. 29, 2012; amended Feb. 22, 2013; amended June 7, 2018.)

Article 25.—OFF-PREMISES CEREAL MALT BEVERAGE RETAILERS

14-25-1. Definitions. As used in this article of the division's regulations, unless the context clearly requires otherwise, each of the following terms shall have the meaning specified in this regulation:

(a) "Alcoholic liquor" has the meaning specified in K.S.A. 41-102, and amendments thereto.

(b) "Beer" has the meaning specified in K.S.A. 41-102, and amendments thereto.

(c) "Cereal malt beverage" has the meaning specified in K.S.A. 41-2701, and amendments thereto.

(d) "Director" means the director of the division of alcoholic beverage control in the department of revenue.

(e) "Distributor" has the meaning specified in K.S.A. 41-102, and amendments thereto.

(f) "Inventory" means a retailer's entire or partial stock of cereal malt beverage or beer containing not more than six percent alcohol by volume.

(g) "Licensed premises" means those areas described in an application for a retailer's license that are under the control of the applicant and are intended as the area in which cereal malt beverage or beer containing not more than six percent alcohol by volume is to be sold for consumption off the licensed premises or stored for later sale.

(h) "Person" means any natural person, corporation, partnership, trust, or association.

(i) "Retailer" means any person who is licensed under the Kansas cereal malt beverage act and who sells or offers for sale any cereal malt beverage or beer containing not more than six percent alcohol by volume for use or consumption off the licensed premises. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-25-2. Trade practices; applicability. (a) Each action taken by an industry member or retailer in accordance with interpretive memoranda issued by the alcohol and tobacco tax and trade bureau of the department of the treasury shall be considered good faith compliance with this article of the division's regulations, unless the director has issued a contrary interpretation pertaining to the subject of the memoranda.

(b) The trade practice regulations of the alcohol and tobacco tax and trade bureau of the department of the treasury, as adopted by reference in K.A.R. 14-10-17, shall apply to each retailer, as defined in K.A.R. 14-25-1. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-25-3. Retailer's responsibility for conduct of business and employees. Each retailer shall be responsible for the conduct of the retailer's business. Each retailer shall be responsible for all violations of the cereal
(continued)

malt beverage act and this article of the division's regulations by any person selling cereal malt beverage or beer containing not more than six percent alcohol by volume. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-25-4. Recordkeeping. (a) Each retailer purchasing cereal malt beverage or beer containing not more than six percent alcohol by volume from a licensed distributor shall obtain a numbered invoice or purchase order that contains the following information:

- (1) The date of purchase;
- (2) the name, address, and license number of the retailer;
- (3) the name, address, and license number of the distributor;
- (4) the name of the individual making the purchase for the retailer;
- (5) the brand, size, and amount of each brand purchased;
- (6) the unit cost and total price for each brand and size; and
- (7) the subtotal of the cost of the cereal malt beverage or beer containing not more than six percent alcohol by volume purchased and the total cost of the order including delivery charge, if any.

(b) The retailer shall keep a copy of each sales receipt involving the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume made to a customer.

(c) The retailer shall keep a copy of each invoice, purchase order, or sales receipt involving sales made to customers required by this regulation for at least three years from the date on which the cereal malt beverage or beer containing not more than six percent alcohol by volume was sold.

(d) The retailer shall keep a copy of the diagram of the licensed premises, as submitted with the initial application, on the licensed premises and shall make a copy available for inspection upon request.

(e) The records required by this regulation shall be available for inspection by the director, any agent or employee of the director, the secretary, or any law enforcement officer upon request.

(1) Each record required by this regulation shall be maintained on the retailer's licensed premises for at least 90 days after the sale. These records may be maintained in electronic format and shall be capable of being printed immediately upon request.

(2) After 90 days, all records required by this regulation may be stored and maintained off the licensed premises and shall be provided in electronic or paper format within seven business days upon request. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-25-5. Transfer of retailer's inventory; application for permission; seizure and sale of abandoned inventory.

(a) If a retailer's license has expired or been surrendered or revoked, that retailer may apply to the director for permission to transfer the retailer's inventory to another active licensee.

(b) The application to transfer the retailer's inventory shall be submitted on forms prescribed by the director and shall contain the following:

- (1) The retailer's name and license number;
- (2) the purchaser's name and license number;
- (3) the gross sale price of the transferred inventory; and
- (4) the quantity, brand, and type of each container or package of cereal malt beverage or beer containing not more than six percent alcohol by volume to be transferred.

(c) No cereal malt beverage or beer containing not more than six percent alcohol by volume in the possession of a retailer shall be transferred under the provisions of subsection (a) unless the director has granted written permission.

(d) The director may deny an application to transfer inventory under the provisions of subsection (a) if the selling retailer owes either of the following:

- (1) Any applicable tax; or
- (2) any fines imposed pursuant to applicable law.

(e) The director or any employee or agent of the director may seize and sell any inventory located on the premises subject to a retailer's license if the director determines that the inventory has been abandoned by the licensee. The director may consider any of the following criteria in making a determination that the inventory has been abandoned:

(1) The licensee no longer occupies the building and has left inventory in the building.

(2) The licensee has been evicted and has made no attempt to collect the inventory.

(3) Attempts to contact the licensee to determine the licensee's plans for the inventory have been unsuccessful.

(4) The presence of the inventory in the building poses a threat to the public health, safety, and welfare or to the orderly regulation of the market.

(f) Upon the director's determination that the inventory has been abandoned, the director shall notify the retailer, in writing, of the director's intent to seize and sell the inventory. If, within seven calendar days after the date of the director's notice, the retailer has not notified the director that the retailer intends to maintain possession of the inventory, the director may seize and sell the inventory.

(g) The proceeds from the sale of any inventory specified in subsection (e) shall be deposited into the state general fund. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-25-6. Prohibited conduct of retailer. (a) A retailer shall not permit gambling or the possession of any gambling or gaming device on the licensed premises.

(b) A retailer shall not, as a condition for the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume to a customer, require that the customer purchase or contract to purchase cereal malt beverage or beer containing not more than six percent alcohol by volume of another form, quantity, or brand in addition to or partially in lieu of that specifically desired by the customer.

(c) A retailer shall not sell or deliver cereal malt beverage or beer containing not more than six percent alcohol by volume of a particular form or brand to a customer under any arrangement, agreement, or understanding, direct or implied, such that the sale will be made only if the customer also buys a quantity of cereal malt beverage or beer containing not more than six percent alcohol by volume of another form or brand.

(d) A retailer shall not refuse to permit the director, any agent or employee of the director, or any law enforcement officer to inspect the licensed premises and any cereal malt beverage or beer containing not more than six percent alcohol by volume 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 cereal malt beverage or beer containing not more than six percent alcohol by volume.

(e) A retailer shall not make any false or misleading representations with respect to any cereal malt beverage or beer containing not more than six percent alcohol by volume on the licensed premises or in connection with a sales transaction relating to brand, type, proof, or age of any cereal malt beverage or beer containing not more than six percent alcohol by volume. A retailer shall not deceive or attempt to deceive a customer by removing or changing any label or sanitation cover from a container or package of cereal malt beverage or beer containing not more than six percent alcohol by volume.

(f) A retailer shall not sell or remove any cereal malt beverage or beer containing not more than six percent alcohol by volume from the licensed premises on any day other than a legal day for the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume at retail, after the legal closing hour or before the legal opening hour.

