ABC LEGAL UPDATE

SEPTEMBER 18, 2018
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To alcohol, the cause and solution to all of life's problems.

(Homer Simpson)
SB 110

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WHAT DO WORDS MEAN?
YOUR ASSIGNMENT
(1) “Alcohol” means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

(2) “Alcoholic beverage” means every liquid, solid, powder, or crystal, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:

(a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy.
(2) “Alcoholic beverage” means every liquid, solid, powder, or crystal, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:

(b) Patented, patent, and proprietary medicines
(c) Toilet, medicinal, and antiseptic preparations and solutions
(d) Flavoring extracts and syrups
(e) Denatured alcohol or denatured rum
(2) “Alcoholic beverage” means every liquid, solid, powder, or crystal, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products

(f) Vinegar and preserved sweet cider

(g) Wine for sacramental purposes and

(h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use
(3) (a) “Alcohol vaporizing device” or “AWOL device” means any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption.

(b) “Alcohol vaporizing device” or “AWOL device” does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage.
(4) “Automobile race track” means a facility primarily used for vehicle racing that has a seating capacity of at least thirty thousand (30,000) people

(5) “Bed and breakfast” means a one (1) family dwelling unit that

(a) Has guest rooms or suites used, rented, or hired out for occupancy or that are occupied for sleeping purposes by persons not members of the single-family unit

(b) Holds a permit under KRS Chapter 219 and

(c) Has an innkeeper who resides on the premises or property adjacent to the premises during periods of occupancy
(6) “Board” means the State Alcoholic Beverage Control Board created by KRS 241.030

(7) “Bottle” means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail

(8) “Brewer” means any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent

(9) “Brewery” means any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept
(10) “Building containing licensed premises” means the licensed premises themselves and includes the land, tract of land, or parking lot in which the premises are contained, and any part of any building connected by direct access or by an entrance which is under the ownership or control of the licensee by lease holdings or ownership.

(11) “Caterer” means a person operating a food service business that prepares food in a licensed and inspected commissary, transports the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to an agreed location, and serves the food and alcoholic beverages pursuant to an agreement with another person.
(12) “Charitable organization” means a nonprofit entity recognized as exempt from federal taxation under section 501(c) of the Internal revenue Code (26 U.S.C. sec. 501(c)) or any organization having been established and continuously operating within the Commonwealth of Kentucky for charitable purposes for three (3) years and which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, literary, civic, fraternal, or patriotic purposes.

(13) “Cider” means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider.
(14) “City administrator” means city alcoholic beverage control administrator
(15) “Commercial airport” means an airport through which more than five hundred thousand (500,000) passengers arrive or depart annually
(16) “Commercial quadricycle” means a vehicle equipped with a minimum of ten (10) pairs of fully operative pedals for propulsion by means of human muscular power exclusively and which
(a) Has four (4) wheels
(b) Is operated in a manner similar to that of a bicycle
(c) Is equipped with a minimum of thirteen (13) seats for passengers
(16) “Commercial quadricycle” means a vehicle equipped with a minimum of ten (10) pairs of fully operative pedals for propulsion by means of human muscular power exclusively and which

   (d) Has a unibody design
   (e) Is equipped with a minimum of four (4) hydraulically operated brakes
   (f) Is used for commercial tour purposes and
   (g) Is operated by the vehicle owner or an employee of the owner

(17) “Commissioner” means the commissioner of the Department of Alcoholic Beverage Control
(18) “Convention center” means any facility which, in its usual and customary business, provides seating for a minimum of one thousand (1,000) people and offers convention facilities and related services for seminars, training and educational purposes, trade association meetings, conventions, or civic and community events or for plays, theatrical productions, or cultural exhibitions.

(19) “Convicted” and “conviction” means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

(20) “County administrator” means county alcoholic beverage control administrator.

(21) “Department” means the Department of Alcoholic Beverage Control.
(22) “Dining car” means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company.

(23) “Discount in the usual course of business” means price reductions, rebates, refunds, and discounts given by wholesalers to distilled spirits and wine retailers pursuant to an agreement made at the time of the sale of the merchandise involved and are considered a part of the sales transaction, constituting reductions in price pursuant to the terms of the sale, irrespective of whether the quantity discount was:

(a) Prorated and allowed on each delivery

(b) Given in a lump sum after the entire quantity of merchandise purchased had been delivered or

(c) Based on dollar volume or on the quantity of merchandise purchased
(24) “Distilled spirits” or “spirits” means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages

(25) “Distiller” means any person who is engaged in the business of manufacturing distilled spirits at any distillery in the state and is registered in the Office of the Collector of Internal Revenue for the United States at Louisville, Kentucky

(26) “Distillery” means any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse
(27) “Distributor” means any person who distributes malt beverages for the purpose of being sold at retail