(g) A retailer shall not, directly or indirectly, offer or furnish any gifts, prizes, premiums, rebates, or similar inducements with the sale of any cereal malt beverage or beer containing not more than six percent alcohol by volume, nor shall any retailer directly or indirectly offer, furnish, or sell any cereal malt beverage or beer containing not more than six percent alcohol by volume at less than its cost plus applicable tax, except according to the following:

(1) Any retailer may include in the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume any goods included by the manufacturer in packaging with the cereal malt beverage or beer containing not more than six percent alcohol by volume. Goods included by the manufacturer shall be packaged with one or more original packages of cereal malt beverage or beer containing not more than six percent alcohol by volume in such a manner as to be delivered to the consumer as a single unit. A retailer shall not sell or give away goods included by a manufacturer that are not packaged as a single unit with the original package of cereal malt beverage or beer containing not more than six percent alcohol by volume as shipped by the manufacturer.

(2) Any retailer may distribute consumer advertising specialty items, subject to the limitations imposed by this regulation. For the purposes of this regulation, consumer advertising specialty items shall be limited to the following: ashtrays, bottle or can openers, corkscrews, matches, printed recipes, informational pamphlets, cards and leaflets, blotters, postcards, posters, printed sports schedules, pens, pencils, and other items of minimal value as approved by the director. Each consumer advertising specialty item shall contain advertising material relating to a brand name of cereal malt beverage or beer containing not more than six percent alcohol by volume or to

the operation of the retailer distributing the consumer advertising specialty item. No charge may be made for any consumer advertising specialty item or any purchase required in order to receive any consumer advertising specialty item.

(h) A retailer shall not open or permit to be opened, on the licensed premises, any container or original package containing cereal malt beverage or beer containing not more than six percent alcohol by volume, unless the retailer is also licensed as an on-premises retailer.

(i) A retailer shall not permit the drinking of alcoholic liquors or cereal malt beverage on or about the licensed premises, unless the retailer is also licensed as an on-premises retailer.

(j) A retailer shall not allow an intoxicated person to frequent, loiter, or be employed upon the licensed premises. A retailer's employee shall not be intoxicated while on duty for the retailer.

(k) A retailer shall not accept or receive from any agent or employee of any licensed distributor any cash rebate or thing of value, or enter into or be a party to any agreement or transaction with any licensed distributor, directly or indirectly, that would result in, or have as its purpose, the purchase of any cereal malt beverage or beer containing not more than six percent alcohol by volume by the retailer at a price less than the listed price that has been filed by the distributor in the office of the director.

(l) A retailer shall not sell, give, or deliver any cereal malt beverage or beer containing not more than six percent alcohol by volume to any person under 21 years of age. A retailer shall not sell, give, or deliver any cereal malt beverage or beer containing not more than six percent alcohol by volume to any person if the retailer knows or has reason to know that the cereal malt beverage or beer containing not more than six percent alcohol by volume is being obtained for a person under 21 years of age.

(m) A retailer shall not purchase or sell any cereal malt beverage or beer containing not more than six percent alcohol by volume on credit. A retailer shall not enter into any transaction or scheme the purpose of which is to buy or sell cereal malt beverage or beer containing not more than six percent alcohol by volume on credit. The following transactions shall be considered to be buying or selling cereal malt beverage or beer containing not more than six percent alcohol by volume on credit:

- (1) Taking or giving a postdated check;
- (2) giving an insufficient funds check;
- (3) taking a check with knowledge that there are insufficient funds to pay the check upon presentment;
- (4) accepting delivery from a distributor without making payment for the cereal malt beverage or beer containing not more than six percent alcohol by volume when delivered or before delivery; and
- (5) allowing any cereal malt beverage or beer containing not more than six percent alcohol by volume to be removed from the licensed premises without receiving payment for the cereal malt beverage or beer containing not more than six percent alcohol by volume.

(n) A retailer shall not fail to make the reports or keep the records required by this article of the division's regulations.

(continued)

(o) A retailer shall not refill a package of cereal malt beverage or beer containing not more than six percent alcohol by volume and shall not sell cereal malt beverage or beer containing not more than six percent alcohol by volume in anything other than the original package. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

Article 26. — ON-PREMISES CEREAL MALT BEVERAGE RETAILERS

14-26-1. Definitions. As used in this article of the division's regulations, unless the context clearly requires otherwise, each of the following terms shall have the meaning specified in this regulation:

(a) "Alcoholic liquor" has the meaning specified in K.S.A. 41-102, and amendments thereto.

(b) "Beer" has the meaning specified in K.S.A. 41-102, and amendments thereto.

(c) "Cereal malt beverage" has the meaning specified in K.S.A. 41-2701, and amendments thereto.

(d) "Director" means the director of the division of alcoholic beverage control in the department of revenue.

(e) "Distributor" has the meaning specified in K.S.A. 41-102, and amendments thereto.

(f) "Food establishment" has the meaning specified in K.S.A. 65-656, and amendments thereto.

(g) "Inventory" means a retailer's entire or partial stock of cereal malt beverage or beer containing not more than six percent alcohol by volume.

(h) "Licensed premises" means those areas described in an application for a cereal malt beverage retailer license issued pursuant to K.S.A. 41-2702, and amendments thereto, that are under the control of the applicant and that are intended as the area in which cereal malt beverage or beer containing not more than six percent alcohol by volume is to be served pursuant to the applicant's license.

(i) "Person" means any natural person, corporation, partnership, trust, or association.

(j) "Retailer" means any person who is licensed under the Kansas cereal malt beverage act and who sells or offers for sale any cereal malt beverage or beer containing not more than six percent alcohol by volume for use or consumption on the licensed premises. For the purposes of this article of the division's regulations, this term shall not include any cereal malt beverage retailer also licensed as a drinking establishment, pursuant to the Kansas club and drinking establishment act. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-26-2. Trade practices; applicability. (a) Each action taken by an industry member or retailer in accordance with interpretive memoranda issued by the alcohol and tobacco tax and trade bureau of the department of the treasury shall be considered good faith compliance with this article of the division's regulations, unless the director has issued a contrary interpretation pertaining to the subject of the memoranda.

(b) The trade practice regulations of the alcohol and tobacco tax and trade bureau of the department of the treasury, as adopted by reference in K.A.R. 14-10-17, shall

apply to each retailer, as defined in K.A.R. 14-26-1. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-26-3. Retailer's responsibility for conduct of business and employees. Each retailer shall be responsible for the conduct of the retailer's business. Each retailer shall be responsible for all violations of the cereal malt beverage act and this article of the division's regulations by the following people while on the licensed premises:

(a) Any employee of the retailer;

(b) the employee of any person contracting with the retailer to provide services or food; and

(c) any individual mixing, serving, selling, or dispensing cereal malt beverage or beer containing not more than six percent alcohol by volume. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-26-4. Refusal of right to enter or inspect licensed premises prohibited. No retailer shall refuse to permit the director, any agent or employee of the director, or any law enforcement officer to perform the following:

(a) Enter or inspect the licensed premises; and

(b) inspect any cereal malt beverage or beer containing not more than six percent alcohol by volume in the retailer's possession or under the retailer's control on the licensed premises or on any other premises where the retailer has stored any cereal malt beverage or beer containing not more than six percent alcohol by volume. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-26-5. Minimum prices for drinks; acquisition cost. (a) A retailer shall not sell any drink to any person for less than the acquisition cost of that drink to the retailer.

(b) In determining the minimum price of each drink, a retailer shall not include any applicable tax. All tax shall be collected in addition to the minimum price for the drink itself.

(c) The cost of each of the following items shall be included in the acquisition cost of each drink:

(1) All cereal malt beverage or beer containing not more than six percent alcohol by volume; and

(2) any nonalcoholic liquid. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-26-6. Recordkeeping. (a) Each retailer purchasing cereal malt beverage or beer containing not more than six percent alcohol by volume from a licensed distributor shall obtain a numbered invoice or purchase order that contains the following information:

(1) The date of purchase;

(2) the name, address, and license number of the retailer;

(3) the name, address, and license number of the distributor;

(4) the name of the individual making the purchase for the retailer;

(5) the brand, size, and amount of each brand purchased;

(6) the unit cost and total price for each brand and size; and

(7) the subtotal of the cost of the cereal malt beverage or beer containing not more than six percent alcohol by volume purchased and the total cost of the order including delivery charge, if any.