(28) “Dry” means a territory in which a majority of the electorate voted to prohibit all forms of retail alcohol sales through a local option election held under KRS Chapter 242

(29) “Election” means

(a) An election held for the purpose of taking the sense of the people as to the application or discontinuance of alcoholic beverage sales under KRS Chapter 242 or

(b) Any other election not pertaining to alcohol
(30) “Horse racetrack” means a facility licensed to conduct a horse race meeting under KRS Chapter 230

(31) “Hotel” means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons

(32) “Investigator” means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting licensees, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes
(33) “License” means any license issued pursuant to KRS Chapters 241 to 244
(34) “Licensee” means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244
(35) “Limited restaurant” means

(a) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a wet or moist territory under KRS 424.1244 or
(35) “Limited restaurant” means

(b) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons of dining, and which is located in a wet or moist territory under KRS 242.1244.

(36) “Local administrator” means a city alcoholic beverage administrator, county alcoholic beverage administrator, or urban-county alcoholic beverage control administrator.

(37) “Malt beverage” means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and includes weak cider.
(38) “Manufacture” means distill, rectify, brew, bottle, and operate a winery

(39) “Manufacturer” means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages

(40) “Minor” means any person who is not twenty-one (21) years of age or older

(41) “Moist” means a territory in which a majority of the electorate voted to permit limited alcohol sales by any one (1) or a combination of special limited local option elections authorized by KRS 242.022, 242.123, 242.1238, 242.124, 242.1242, 242.1243, 242.1244, or 242.1292

(42) “Population” means the population figures established by the federal decennial census for a census year of the current yearly population estimates prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, for all other years
(43) “Premises” means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. “Premises” shall not include as a single unit two (2) or more separate businesses of one (1) owner on the same lot or tract of land, in the same or in different buildings if physical and permanent separation of the premises is maintained, excluding employee access by keyed entry and emergency exits equipped with crash bars, and each has a separate public entrance accessible directly from the sidewalk or parking lot. Any licensee holding an alcoholic beverage license on July 15, 1998, shall not, by reason of this subsection, be ineligible to continue to hold his or her license or obtain a renewal, of the license
(44) "Primary source of supply" or "supplier" means the distiller, winery, brewer, producer, owner of the commodity at the time it becomes a marketable product, bottler, or authorized agent of the brand owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler, or agent of the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler, or owner.

(45) “Private club” means a nonprofit social, fraternal, military, or political organization, club, or entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded.

(46) “Public nuisance” means a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons.
(47) “Qualified historic site” means

(a) A contributing property with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served within a commercial district listed in the National Register of Historic Places

(b) A site that is listed as a National Historic Landmark or in the National Register of Historic Places with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served

(c) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305 or

(d) A not-for-profit or nonprofit facility listed on the National Register of Historic Places
(48) “Rectifier” means any person who rectifies, purifies, or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying, or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name.

(49) “Repackaging” means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made.

(50) “Restaurant” means a facility where the usual and customary business is the preparation and serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and alcoholic beverage receipts from the sale of food at the premises.
(51) “Retail container” means any bottle, can, barrel, or other container which, without a separable intermediate container, holds alcoholic beverages and is suitable and destined for sale to a retail outlet, whether it is suitable for delivery to the consumer or not.

(52) “Retail sale” means any sale where delivery is made in Kentucky to any consumers.

(53) “Retailer” means any licensee who sells and delivers any alcoholic beverage to consumers, except for producers with limited retail sale privileges.

(54) “Riverboat” means any boat or vessel with a regular place of mooring in this state that is licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to this state.
(55) “Sale” means any transfer, exchange, or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee, of any alcoholic beverage.

(56) “Service bar” means a bar, counter, shelving, or similar structure used for storing or stocking supplies of alcoholic beverages that is a workstation where employees prepare alcoholic beverage drinks to be delivered to customers away from the service bar.

(57) “Sell” includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

(58) “Small farm winery” means a winery whose wine production is not less than two hundred fifty (250) gallons and not greater than one hundred thousand (100,000) gallons in a calendar year.
(59) “Souvenir package” means a special package of distilled spirits available from a licensed retailer that is
   (a) Available for retail sale at a licensed Kentucky distillery where the distilled spirits were produced or bottled or
   (b) Available for retail sale at a licensed Kentucky distillery but produced or bottled at another of that distiller's licensed distilleries in Kentucky

(60) “State administrator” or "administrator" means the distilled spirits administrator or the malt beverages administrator, or both, as the context requires
(61) “State park” means a state park that has a
   (a) Nine (9) or eighteen (18) hole golf course or
   (b) Full-service lodge and dining room
(62) “Supplemental bar” means a bar, counter, shelving, or similar structure used for serving and selling distilled spirits or wine by the drink for consumption on the licensed premises to guests and patrons from additional locations other than the main bar
(63) “Territory” means a county, city, district, or precinct
(64) “Urban-county administrator” means an urban-county alcoholic beverage control administrator
(65) “Vehicle” means any device or animal used to carry, convey, transport, or otherwise move alcoholic beverages or any products, equipment, or appurtenances used to manufacture, bottle, or sell these beverages.