(b) The retailer shall keep a copy of each sales receipt for the sale of cereal malt beverage or beer containing not more than six percent alcohol by volume made to a customer.

(c) The retailer shall keep a copy of each invoice, purchase order, or sales ticket required by this regulation for at least three years from the date on which the cereal malt beverage or beer containing not more than six percent alcohol by volume was sold.

(d) The retailer shall keep a copy of the diagram of the licensed premises, as submitted with the initial application, on the licensed premises and shall make a copy available for inspection upon request.

(e) The records required by this regulation shall be available for inspection by the director, any agent or employee of the director, the secretary, or any law enforcement officer upon request.

(1) Each record required by this regulation shall be maintained on the retailer's licensed premises for at least 90 days after the sale. These records may be maintained in electronic format and shall be capable of being printed immediately upon request.

(2) After 90 days, all records required by this regulation may be stored and maintained off the licensed premises and shall be provided in electronic or paper format within seven business days upon request. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-26-7. Storage of cereal malt beverage or beer containing not more than six percent alcohol by volume; removal from licensed premises. (a) Each retailer shall store its cereal malt beverage and beer containing not more than six percent alcohol by volume only on the licensed premises of the retailer, unless the retailer has received prior approval in writing from the director to do otherwise.

(b) No retailer, and no owner, employee, or agent of the retailer, shall sell any cereal malt beverage or beer containing not more than six percent alcohol by volume for consumption off the licensed premises, unless the retailer also has a valid license to sell or offer for sale cereal malt beverage and beer containing not more than six percent alcohol by volume for consumption off the licensed premises.

(c) No cereal malt beverage or beer containing not more than six percent alcohol by volume that has been purchased on the licensed premises and has been opened and sold for consumption on the licensed premises shall be removed from the licensed premises. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

14-26-8. Transfer of retailer's inventory; application for permission; seizure and sale of abandoned inventory. (a) If a retailer's license has expired or been surrendered or revoked, that retailer may apply to the director for permission to transfer the retailer's inventory to another licensee.

(b) The application to transfer the retailer's inventory shall be submitted on forms prescribed by the director and shall contain the following:

- (1) The retailer's name and license number;
- (2) The purchaser's name and license number;

(3) the gross sale price of the transferred inventory; and
(4) the quantity, brand, and type of each container or package of cereal malt beverage or beer containing not more than six percent alcohol by volume to be transferred.

(c) No cereal malt beverage or beer containing not more than six percent alcohol by volume in the possession of a retailer shall be transferred under the provisions of subsection (a) unless the director has granted written permission.

(d) The director may deny an application to transfer inventory under the provisions of subsection (a) if the retailer owes either of the following:

- (1) Any applicable tax; or
- (2) any fines imposed pursuant to applicable law.

(e) The director or any employee or agent of the director may seize and sell any inventory located on the premises subject to a retailer's license if the director determines that the inventory has been abandoned by the licensee. The director may consider any of the following criteria in making a determination that the inventory has been abandoned:

- (1) The licensee no longer occupies the building and has left inventory in the building.
- (2) The licensee has been evicted and has made no attempt to collect the inventory.

(3) Attempts to contact the licensee to determine the licensee's plans for the inventory have been unsuccessful.

(4) The presence of the inventory in the building poses a threat to the public health, safety, and welfare or to the orderly regulation of the market.

(f) Upon the director's determination that the inventory has been abandoned, the director shall notify the retailer, in writing, of the director's intent to seize and sell the inventory. If, within seven calendar days after the date of the director's notice, the retailer has not notified the director that the retailer intends to maintain possession of the inventory, the director may seize and sell the inventory.

(g) The proceeds from the sale of any inventory specified in subsection (e) shall be deposited into the state general fund. (Authorized by and implementing K.S.A. 2017 Supp. 41-212; effective June 7, 2018.)

Sam Williams
Secretary

Doc. No. 046339

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 4.—MATERNAL AND CHILD HEALTH

28-4-125. Background checks. Each applicant, applicant with a temporary permit, and licensee shall meet the following requirements:

(a) Submit to the department the identifying information necessary to complete background checks for each individual who works or regularly volunteers in the facility, each individual at least 10 years of age who resides in the facility, and any other individual in the facility
(continued)

whose activities involve either supervised or unsupervised access to children. The identifying information shall be submitted as follows:

- (1) When submitting an application for a license;
- (2) when submitting an application to renew a license;

and

- (3) before allowing any individual to work, regularly volunteer, or reside in the facility and before allowing any individual whose activities involve either supervised or unsupervised access to children to be in the facility;

(b) ensure that fingerprint-based background checks are completed for each of the following:

- (1) The applicant;
- (2) the applicant with a temporary permit;
- (3) the licensee;
- (4) each provider in a day care home or group day care home;
- (5) each individual at least 18 years of age who resides in a day care home or group day care home;
- (6) each employee in a preschool or child care center;
- (7) each volunteer counted in the staff-child ratio; and
- (8) any other individual regularly in the facility if the individual's activities involve unsupervised access to children;

(c) ensure that the information submitted for each individual specified in subsection (b) includes the required information for background checks from each state of residence throughout the five-year period before allowing the individual to work, regularly volunteer, or reside in the facility;

(d) ensure that name-based background checks by the Kansas bureau of investigation and the Kansas department for children and families are completed for each of the following:

- (1) Each individual at least 10 years of age who resides in a day care home or group day care home;
- (2) each volunteer who is not counted in the staff-child ratio and whose activities do not involve unsupervised access to children;
- (3) each student of an accredited secondary or postsecondary school who is at least 16 years of age and who is participating in an educational experience arranged by the school, if the student is not counted in the staff-child ratio and does not have unsupervised access to children; and
- (4) any other individual regularly in the facility whose activities do not involve unsupervised access to children; and

(e) ensure that no individual works, regularly volunteers, or resides in the facility until the results of the individual's background checks verify that the individual is not prohibited from working, regularly volunteering, or residing in a facility pursuant to K.S.A. 65-516, and amendments thereto. (Authorized by K.S.A. 2017 Supp. 65-508; implementing K.S.A. 2017 Supp. 65-508 and 65-516; effective, T-86-46, Dec. 18, 1985; effective May 1, 1986; amended Feb. 26, 1990; amended June 7, 2018.)

28-4-584. Background checks. Each applicant and each operator shall meet the following requirements:

(a) Submit to the department the identifying information necessary to complete background checks for each individual at least 14 years of age who works or regularly

volunteers in the program and any other individual in the program whose activities involve either supervised or unsupervised access to children. The identifying information shall be submitted as follows:

- (1) When submitting an application for a license;
- (2) when submitting an application to renew a license;

and

- (3) before allowing any individual to work, regularly volunteer in the program and before allowing any individual whose activities involve either supervised or unsupervised access to children to be in the program;

(b) ensure that fingerprint-based background checks are completed for each of the following individuals:

- (1) The applicant;
- (2) the operator;
- (3) each program director;
- (4) each program director designee;
- (5) each staff member;
- (6) each volunteer counted in the supervisory ratio; and
- (7) any other individual regularly in the program whose activities involve unsupervised access to children;

(c) ensure that the information submitted for each individual specified in subsection (b) includes the required information for background checks from each state of residence throughout the five-year period before allowing the individual to work or regularly volunteer in the program;

(d) ensure that name-based background checks by the Kansas bureau of investigation and the Kansas department for children and families are completed for each of the following individuals:

- (1) Each volunteer who is not counted in the supervisory ratio and who does not have unsupervised access to children;
- (2) each student of an accredited secondary or postsecondary school who is at least 16 years of age and who is participating in an educational experience arranged by the school, if the student is not counted in the supervisory ratio and does not have unsupervised access to children; and
- (3) any other individual regularly in the program whose activities do not involve unsupervised access to children; and

(e) ensure that no individual works or regularly volunteers in the program until the results of the individual's background checks verify that the individual is not prohibited from working, regularly volunteering, or residing in a facility pursuant to K.S.A. 65-516, and amendments thereto. (Authorized by K.S.A. 2017 Supp. 65-508; implementing K.S.A. 2017 Supp. 65-516; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended June 7, 2018.)