(66) “Vintage distilled spirit” means a package or packages of distilled spirits that

(a) Are in their original manufacturer’s unopened container
(b) Are not owned by a distillery and
(c) Are not otherwise available for purchase from a licensed wholesaler within the Commonwealth.
(67) “Warehouse” means any place in which alcoholic beverages are housed or stored
(68) “Weak cider” means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume
(69) “Wet” means a territory in which a majority of the electorate voted to permit all forms of retail alcohol sales by a local option election under KRS 242.050 or 242.125 on the following question: “Are you in favor of the sale of alcoholic beverages in (name of territory)?”
(70) “Wholesale sale” means a sale to any person for the purpose of resale
(71) “Wholesaler” means any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet
(72) “Wine” means the product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes sake, cider, hard cider, and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It does not include weak cider.

(73) “Winery” means any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.
NOW WE HAVE A BASE OF UNDERSTANDING

• Can apply these new terms to specific situations in your city OR
• You at least now know where to look these terms up. OR
• Just Call Me
STATE ABC

• Commissioner of Alcohol Beverage Control and Board – KRS 241.015
• Department administers statutes relating to and regulating traffic in alcoholic beverages – KRS 241.015
• Division of Distilled Spirits – Spirits and Wine – KRS 241.020(2)
• Division of Malt beverages – Malt Beverages – KRS 241.020(3)
• ABC Board
  – Commissioner and 2 people appointed by Public Protection Cabinet Secretary with Governor approval. One is Administrator of Division of Distilled Spirits. One Administrator of Division of Malt Beverages. Commissioner serves as chair of board – KRS 241.030
BOARD FUNCTIONS – KRS 241.060

- Promulgate regulations for procedures on licenses and alcohol oversight – KRS 241.060(1)
- Limit in its sound discretion number of licenses that may be issued – KRS 241.060(2)
- Hold hearings – KRS 241.060(3)
- Conduct hearings and appeals – KRS 241.060(4)
- Order destruction of evidence – KRS 241.060(5)
- Suspend, revoke, or cancel for cause, after a hearing, any license – KRS 241.060(6)
- Prohibit for 2 years the issuance of a license for premises where offense committed – KRS 241.060(7)
DISTILLED SPIRITS AND MALT BEVERAGES ADMINISTRATOR POWERS

• Distilled spirits administrator may approve and issue or deny any state license authorizing traffic in distilled spirits and wine – KRS 241.080

• Malt beverage administrator may approve and issue or deny any state license authorizing traffic in malt beverages – KRS 241.080

• State administrators and all investigators have full police powers throughout the state – KRS 241.090
CITY ADMINISTRATORS – KRS 241.160

• Legislative body of any wet or moist city with population 3,000 or more SHALL by ordinance create the office of city ABC administrator or assign duties to an established city office – KRS 241.160(1)

• Legislative body of any wet or moist city less than 3,000 MAY by ordinance create the office of city ABC administrator or assign the duties to an established city office – KRS 241.160(2)

• If in county with consolidated local government (Jefferson County) – cities less than 3,000 SHALL NOT create the office of city ABC administrator unless created prior to August 1, 2014 – KRS 241.160(3)
CITY ADMINISTRATOR FUNCTIONS

• Shall have the same duties and functions regarding local license applications and renewals as the department with respect to state licenses – KRS 241.190

• Each city administrator shall have the same duties and functions regarding local license penalization as the board with respect to state license penalization – KRS 241.190

• Appeals from city administrator decision or order may be taken to the board by filing a notice of appeal with board within 30 days of decision or order mailed or delivered by personal service – KRS 241.200

• Notice of appeal shall specify city administrator’s name and shall identify the decision or order being appealed – KRS 241.200

• Certificate of copy of notice to city administrator and shall have copy or decision or order appealed – KRS 241.200
• Person shall not do any act authorized by any kind of license with respect to manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages holds or is an agent, servant, or employee of a person who holds the license type that authorizes the act – KRS 243.020(1)