28-4-705. Background checks. Each applicant and each operator shall meet the following requirements:

(a) Submit to the department the identifying information necessary to complete background checks for each individual who works or regularly volunteers in the drop-in program and any other individual in the drop-in program whose activities involve either supervised or unsupervised access to children. The identifying information shall be submitted as follows:

- (1) When submitting an application for a license;
- (2) when submitting an application to renew a license;

and

(3) before allowing any individual to work or regularly volunteer in the program and before allowing any individual whose activities involve either supervised or unsupervised access to children to be in the program;

(b) ensure that fingerprint-based background checks are completed for each of the following individuals:

- (1) The applicant;
- (2) the operator;
- (3) each program director;
- (4) each program director designee;
- (5) each staff member;
- (6) each volunteer counted in the supervisory ratio; and
- (7) any other individual regularly in the program whose activities involve unsupervised access to children;

(c) ensure that the information submitted for each individual specified in subsection (b) includes the required information for background checks from each state of residence throughout the five-year period before allowing the individual to work or regularly volunteer in the program;

(d) ensure that name-based background checks by the Kansas bureau of investigation and the Kansas department for children and families are completed for each of the following individuals:

- (1) Each volunteer who is not counted in the supervisory ratio and who does not have unsupervised access to children;
- (2) each student of an accredited secondary or postsecondary school who is at least 16 years of age and who is participating in an educational experience arranged by the school, if the student is not counted in the supervisory ratio and does not have unsupervised access to children; and
- (3) any other individual regularly in the program whose activities do not involve unsupervised access to children; and

(e) ensure that no individual works or regularly volunteers in the program until the results of the individual's background checks verify that the individual is not prohibited from working, regularly volunteering, or residing in a facility pursuant to K.S.A. 65-516, and amendments thereto. (Authorized by K.S.A. 2017 Supp. 65-508; implementing K.S.A. 2017 Supp. 65-516; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended June 7, 2018.)

(3) before allowing any individual to work or regularly volunteer in the drop-in program and before allowing any individual whose activities involve either supervised or unsupervised access to children to be in the drop-in program;

(b) ensure that fingerprint-based background checks are completed for each of the following:

- (1) The applicant;
- (2) the operator;
- (3) each staff member;
- (4) each volunteer providing supervision to children; and

(5) any other individual regularly in the drop-in program whose activities involve unsupervised access to children;

(c) ensure that the information submitted for each individual specified in subsection (b) includes the required information for background checks from each state of residence throughout the five-year period before allowing the individual to work or regularly volunteer in the drop-in program;

(d) ensure that name-based background checks by the Kansas bureau of investigation and the Kansas department for children and families are completed for each of the following individuals:

(1) Each volunteer who does not have unsupervised access to children;

(2) each student of an accredited secondary or postsecondary school who is at least 16 years of age and who is participating in an educational experience arranged by the school, if the student does not have unsupervised access to children; and

(3) any other individual regularly in the drop-in program if the individual's activities do not involve unsupervised access to children; and

(e) ensure that no individual works or regularly volunteers in the drop-in program until the results of the individual's background checks verify that the individual is not prohibited from working, regularly volunteering, or residing in a facility pursuant to K.S.A. 65-516, and amendments thereto. (Authorized by K.S.A. 2017 Supp. 65-508; implementing K.S.A. 2017 Supp. 65-516; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004; amended June 7, 2018.)

Jeff Andersen
Secretary

Doc. No. 046337

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 15.—APPLICATION FOR PERMITS; DOMESTIC WATER SUPPLY

28-15-18. Operation and maintenance requirements.

(a) Each person that operates a public water supply system shall ensure that the system is operated, maintained, and supervised by certified personnel pursuant to K.S.A. 65-4501 through 65-4517, and amendments thereto.

(b) Each person that operates a public water supply system shall immediately notify the department and responsible local officials of any situation with the water

system, including a major breakdown or serious loss of water service, that presents or could present an imminent and substantial endangerment to health.

(c) Each person that operates a community water supply system shall prepare an emergency operations plan to safeguard the water supply for the protection of the public if natural or man-made disasters occur. Each emergency operations plan shall be submitted to the secretary for review and consideration for approval to ensure that the plan is protective of public health, safety, and the environment.

(d) Newly constructed or repaired water distribution mains and finished water storage facilities shall be flushed and disinfected before use.

(e) Each community water supply system shall be operated and maintained to provide a minimum positive pressure of 20 psi (140 kN/m²) throughout the entire distribution system except under extraordinary conditions including unusual peak fire flow demand and major distribution system breaks.

(f) Each person that operates a community water supply system and each person that operates a high-risk non-community system designed by the department shall have a regular program for the detection and elimination of cross-connections and prevention of backflow and backsiphonage.

(g) Each finished water reservoir shall be covered by a permanent protective material and shall be vented and screened.

(h) Public water supply system components and protective coatings in contact with water intended for public consumption, and chemicals used in the treatment of water, shall be used to ensure the protection of public health and the environment.

(i) Each person that operates a public water supply system shall respond in writing no later than 30 days after receipt of a sanitary survey report describing how and on what schedule the system will address significant deficiencies identified in the survey. (Authorized by K.S.A. 65-171m; implementing K.S.A. 65-171h; effective May 1, 1982; amended Oct. 1, 2004; amended June 7, 2018.)

28-15-19. Disinfection of drinking water. (a) All drinking water supplied to the public from a public water supply system shall be disinfected.

(b) A sufficient amount of chlorine shall be added to the water to maintain a chlorine residual of at least 0.2 mg/l of free chlorine or 1.0 mg/l of total chlorine throughout the entire distribution system.

(1) Failure to maintain a residual as specified in this subsection in more than five percent of measurements taken each month, in any two consecutive months, shall be a violation of this regulation.

(2) Each day the public water supply system serves water to customers, the operator shall make a determination of the chlorine residual as follows:

(A) The operator shall make a daily determination to ensure that the residual levels required by this subsection are maintained. The operator shall vary sampling locations throughout the distribution system.

(B) The operator shall record and maintain data to demonstrate to the department that the public water sup-

(continued)

ply system is in compliance with the requirements of this regulation.

(3) If the chlorine residual is less than the minimum level required by this subsection, the operator shall take appropriate action to increase the chlorine residual to the level specified in this subsection. (Authorized by and implementing K.S.A. 65-171m; effective May 1, 1982; amended Sept. 26, 1994; amended June 7, 2018.)

Article 15a.—PRIMARY DRINKING WATER

28-15a-2. Definitions; replaced terms. (a) For the purposes of this article and article 15 of the department's regulations, the definitions in 40 C.F.R. 141.2, as in effect on July 1, 2015, are hereby adopted by reference with the following alterations:

(1)(A) The definition of "Public water system" shall be replaced with the following:

" 'Public water supply system' means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if the system has at least 10 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. This term shall include the following:

"(1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system; and

"(2) any collection or pretreatment storage facilities not under this control that are used primarily in connection with the system.