• Holding any permit from US government to traffic in alcohol, without corresponding state and local licenses shall in all cases raise rebuttable presumption that holder of US permit is unlawfully trafficking in alcoholic beverages – KRS 243.020(2)
• Person conducting place of business patronized by public, who is not a licensee authorized to
sell alcoholic beverages, shall not permit any person to sell, barter, loan, give away, or drink
alcoholic beverages on premises of licensee’s place of business – with exceptions – KRS 243.020(3)
  – Catering license holder – KRS 243.033
  – Special temporary alcoholic beverage auction license – KRS 243.036
  – Small farm winery license – KRS 243.155
  – Microbrewery license – KRS 243.157
  – Special temporary license for qualifying event – KRS 243.260
• Licensee shall not permit any consumer to possess, give away, or drink alcoholic beverages on licensed premises that are not purchased from licensee – KRS 243.020(4)
• Any distilled spirits or wine in excess of 3 gallons (12 liters) shall not be stored or kept on licensed premises of licensee – KRS 243.020(5)
LICENSE FEES - KRS 243.025

- All fees paid into State Treasury for state licenses shall be credited to revolving trust and agency account for Department of ABC – KRS 243.025(1)
- All fees associated with department’s server training program shall be collected on a cost recovery basis and shall be credited to revolving trust and agency account – KRS 243.025(2)
- Moneys shall be used solely for administration and enforcement – KRS 243.025(3)
DISTILLED SPIRITS AND WINE LICENSES – KRS 243.030

- Licenses that authorize traffic in all alcoholic beverages may be issued by both the distilled spirits administrator and malt beverage administrator – KRS 243.030

1) Distiller's license
   - (a) Class A, per annum $3,090.00
   - (b) Class B (craft distillery), per annum $1,000.00

2) Rectifier's license
   - (a) Class A, per annum $2,580.00
   - (b) Class B (craft rectifier), per annum $825.00
## DISTILLED SPIRITS AND WINE LICENSES – KRS 243.030

<table>
<thead>
<tr>
<th>License Type</th>
<th>Annual Fee</th>
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<tr>
<td>(3) Winery license, per annum</td>
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<td>(4) Small farm winery license, per annum</td>
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<td>(a) Small farm winery off-premises retail license, per annum</td>
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<td>(5) Wholesaler's license, per annum</td>
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<td>(6) Quota retail package license, per annum</td>
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<td>(7) Quota retail drink license, per annum</td>
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<td>(8) Transporter's license, per annum</td>
<td>$210.00</td>
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<td>(9) Special nonbeverage alcohol license, per annum</td>
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(10) Special agent's or solicitor's license, per annum $30.00
(11) Bottling house or bottling house storage license, per annum $1,030.00
(12) Special temporary license, per event $100.00
(13) Special Sunday retail drink license, per annum $520.00
(14) Caterer's license, per annum $830.00
(15) Special temporary alcoholic beverage auction license, per event $100.00
(16) Extended hours supplemental license, per annum $2,060.00
(17) Hotel in-room license, per annum $210.00
### DISTILLED SPIRITS AND WINE LICENSES – KRS 243.030

1. **(18) Air transporter license, per annum**  
   - $520.00
2. **(19) Sampling license, per annum**  
   - $110.00
3. **(20) Replacement or duplicate license**  
   - $25.00
4. **(21) Entertainment destination center license**  
   - **(a)** When licensee is a city, county, urban-county government, consolidated local government, charter county government, or unified local government, per annum  
     - $2,577.00
   - **(b)** All other licensees, per annum  
     - $7,730.00
DISTILLED SPIRITS AND WINE LICENSES – KRS 243.030

(22) Limited restaurant license, per annum $780.00
(23) Limited golf course license, per annum $720.00
(24) Small farm winery wholesaler's license, per annum $110.00
(25) Qualified historic site license, per annum $1,030.00
(26) Nonquota type 1 license, per annum $4,120.00
(27) Nonquota type 2 license, per annum $830.00
(28) Nonquota type 3 license, per annum $310.00
(29) Distilled spirits and wine storage license, per annum $620.00
DISTILLED SPIRITS AND WINE LICENSES – KRS 243.030

(30) Out-of-state distilled spirits and wine supplier's license, per annum $1,550.00
(31) Limited out-of-state distilled spirits and wine supplier's license, per annum $260.00
(32) Authorized public consumption license, per annum $250.00

• Nonrefundable fee of $60 shall be charged to process each new transitional license pursuant to KRS 243.045 – KRS 243.030(33)
• Fee for each of the first 5 supplemental bar licenses shall be the same as the fee for the primary retail drink license. No charge for each supplemental license issued in excess of the 5 to the same licensee at the same premises – KRS 243.030(35)
DISTILLED SPIRITS AND WINE LICENSES – KRS 243.030

Nonrefundable application fee of 50 dollars shall be charged to process each new application except for:

- Small farm winery
- Transporter’s license
- Special nonbeverage alcohol license
- Special agent’s or solicitor’s license
- Special temporary license
- Special temporary alcoholic beverage auction license
- Sampling license
- Replacement or duplicate license

Application fee shall be applied to licensing fee if license issued – otherwise retained by department
SOUVENIR PACKAGE SALES BY LICENSED DISTILLERS – KRS 243.0305

• Any licensed Kentucky distiller that has a gift shop or other retail outlet on premises may conduct sales – KRS 243.0305(1)

• Wholesaler registered to distribute the brands of any distiller shall permit the distiller to deliver its products directly from the distillery proper to any portion of the distillery premises – KRS 243.0305(2)

• But – for purposes of all retail drink and package sales by distillers under KRS 243.0305(3), (8), and (9) – all direct shipments shall be invoiced from the distiller to wholesaler and from wholesaler to distiller – and products directly shipped shall be included in wholesaler’s inventory and depletions for purposes of tax collections – KRS 243.0305(2)
• Distiller may sell souvenir packages at retail – KRS 243.0305(3)
  – To distillery visitors of legal drinking age
  – In quantities not to exceed 4 ½ liters per purchaser per day for sales prior to Jan. 1, 2021
  – In quantities not to exceed 9 liters per purchaser per day on and after Jan. 1, 2021
  – At purchaser’s request, order may be delivered or shipped directly to purchaser
  – All deliveries or shipments shall be made through licensed common carrier authorized to deliver or
    ship distilled spirits in jurisdiction delivered or shipped – KRS 243.0305 (3) (a)

AND
SOUVENIR PACKAGE SALES BY LICENSED DISTILLERS – KRS 243.0305

- Distiller may sell souvenir packages at retail – KRS 243.0305(3)
  - Pursuant to subscription or distillery-sponsored club programs
  - Quantities not to exceed 9 liters per calendar year
  - Provided enrollment and payment for subscription or club is arranged in person at distillery
  - At member’s request, order may be delivered or shipped directly to member
  - All deliveries or shipments shall be made through licensed common carrier authorized to deliver or ship distilled spirits in jurisdiction delivered or shipped – KRS 243.0305(3)(b)

- Hours of sale for souvenir packages at retail shall conform with a licensee not selling or delivering distilled spirits and wine between midnight and 6 a.m. or at any time during Sunday under KRS 244.290(3) – unless otherwise authorized by law – KRS 243.0305(4)
SOUVENIR PACKAGE SALES BY LICENSED DISTILLERS – KRS 243.0305

- Souvenir package sales shall be governed by all statutes and regulations governing retail sales of distilled spirits by the package – unless otherwise allowed under KRS 243.0305 – KRS 243.0305(5)

- No wholesaler may restrict sale of souvenir packages to distiller of origin exclusively, but shall make souvenir packages available to any Kentucky retail licensee licensed for sale of distilled spirits by the package
SOUVENIR PACKAGE SALES BY LICENSED DISTILLERS – KRS 243.0305

• Notwithstanding any of the provisions of KRS 244.050 prohibiting treating - a distillery holding a sampling license may allow visitors to sample distilled spirits on these conditions
  – Sampling shall be permitted only on licensed premises during regular business hours – KRS 243.0305(7)(a)
  – Distillery may not charge for the samples – KRS 243.0305(7)(b) and
  – Distillery may not provide more than 1 ¾ ounces of samples – per visitor – per day – KRS 243.0305(7)(c)
SOUVENIR PACKAGE SALES BY LICENSED DISTILLERS – KRS 243.0305

- Notwithstanding statutes on incompatible licenses to contrary – distillery may
  - Hold an NQ2 retail drink license for sale of alcoholic beverages on distillery premises – KRS 243.0305(8)(a) - and
  - Employ people to sell or service alcohol under an NQ2 license, if each employee completes the Department’s Server Training in Alcohol Regulations program within 30 days of beginning employment – KRS 243.0305(8)(b)
- Distiller may sell to consumers at fairs, festivals, and other similar types of events located in wet territory alcoholic beverages by the drink, containing spirits distilled or bottled on distillery premises – KRS 243.0305(9)
• May be issued to holder of
  – Quota retail drink license – KRS 243.0307(1)(a)
  – Quota retail package license – KRS 243.0307(1)(b)
  – An NQ1 license – KRS 243.0307(1)(c)
  – An NQ2 license – KRS 243.0307(1)(d) or
  – Distiller’s license – KRS 243.0307(1)(e)
SAMPLING LICENSE – KRS 243.0307

• Authorizes the licensee to allow customers to sample – free of charge – distilled spirits and wine under these conditions
  – Sampling shall be permitted only on licensed premises and by licensees holding a sampling license, during regular business hours – KRS 243.0307(2)(a)
  – Distillery must follow the guidelines of KRS 243.0305 – KRS 243.0307(2)(b)
  – All other licensees shall limit customer to
    • 1 ounce of distilled spirits samples per day – KRS 243.0307(2)(c)(1)
    • 6 ounces of wine samples per day – KRS 243.0307(2)(c)(2)
Retailers with license shall