"This term shall not include any 'special irrigation district.'

"Each public water supply system shall be deemed either a 'community water supply system' or a 'non-community water supply system.' "

(B) The term "public water supply system" shall replace the term "public water system" wherever the latter term appears in any of the text adopted in this article.

(2) The definition of "Community water system" shall be replaced with the following: " 'Community water supply system' means a public water supply system which has at least 10 service connections used by year-round residents or regularly serves at least 25 year-round residents."

The term "community water supply system" shall replace the term "community water system" wherever the latter term appears in any of the text adopted in this article.

(3) The definition of "Person" shall be replaced by the following: " 'Person' means an individual, corporation, company, institution, association, partnership, township, municipality, county, state, or federal agency that owns, administers, operates, or maintains a public water supply system that includes a community water supply system or a non-community water supply system."

(4) The following definitions shall be added to 40 C.F.R. 141.2:

(A) "Administrator" means administrator of the environmental protection agency.

(B) "Approved laboratory" means a laboratory certified and approved by the department to analyze water samples to determine compliance with maximum contaminant levels or to perform other required analyses.

(C) "Department" and "primacy agency" mean Kansas department of health and environment.

(D) "Distribution system" means the system of conduits and appurtenances by which a water supply is distributed to customers.

(E) "Laboratory tests" means all bacteriological, chemical, physical, or radiological tests made by either the departmental laboratory or an approved laboratory on water samples that were submitted by the operator of a public water supply system to confirm the quality of water.

(F) "Operating records and reports" means the daily record and the monthly report of data connected with the operation of the public water supply system's facilities.

(G) "Secretary" means secretary of the Kansas department of health and environment.

(H) "Significant deficiency" means any defect in a public water supply system's design, operation, maintenance, or administration, as well as any failure or malfunction of any system component that causes, or has the potential to cause, an unacceptable risk to health or that could affect the reliable delivery of safe drinking water.

(I) "Turbidity" means the cloudy condition of water caused by the presence of finely suspended matter, including clay, silt, plankton, and microscopic organisms, resulting in the scattering and absorption of light rays. Turbidity is measured in nephelometric turbidity units (NTU).

(b) For the purposes of this article and article 15 of the department's regulations, the following terms and phrases appearing in the federal regulations adopted by reference in this article and article 15 of the department's regulations shall be defined or replaced as specified in this subsection:

(1) "Must" shall be replaced by "shall."

(2) "SDWA" means the safe drinking water act, 42 U.S.C. Sec. 300f et seq., and amendments thereto.

(3) "This part" and "part" shall be replaced by "this article" and "article."

(4) "This subpart" and "subpart" mean that specific, named group of primary drinking water regulations in which the regulation is placed within this article. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-3. Coverage; conditions for exclusion. The provisions of 40 C.F.R. 141.3, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-4. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-6. Effective dates. For each requirement in any portion of a C.F.R. adopted by reference in this article of the department's regulations with an expired effective date, completion date, or beginning compliance date, that expired date shall be replaced with the effective date of this regulation. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-11. Maximum contaminant levels for inorganic chemicals. The provisions of 40 C.F.R. 141.11(d), as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-21. Coliform sampling. Each person that operates a public water supply system shall comply with the following monitoring and analytical requirements for coliforms:

(a) The sampling period for microbiological compliance shall be one calendar month for all public water supply systems.

(b) If a person that operates a public water supply system collecting fewer than five routine samples per month has at least one total coliform-positive sample and the department does not invalidate any of the samples, the person shall collect at least five routine samples during the next month the person provides water to the public, unless directed otherwise by the department.

(c)(1) Each person that operates a public water supply system that uses surface water as its source of supply and serves a population of 4,100 or less shall take at least four water samples during each sampling period.

(2) Each person that operates a public water supply system that uses surface water as its source of supply and serves a population greater than 4,100 shall take water samples according to the table in subsection (d).

(3) Each person that operates a public water supply system that uses groundwater, not including groundwater under direct influence of surface water, as its source of supply and each person that operates a public water supply system that purchases water from another public water supply system shall take water samples according to the table in subsection (d).

(d) Each person that operates a public water supply system shall ensure that routine samples are collected at regular time intervals and analyzed for total coliform bacteria as specified in the following table:

Population Served	Minimum number of samples per sampling period
25 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180

For each additional 150,000 in population, an additional 30 water samples shall be analyzed for each sampling period. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-23. Inorganic chemical sampling and analytical requirements. Each person that operates a public water supply system shall comply with the sampling and analytical requirements specified in 40 C.F.R. 141.23, as in effect on July 1, 2015 and hereby adopted by reference, with the addition of the following text, which shall be added at the beginning of 40 C.F.R. 141.23(c):

“Inorganic analysis for calcium, chloride, iron, magnesium, manganese, pH, potassium, silica, sodium, specific conductance, sulfate, total alkalinity, total dissolved solids, total hardness, and total phosphorus shall be required from each community water supply system with its own source of supply and from each non-transient, non-community water supply system with its own source of supply. Each person operating a groundwater system shall take one sample at each sampling point during each compliance period. Each person operating a surface water system (or combined surface water and groundwater system) shall take one sample annually at each sampling point.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-24. Requirements for sampling and analyzing organic chemicals. The provisions of 40 C.F.R. 141.24, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-25. Analytical methods for measuring radioactivity. The provisions of 40 C.F.R. 141.25, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-26. Frequency of monitoring for radioactivity. The provisions of 40 C.F.R. 141.26, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-27. Alternate analytical techniques and testing methods. (a) The following documents are hereby adopted by reference:

- (1) 40 C.F.R. 141.27, as in effect on July 1, 2015; and
- (2) 40 C.F.R. part 141, subpart C, appendix A, as in effect on July 1, 2017 and as amended by 82 fed. reg. 34867-34870 (2017).

(b) In addition to the requirements of 40 C.F.R. 141.27 and appendix A to subpart C of part 141 as adopted in subsection (a), each person that operates a public water supply system shall ensure that the analyses of drinking water samples required by this article of the department’s regulations are performed in accordance with the approved methods listed in appendix A for contaminants, disinfectant residuals, and parameters.

(c) If drinking water samples are required by this article of the department’s regulations to be analyzed, each person that operates a public water supply system shall ensure that the analysis is conducted by an accredited

(continued)

laboratory as specified in K.A.R. 28-15-35. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-28. Approved laboratories. The provisions of 40 C.F.R. 141.28, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-29. Monitoring of consecutive public water supply systems. The provisions of 40 C.F.R. 141.29, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-31. General reporting requirements. The provisions of 40 C.F.R. 141.31, as in effect on July 1, 2015, are hereby adopted by reference, except that "subpart Q of this part" shall be replaced by "K.A.R. 28-15a-201." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-32. Electronic reporting requirements. (a) No later than six months after written notification from the department, each person that operates a public water supply system shall meet the following requirements:

(1) Submit to the department a written acknowledgment of compliance with the electronic submission requirement; and

(2) commence the submission of all required documents, including surveys, assessments, reports, monitoring, and compliance data, by only electronic means.

(b) Each electronic submission shall be made according to the department's designated procedures. (Authorized by and implementing K.S.A. 65-171m; effective June 7, 2018.)