- Notify the Department of Alcoholic Beverage Control at least 7 days in advance of conducting a free sampling event – KRS 243.0307(3)(a) and
- Limit a sampling event to a period not to exceed 4 consecutive hours between 12 noon and 8 p.m. – KRS 243.0307(3)(b)
SAMPLING LICENSE – KRS 243.0307

• In addition to free sampling – quota retail package licensee holding free sampling may sell sample distilled spirits and wine
  – Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours – KRS 243.0307(4)(a) and
  – A licensee shall limit a customer to purchased samples totaling no more than
    • 2 ounces of distilled spirits per day – KRS 243.0307(4)(b)(1) and
    • 9 ounces of wine per day – KRS 243.0307(4)(b)(2)
A quota retail package licensee holding both a sampling license and a nonquota retail malt beverage package license may also sell samples of malt beverages under the following conditions:

- Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours – KRS 243.0307(5)(a)
- A licensee shall limit a customer to no more than 16 ounces of malt beverages per day - KRS 243.0307(5)(b)
- Cannot be provided free of charge - KRS 243.0307(5)(c)
- The retail price of a sample shall not be less than a licensee's purchase cost of the sample - KRS 243.0307(5)(d) and
- A licensee, supplier, or individual shall not request, require, or allow a distributor to provide malt beverages free of charge - KRS 243.0307(5)(e)
• No customer shall be allowed to receive a combination of free and purchased samples totaling more than
  – 2 ounces of distilled spirits per day – KRS 243.0307(6)(a) and
  – 9 ounces of wine per day – KRS 243.0307(6)(b)
• Free and paid samples provided under this section shall not constitute drink sales – KRS 243.0307(7)
CATERER’S LICENSE – KRS 243.033

• A caterer's license may be issued as a supplementary license to a caterer that holds a quota retail package license, a quota retail drink license, an NQ1 license, an NQ2 license, or a limited restaurant license – KRS 243.033(1)

• May be issued as a primary license for the premises that serves as the caterer's commissary and designated banquet hall – KRS 243.033(2)

• No primary caterer's license shall authorize alcoholic beverage sales at a premises that operates as a restaurant – KRS 243.033(2)

• The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function – KRS 243.033(2)
CATERER’S LICENSE – KRS 243.033

- License authorizes
  - Purchase and store alcoholic beverages in the manner prescribed in KRS 243.088, 243.250, and 244.260 – KRS 243.033(3)(a)
  - Transport, sell, serve, and deliver alcoholic beverages by the drink at locations away from the licensed premises or at the caterer’s designated banquet hall in conjunction with the catering of food and alcoholic beverages for a customer and the customer’s guests, in – KRS 243.033(3)(b)
    - Cities and counties established as moist territory under KRS 242.1244 if the receipts from the catering of food at any catered event are at least 70% of the gross receipts from the catering of both food and alcoholic beverages – KRS 243.033(3)(b)(1)
CATERER’S LICENSE – KRS 243.033

- License authorizes
  - Transport, sell, serve, and deliver alcoholic beverages by the drink at locations away from the licensed premises or at the caterer's designated banquet hall in conjunction with the catering of food and alcoholic beverages for a customer and the customer's guests, in – KRS 243.033(3)(b)
  - Wet cities and counties in which quota retail drink licenses are not available if the receipts from the catering of food at any catered event are at least 50% of the gross receipts from the catering of both food and alcoholic beverages – KRS 243.033(3)(b)(2) or
  - All other wet territory if the receipts from the catering of food at any catered event are at least 35% of the gross receipts from the catering of both food and alcoholic beverages – KRS 243.033(3)(b)(3)
CATERER’S LICENSE – KRS 243.033

• License authorizes
  – Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a catered event – KRS 243.033(3)(c)
  – Receive payment for alcoholic beverages served at a catered event on a by-the-drink, cash bar, or by-the-event basis – KRS 243.033(3)(d)
  – The caterer may bill the customer for by-the-function sales of alcoholic beverages in the usual course of the caterer's business – KRS 243.033(3)(d)

• A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverage licenses or special temporary licenses have been issued – KRS 243.033(5)

• A caterer licensee may cater a fundraising event for which a special temporary alcoholic beverage auction license has been issued under KRS 243.036 – KRS 243.033(5)
CATERER’S LICENSE – KRS 243.033

• A caterer licensee shall not cater alcoholic beverages on Sunday except in territory in which the Sunday sale of alcoholic beverages is permitted under the provisions of KRS 244.290 and 244.480 – KRS 243.033(5)

• A caterer licensee shall not cater alcoholic beverages at an event hosted by the caterer licensee or hosted as a joint venture of the caterer licensee – KRS 243.033(6)

• The caterer licensee shall post a copy of the licensee's caterer's license at the location of the function for which alcoholic beverages are catered – KRS 243.033(8)

• All restrictions and prohibitions applying to a quota retail drink licensee and an NQ4 retail malt beverage drink licensee not inconsistent with this section shall apply to the caterer licensee – KRS 243.033(9)
LIMITED RESTAURANT – KRS 243.034

- Can be in a wet territory – KRS 243.034 (1)(a)
- A limited restaurant license shall authorize the licensee to purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises – KRS 243.034(2)
- The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors – KRS 243.034(2)
- The license shall not authorize the licensee to sell alcoholic beverages by the package – KRS 243.034(2)
LIMITED RESTAURANT – KRS 243.034

• The holder of a limited restaurant license shall maintain at least 70% of its gross receipts from the sale of food and maintain the minimum applicable seating requirement required for the type of limited restaurant license – KRS 243.034(3)

• A limited restaurant shall
  – Only sell alcoholic beverages incidental to the sale of a meal – KRS 243.034(4)(a)
  – Not have an open bar and shall not sell alcoholic beverages to any person who has not purchased or does not purchase a meal – KRS 243.034(4)(b)
The distilled spirits administrator may issue a bottling house or bottling house storage license only to persons who are authorized under this chapter to store or warehouse distilled spirits or wine.

The bottling house or bottling house storage license shall authorize the licensee to bottle and store distilled spirits on the premises designated in the license.

The holder of a bottling house or bottling house storage license may also hold a distilled spirits and wine storage license.
SPECIAL TEMPORARY ALCOHOLIC BEVERAGE AUCTION LICENSE – KRS 243.036

- May be issued to a charitable or nonprofit organization – KRS 243.036(1)
- Authorizes holder to
  - Purchase, transport, receive, possess, store, sell, and deliver alcoholic beverages to be sold by auction or raffle or consumed at charity or nonprofit events – KRS 243.036(2)(a)
  - Purchase, transport, receive, possess, store, sell, and deliver limited specially labeled bottles of alcoholic beverages to be sold at charity or nonprofit events – KRS 243.036(2)(b)
  - Obtain alcoholic beverages from distillers, rectifiers, wineries, small farm wineries, brewers, microbreweries, wholesalers, distributors, retailers, or any other person, by gift or donation, for the purpose of charity or nonprofit events – KRS 243.036(2)(c)
  - Receive payment for alcoholic beverages sold at events – KRS 243.036(2)(d)
SPECIAL TEMPORARY ALCOHOLIC BEVERAGE AUCTION LICENSE – KRS 243.036

• Each alcoholic beverage auction or raffle conducted by a charitable organization shall be subject to all restrictions and limitations contained in KRS Chapters 241 to 244 and the administrative regulations issued under those chapters and shall be authorized only on the days and only during the hours that the sale of alcoholic beverages is otherwise authorized in the county or municipality – KRS 243.036(3)

• The location at which the alcoholic beverages are auctioned, raffled, or consumed under this section shall not constitute a public place for the purpose of KRS Chapter 222 – KRS 243.036(4)

• Charitable or nonprofit events may be conducted on licensed or unlicensed premises – KRS 243.036(4)

• The charitable organization possessing a special temporary alcoholic beverage auction license shall post a copy of the license at the location of the event - – KRS 243.036(4)
SPECIAL TEMPORARY ALCOHOLIC BEVERAGE AUCTION LICENSE – KRS 243.036

- A special temporary alcoholic beverage auction license shall not be issued for any period longer than 30 days – KRS 243.036(5)

- A distiller, rectifier, winery, small farm winery, brewer, microbrewery, wholesaler, distributor, or retailer may donate, give away, or deliver any of its products to a charitable or nonprofit organization possessing a special temporary alcoholic beverage auction license under this section – KRS 243.036(6)
BAR LICENSES – KRS 243.037

- DEFAULT - A retailer licensed to sell distilled spirits or wine by the drink shall only be permitted to sell or serve distilled spirits and wine by the drink at 1 main bar, counter, or similar contrivance at the licensed premises – KRS 243.037(1)
- A retailer may have necessary service bars, if they are not located in any room in which the members or guests or patrons of the place are invited or permitted to come – KRS 243.037(2)
- No distilled spirits or wine shall be served at service bars – KRS 243.037(2)
BAR LICENSES – KRS 243.037

• A supplemental bar license shall authorize the licensee to sell and serve distilled spirits and wine by the drink at retail from an additional location other than the main bar – KRS 243.037(3)

• A supplemental bar license is a nonquota license and shall not be transferable to other premises – KRS 243.037(3)

• The fee for a supplemental license shall be the same as the fee for the primary license authorizing retail distilled spirits and wine drink sales for each of up to 5 supplemental bar licenses – KRS 243.037(4)

• There shall be no fee for each supplemental license issued in excess of five (5) to the same licensee at the same premises – KRS 243.037(4)
• A license authorizing retail malt beverage sales, by the drink or by the package, authorizes the licensee to sell and serve malt beverages at any location on the licensed premises without obtaining a supplemental bar license – KRS 243.037(5)
LIMITED GOLF COURSE LICENSE – KRS 243.039