28-15a-33. General record maintenance. The provisions of 40 C.F.R. 141.33, as in effect on July 1, 2015, are hereby adopted by reference, except that "subpart Q of this part" shall be replaced by "K.A.R. 28-15a-201." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-41. Special monitoring for sodium. The provisions of 40 C.F.R. 141.41, as in effect on July 1, 2015, are hereby adopted by reference, except that the last sentence of 141.41(b) shall not be adopted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-42. Special monitoring for corrosivity characteristics. The provisions of 40 C.F.R. 141.42, as in effect on July 1, 2015, are hereby adopted by reference, except that in paragraph (d), the text "In addition, States may require identification and reporting of other materials of construction present in distribution systems that may contribute contaminants to the drinking water, such as:" shall be replaced by the following text: "Community water supply systems shall identify whether the following construction materials are present in their distribution system and shall report to the department:". (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-43. Prohibition on use of lead pipes, solder, and flux. The provisions of 40 C.F.R. 141.43(a) and (d) as in effect on July 1, 2015, are hereby adopted by reference,

except that 40 C.F.R. 141.43(d)(2) shall be replaced with the following text:

"(d)(2) When used with respect to pipes and pipe fitting refers to pipes and pipe fittings containing not more than 0.25% lead calculated across the wetted surfaces of a pipe, pipe fitting, plumbing fitting, and fixture." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-60. Effective dates for maximum contaminant levels and maximum residual disinfectant levels. The provisions of 40 C.F.R. 141.60, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-61. Maximum contaminant levels for organic contaminants. The provisions of 40 C.F.R. 141.61, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-62. Maximum contaminant levels for inorganic contaminants. The provisions of 40 C.F.R. 141.62, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-63. Maximum contaminant levels for microbiological contaminants. The provisions of 40 C.F.R. 141.63(c), (e), and (f), as in effect on July 1, 2015, are hereby adopted by reference, except that "subpart Q of this part" shall be replaced by "K.A.R. 28-15a-201" and "subpart Y of this part" shall be replaced by "K.A.R. 28-15a-851." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-64. Maximum contaminant levels for disinfection by-products. The provisions of 40 C.F.R. 141.64, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-65. Maximum residual disinfectant levels. The provisions of 40 C.F.R. 141.65, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-66. Maximum contaminant levels for radionuclides. The provisions of 40 C.F.R. 141.66, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-70. Requirements for filtration and disinfection. The provisions of 40 C.F.R. 141.70 and 40 C.F.R. 141.72 through 40 C.F.R. 141.76, as in effect on July 1, 2015, are hereby adopted by reference with the following alterations:

(a) 40 C.F.R. 141.72(a) shall be deleted.

(b) 40 C.F.R. 141.72(b)(3)(i) shall be replaced with the following text:

"A sufficient amount of chlorine shall be added to the water to maintain a chlorine residual of at least 0.2 mg/L of free chlorine or 1.0 mg/L of total chlorine throughout the entire distribution system.

“Failure to maintain a residual as specified in 141.72(b)(3)(i) in more than five percent of measurements taken each month, in any two consecutive months, shall be a violation of this regulation and shall be reported to the department by the tenth day following the month in which the violation occurred.

“Each day the public water supply system serves water to customers, the operator shall make a measurement of the chlorine residual. The operator shall record and maintain data to demonstrate to the department that the public water supply system is in compliance with the requirements of 141.72(b)(3)(i).”

(c) 40 C.F.R. 141.74(b) and 141.75(a)(1) and (a)(2) shall be deleted.

(d) The first sentence of 40 C.F.R. 141.74(c)(3)(i) shall be deleted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-72. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-73. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-74. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-75. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-76. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-80. Requirements for the control of lead and copper. The provisions of 40 C.F.R. 141.80 through 141.91, as in effect on July 1, 2015, are hereby adopted by reference, except that “subpart I” shall be replaced by “K.A.R. 28-15a-80.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-81. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-82. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-83. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-84. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-85. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-86. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-87. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-88. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-89. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-90. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-91. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-100. Requirements for public water supply systems using point-of-entry devices or point-of-use devices. The provisions of 40 C.F.R. 141.100, as in effect on July 1, 2015, are hereby adopted by reference with the addition of the following text:

“(f) The public water supply system shall not exceed 100 service connections. Each person that operates a public water supply system exceeding 100 service connections that wishes to install any point-of-entry devices or point-of-use devices, or both, shall submit a formal request to the department. Each person that operates a public water supply system shall not proceed with installation of these devices without written approval from the department.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-101. Use of bottled water. Each person operating a public water supply system shall ensure that the system uses bottled water only in accordance with 40 C.F.R. 141.101, as in effect on July 1, 2015 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-110. General requirements for treatment techniques. The provisions of 40 C.F.R. 141.110, as in effect on July 1, 2015, are hereby adopted by reference, except that “subpart K of this part” shall be replaced by “K.A.R. 28-15a-110 and K.A.R. 28-15a-111.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-111. Treatment techniques for acrylamide and epichlorohydrin. The provisions of 40 C.F.R. 141.111, as in effect on July 1, 2015, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-130. Disinfectant residuals, disinfection by-products, and disinfection by-product precursors. The provisions of 40 C.F.R. 141.130 through 141.135, as in effect on July 1, 2015, are hereby adopted by reference with the following alterations:

(a) “Appendix A to subpart C of this part” shall be replaced by “K.A.R. 28-15a-27.”

(b) “Subpart Q of this part” shall be replaced by “K.A.R. 28-15a-201.”

(c) “Subparts U and V of this part” shall be replaced by “K.A.R. 28-15a-600 and K.A.R. 28-15a-620.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-131. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-132. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-133. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-134. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-135. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-151. Requirements for consumer confidence reports. The provisions of 40 C.F.R. 141.151
(continued)

through 141.155 and appendix A to subpart O of part 141, as in effect on July 1, 2015, are hereby adopted by reference with the following alterations:

(a) 40 C.F.R. 141.151(f) shall be deleted.

(b) The text in 40 C.F.R. 141.153(d)(1)(i) shall be replaced with the following: "Contaminants subject to an MCL, action level, maximum residual disinfectant level, treatment technique for regulated contaminants, and those contaminants listed in K.A.R. 28-15a-23 which are not subject to an MCL but are required to be monitored."

(c) The text in 40 C.F.R. 141.155(c) shall be replaced with the following: "No later than the date a community water supply system is required to distribute the report to its customers, that system shall submit a copy of the report to the department, including a certification of delivery that the report has been distributed to customers and that the information is correct and consistent with the compliance monitoring data contained in the report." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-152. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-153. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-154. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-155. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-170. Enhanced filtration and disinfection requirements for subpart H systems serving 10,000 or more people. The provisions of 40 C.F.R. 141.170 and 40 C.F.R. 141.172 through 141.175, as in effect on July 1, 2015, are hereby adopted by reference, except that "this subpart P" shall be replaced by "K.A.R. 28-15a-170." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-172. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-173. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-174. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-175. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-201. Requirements for public notification. Each person that operates a public water supply system shall comply with 40 C.F.R. 141.201 through 141.211 and appendices A, B, and C to subpart Q of part 141, as in effect on July 1, 2015 and hereby adopted by reference, except that in 40 C.F.R. 141.201, the last sentence of the introduction shall be deleted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-202. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-203. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-204. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-205. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-206. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-207. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-208. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-209. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-210. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-400. Requirements for the groundwater rule. The provisions of 40 C.F.R. 141.400 through 141.405, as in effect on July 1, 2015, are hereby adopted by reference, except that "this subpart S" shall be replaced by "K.A.R. 28-15a-400." (Authorized by and implementing K.S.A. 65-171m; effective June 7, 2018.)

28-15a-500. Requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people. (a) The following sections in 40 C.F.R. part 141, as in effect on July 1, 2015, are hereby adopted by reference, except as specified in this regulation:

(1) 141.500 through 141.502;

(2) 141.503(a) and 141.503(c) through (g);

(3) 141.510 and 141.511;

(4) 141.530;

(5) 141.531, except that the last sentence shall be deleted and replaced with the following text: "An alternative TTHM and HAA5 data set may be approved by the secretary if a system demonstrates that the alternative data set is more representative of TTHM and HAA5 levels";

(6) 141.532 through 141.536;

(7) 141.540 through 141.544;

(8) 141.550 through 141.553;

(9) 141.560 through 141.564;

(10) 141.570; and

(11) 141.571.

(b) In the portions of 40 C.F.R. part 141 adopted by reference in subsection (a), the phrase "subpart T" shall be replaced by "K.A.R. 28-15a-500." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; amended June 7, 2018.)

28-15a-501. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-502. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-503. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-530. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-531. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-532. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-533. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-534. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-535. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-536. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-540. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-541. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-542. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-543. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-544. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-550. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-551. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-552. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-553. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-560. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-561. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-562. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-563. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-564. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-570. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-571. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004; revoked June 7, 2018.)

28-15a-600. Initial distribution system evaluations of the stage 2 disinfection by-products rule. The provisions of 40 C.F.R. 141.600 through 141.605, as in effect on July 1, 2015, are hereby adopted by reference, with the following alterations:

(a) "Subpart U of this part" shall be replaced by "K.A.R. 28-15a-600."

(b) "Subpart V of this part" shall be replaced by "K.A.R. 28-15a-620."

(c) "Subpart L of this part" shall be replaced by "K.A.R. 28-15a-130." (Authorized by and implementing K.S.A. 65-171m; effective June 7, 2018.)

28-15a-620. Disinfection by-products requirements of the stage 2 disinfection by-products rule. The

provisions of 40 C.F.R. 141.620 through 141.629, as in effect on July 1, 2015, are hereby adopted by reference, except that "subpart V of this part" shall be replaced by "K.A.R. 28-15a-620" and "subpart L of this part" shall be replaced by "K.A.R. 28-15a-130." (Authorized by and implementing K.S.A. 65-171m; effective June 7, 2018.)

28-15a-700. Enhanced treatment for *Cryptosporidium*. The provisions of 40 C.F.R. 141.700 through 141.711 and 40 C.F.R. 141.713 through 141.722, as in effect on July 1, 2015, are hereby adopted by reference, with the following alterations:

(a) "This subpart W" shall be replaced by "K.A.R. 28-15a-700."

(b) "Subparts H, P and T of this part" shall be replaced by "K.A.R. 28-15a-70, K.A.R. 28-15-170, and K.A.R. 28-15-500." (Authorized by and implementing K.S.A. 65-171m; effective June 7, 2018.)

28-15a-851. Requirements for the revised total coliform rule. The provisions of 40 C.F.R. 141.851 through 141.861, as in effect on July 1, 2015, are hereby adopted by reference with the alterations specified in this regulation.

(a) Exclusions. The following portions of 40 C.F.R. 141.851 through 141.861 shall be excluded from adoption:

(1) 40 C.F.R. 141.854(a)(4), (b), (c), (d), (e), (f), (g), and (h);

(2) 40 C.F.R. 141.855(b), (c), (d), and (e);

(3) 40 C.F.R. 141.856(b) and (c);

(4) 40 C.F.R. 141.857(b), (c), and (d); and

(5) 40 C.F.R. 141.859(a)(2)(iii).

(b) Modifications.

(1)(A) In 40 C.F.R. 141.854(i)(2), the following text shall be deleted: "unless it meets the criteria in paragraphs (i)(2) (i) through (iii) of this section to be eligible for monitoring less frequently than monthly beginning April 1, 2016, except as provided under paragraph (c) of this section."

(B) In 40 C.F.R. 141.854(i)(3), the following text shall be deleted: "except that systems that monitor less frequently than monthly must still monitor during the vulnerable period designated by the State."

(C) In 40 C.F.R. 141.854(j), the following text shall be deleted from the first sentence: "collecting samples on a quarterly or annual frequency."

(D) In 40 C.F.R. 141.855(f), the following text shall be deleted from the first sentence: "collecting samples on a quarterly frequency."

(2)(A) "Appendix A to subpart C of part 141" shall be replaced by "K.A.R. 28-15a-27."

(B) "Subpart H" shall be replaced by "K.A.R. 28-15a-70." "Subparts H, P, T and W" shall be replaced by "K.A.R. 28-15a-70, K.A.R. 28-15a-170, K.A.R. 28-15a-500, and K.A.R. 28-15a-700."

(C) "Subpart Q of this part" shall be replaced by "K.A.R. 28-15a-201."

(D) "Subpart S" shall be replaced by "K.A.R. 28-15a-400."

(E) "Subpart Y" shall be replaced by "K.A.R. 28-15a-851." (Authorized by and implementing K.S.A. 65-171m; effective June 7, 2018.)

Jeff Andersen
Secretary

Doc. No. 046338

State of Kansas

Board of Regents

Permanent Administrative Regulation

**Article 3. — GUIDELINES FOR THE
DETERMINATION OF RESIDENCY
FOR FEE PURPOSES**

88-3-8a. Military personnel and veterans. (a) "Armed forces" and "veteran" shall have the meanings specified in K.S.A. 2017 Supp. 48-3601, and amendments thereto.

(b) The resident fee privilege shall be accorded to any person who meets the following conditions:

(1) Is enrolled at any state educational institution, as defined by K.S.A. 76-711 and amendments thereto; and

(2) meets one of the following conditions:

(A)(i) Is currently serving in the armed forces; or

(ii) is a veteran of the armed forces who files with the postsecondary educational institution at which the veteran is enrolled a letter of intent to establish residence in Kansas, lives in Kansas while attending the postsecondary educational institution at which the veteran is enrolled, and is eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

(B) is the spouse or dependent child of a person who qualifies for resident tuition rates and fees pursuant to paragraph (b)(2)(A)(i) or who, if qualifying through a veteran pursuant to paragraph (b)(2)(A)(ii), files with the postsecondary educational institution at which the spouse or dependent child is enrolled a letter of intent to establish residence in Kansas, lives in Kansas while attending the postsecondary educational institution at which the spouse or dependent child is enrolled, and is eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans; or

(C) is a person who is living in Kansas at the time of enrollment and is one of the following:

(i) A veteran who was permanently stationed in Kansas during service in the armed forces or had established residency in Kansas before service in the armed forces; or

(ii) the spouse or dependent of a veteran who was permanently stationed in Kansas during service in the armed forces or had established residency in Kansas before service in the armed forces.

(c) This regulation shall not be construed to prevent a person covered by this regulation from acquiring or retaining a bona fide residence in Kansas.

(d) Each person seeking the resident fee privilege pursuant to this regulation shall be responsible for providing the appropriate office at the state educational institution at which the person seeks admission or is enrolling with the information and written documentation necessary to verify that the person meets the applicable requirements of K.S.A. 2017 Supp. 48-3601 and K.S.A. 76-729, and amendments thereto, and this regulation. This documentation shall include one of the following:

(1) If claiming current status in the armed forces, written documentation verifying that status. For each reserve

officers' training corps (ROTC) cadet and midshipman, this documentation shall include a copy of the person's current contract for enlistment or reenlistment in the armed forces;

(2) if claiming veteran status pursuant to paragraph (b)(2)(A)(ii), the following:

(A) Written documentation verifying that the veteran qualifies for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

(B) written documentation verifying that the veteran lives or will live in Kansas while attending the state educational institution; and

(C) a letter signed by the veteran attesting an intent to become a resident of Kansas;

(3) if claiming spouse or dependent child status based upon the relationship to a current member of the armed forces, the following:

(A) Written documentation verifying the required relationship to the current member of the armed forces; and

(B) written documentation verifying that the member of the armed forces is currently serving;

(4) if claiming spouse or dependent child status based upon a relationship with a veteran pursuant to paragraph (b)(2)(B), the following:

(A) Written documentation verifying the required relationship to the veteran;

(B) written documentation verifying that the spouse or dependent child qualifies for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans;

(C) written documentation verifying that the spouse or dependent child of the veteran lives or will live in Kansas while that person is a student attending the state educational institution; and

(D) a written letter signed by the spouse or dependent child of the veteran, attesting that the spouse or dependent child intends to become a resident of Kansas; or

(5) if claiming status as a veteran pursuant to paragraph (b)(2)(C)(i) who is not otherwise eligible for benefits under the federal post-9/11 veterans educational assistance act or any other federal law authorizing educational benefits for veterans, or the spouse or dependent of the veteran pursuant to paragraph (b)(2)(C)(ii), written documentation verifying both of the following:

(A) The veteran was previously assigned to a permanent station in Kansas while on active duty, or the veteran established Kansas residency before the veteran's service in the armed forces.

(B) The veteran, spouse, or dependent of the veteran who is seeking residency status is living in Kansas at the time of enrollment. (Authorized by K.S.A. 76-730; implementing K.S.A. 2017 Supp. 48-3601, K.S.A. 2017 Supp. 76-729, and K.S.A. 76-730; effective July 27, 2007; amended Jan. 18, 2013; amended, T-88-8-10-15, Aug. 10, 2015; amended Dec. 18, 2015; amended May 26, 2017; amended June 7, 2018.)

Blake Flanders
President and CEO

Doc. No. 046340

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2017 Supplement of the *Kansas Administrative Regulations*.

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4-2-8	Amended	V. 36, p. 1088
4-2-17a	Revoked	V. 36, p. 1088
4-2-21	New	V. 36, p. 1088

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5-5-10	Amended	V. 36, p. 1036
5-5-16	Amended	V. 36, p. 1037
5-14-10	Amended	V. 36, p. 823
5-14-11	Amended	V. 36, p. 1038
5-14-12	New	V. 36, p. 825
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9-10-33a	Amended	V. 36, p. 1038
9-10-40	New	V. 36, p. 1038
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9-18-3	Revoked	V. 36, p. 1229
9-18-4	New	V. 36, p. 1229
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9-18-6	New	V. 36, p. 1229
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40-4-42a	Amended	V. 36, p. 954

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49-55-4	Amended	V. 36, p. 1106
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49-55-6	Amended	V. 36, p. 1107
49-55-8	Amended	V. 36, p. 1107
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49-55-13	New	V. 36, p. 1107

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68-7-15	Amended	V. 36, p. 1307
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68-7-23	New	V. 36, p. 1017
68-11-2	Amended	V. 36, p. 1308
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68-13-4	New	V. 37, p. 370
68-21-7	Amended	V. 37, p. 374

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70-5-1	Amended	V. 36, p. 140
70-6-1	Amended	V. 36, p. 1328

70-7-1	Amended	V. 36, p. 1330
70-8-1	Amended	V. 36, p. 1331

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74-4-3a	Amended	V. 37, p. 20
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88-28-3	Amended	V. 36, p. 449
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109-5-1d	Amended	V. 36, p. 1360
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109-8-2	Amended	V. 36, p. 1362
109-9-4	Amended	V. 36, p. 1363
109-10-1a	Amended	V. 36, p. 1363
109-10-1b	Amended	V. 36, p. 1363
109-10-1c	Amended	V. 36, p. 1363
109-10-1d	Amended	V. 36, p. 1364
109-10-1f	Revoked	V. 36, p. 1364

109-10-1g	Revoked	V. 36, p. 1364
109-10-3	Amended	V. 36, p. 1364
109-10-7	Amended	V. 36, p. 1364
109-11-1a	Amended	V. 36, p. 1365
109-11-9	Amended	V. 36, p. 1365
109-13-1	Revoked	V. 36, p. 1366

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*.

Reg. No.	Action	Register
111-4-3507	Amended	V. 37, p. 127
111-4-3508	New	V. 37, p. 132
111-4-3509	New	V. 37, p. 132
111-4-3510	New	V. 37, p. 215
111-4-3511	New	V. 37, p. 216
111-4-3512	New	V. 37, p. 217

111-4-3513	New	V. 37, p. 247
111-4-3514	New	V. 37, p. 248
111-4-3515	New	V. 37, p. 249
111-4-3516	New	V. 37, p. 439
111-4-3517	New	V. 37, p. 440
111-4-3518	New	V. 37, p. 442
111-4-3519	New	V. 37, p. 443
111-4-3520	New	V. 37, p. 444
111-5-80	Amended	V. 37, p. 218
111-5-81	Amended	V. 37, p. 219
111-5-82	Amended	V. 37, p. 220
111-5-83	Amended	V. 37, p. 221
111-5-84	Amended	V. 37, p. 221
111-5-85	Amended	V. 37, p. 221
111-7-267	New	V. 37, p. 133
111-9-218	New	V. 37, p. 251
111-19-11	Amended	V. 37, p. 251
111-19-26	New	V. 37, p. 134
111-19-27	New	V. 37, p. 222
111-19-28	New	V. 37, p. 222
111-19-43	New	V. 37, p. 252
111-301-39	Amended	V. 37, p. 223
111-301-63	New	V. 37, p. 135
111-301-64	New	V. 37, p. 135
111-301-65	New	V. 37, p. 136
111-301-66	New	V. 37, p. 136
111-302-4	Amended	V. 37, p. 223
111-302-5	Amended	V. 37, p. 223
111-401-6	Amended	V. 37, p. 253
111-401-11	Amended	V. 37, p. 254
111-401-63	Amended	V. 37, p. 445
111-401-117	Amended	V. 37, p. 254
111-501-24	Amended	V. 37, p. 256
111-501-25	Amended	V. 37, p. 257
111-501-141	Amended	V. 37, p. 257
111-501-142	Amended	V. 37, p. 258
111-501-143	Amended	V. 37, p. 258
111-601-36	Amended	V. 37, p. 447
111-601-37	Amended	V. 37, p. 449

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

Reg. No.	Action	Register
115-2-1	Amended	V. 36, p. 1332

115-2-3	Amended	V. 36, p. 1334
115-2-4	Amended	V. 36, p. 1335
115-2-6	Amended	V. 36, p. 1335
115-4-2	Amended	V. 36, p. 273
115-4-11	Amended	V. 36, p. 274
115-7-1	Amended	V. 36, p. 1336
115-7-4	Amended	V. 36, p. 1337
115-7-10	Amended	V. 36, p. 1337
115-8-1	Amended	V. 36, p. 398
115-15-3	Amended	V. 37, p. 81
115-15-4	Amended	V. 37, p. 82
115-16-3	Amended	V. 36, p. 859
115-17-2	Amended	V. 36, p. 1337
115-17-3	Amended	V. 36, p. 1338
115-18-12	Amended	V. 36, p. 1338
115-18-19	Amended	V. 36, p. 1338
115-18-20	Amended	V. 36, p. 1338
115-20-2	Amended	V. 36, p. 859
115-20-7	Amended	V. 36, p. 860

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 36, p. 452
117-2-2	Amended	V. 36, p. 452
117-2-2a	Amended	V. 36, p. 453
117-3-2	Amended	V. 36, p. 454
117-3-2a	Amended	V. 36, p. 455
117-4-2	Amended	V. 36, p. 455
117-4-2a	Amended	V. 36, p. 456
117-5-2a	Amended	V. 36, p. 457
117-8-3	Amended	V. 37, p. 98

AGENCY 123: DEPARTMENT OF CORRECTIONS—DIVISION OF JUVENILE SERVICES

Reg. No.	Action	Register
123-17-101	New	V. 36, p. 369

AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-6-4	Amended	V. 36, p. 271

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