• A limited golf course license may be issued to an establishment that is a nine (9) or an eighteen (18) hole golf course that meets United States Golf Association criteria as a regulation golf course as long as the establishment is within a wet or moist territory – KRS 243.039(1)(a) and (b)

• A limited golf course license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises – KRS 243.039(2)

• The licensee shall purchase distilled spirits, wine, and malt beverages only from licensed wholesalers or distributors – KRS 243.039(2)

• The license shall not authorize the licensee to sell distilled spirits, wine, and malt beverages by the package – KRS 243.039(2)
(1) Brewer's license, per annum  $2,580.00  
(2) Microbrewery license, per annum  $520.00  
(3) Distributor's license, per annum  $520.00  
(4) Nonquota retail malt beverage package license, per annum  $210.00  
(5) Out-of-state malt beverage supplier's license, per annum  $1,550.00  
(6) Malt beverage storage license, per annum  $260.00  
(7) Replacement or duplicate license, per annum  $25.00  
(8) Limited out-of-state malt beverage supplier's license, per annum  $260.00  
(9) Nonquota type 4 malt beverage drink license, per annum  $210.00
MALT BEVERAGE LICENSES – KRS 243.040

- The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of $50 – KRS 243.040(10)
- The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars $50 – KRS 243.040(10)
- A nonrefundable fee of $60 shall be charged to process each new transitional license pursuant to KRS 243.045 – KRS 243.040(11)
QUALIFIED HISTORIC SITE LICENSE – KRS 243.042

• Sell alcoholic beverages by the drink at 1 or more permanent or nonpermanent locations on the premises over which the licensee, by lease or ownership, has exclusive control without obtaining additional supplemental bar licenses prescribed by KRS 243.037 – KRS 243.042(2)(a)

• Sell alcoholic beverages by the drink to patrons at public or private functions held on the premises – KRS 243.042(2)(b) and

• Purchase and store alcoholic beverages in the manner prescribed in KRS 243.088, 243.250, and 244.260 – KRS 243.042(2)(c)
TRANSITIONAL LICENSES – KRS 243.045

• A transitional license may be issued by the state administrator or administrators during the time a transfer of an ongoing business is being processed under the following conditions
  – The purchaser shall file an application for a permanent license with the appropriate local alcoholic beverage authority and with the department – KRS 243.045(1)(a)
  – The purchaser shall advertise its intention to apply for a license pursuant to KRS 243.360 – KRS 243.045(1)(b) and
  – The purchaser shall pay all application fees for the permanent license – KRS 243.045(1)(c)
TRANSITIONAL LICENSES – KRS 243.045

• If requirements met - the state administrator or administrators, as appropriate, may issue a transitional license with a term of up to sixty 60 days, plus one 30 day renewal license, to the purchaser for a processing fee set forth in KRS 243.030 to 243.040 – KRS 243.045(2)

• All transitional licenses immediately expire upon the issuance to the purchaser of 1 or more permanent licenses – KRS 243.045(2)

• Upon completion of the sale of the business, the purchaser shall not operate the business on the seller's license – KRS 243.045(3)

• The transitional license shall not be transferable or used for an application to move a business from one location to another location – KRS 243.045(4)

• The transitional license shall entitle the holder to the same privileges and restrictions of the permanent license or licenses for which the holder applied under subsection (1)(a) of this section – KRS 243.045(5)
EXTENDED HOURS — SUNDAY RETAIL DRINK LICENSE — KRS 243.050

• The state administrators may issue an extended hours supplemental license for the retail sale of alcoholic beverages by the drink to the holder of an NQ1 retail drink license, a qualified historic site license, or a license located in a commercial airport — KRS 243.050(1)

• The board may, by administrative regulation or special conditions of an extended hours supplemental license, establish the days when the supplemental license will be valid, including Sundays, and establish any restrictions on the use of the license to ensure that it will be primarily for the benefit of holders of NQ1 retail drink licenses, qualified historic site licenses, and visitors at large commercial airports - KRS 243.050(1)
EXTENDED HOURS – SUNDAY RETAIL DRINK LICENSE – KRS 243.050

- A licensee located in territory which has authorized Sunday retail distilled spirits and wine drink sales under KRS 244.290, either by local option election or by local government ordinance, shall obtain a Sunday retail drink license in order to sell distilled spirits and wine on Sunday – KRS 243.050(2)(a)

- A retail licensee holding a Sunday retail drink license is authorized to remain open and sell distilled spirits and wine by the drink for consumption on the premises only during those times and hours permitted by local government ordinance – KRS 243.050(2)(b)

- A licensee located in territory that has authorized Sunday retail distilled spirits and wine package sales under KRS 244.290 or retail malt beverage package or drink sales under KRS 244.480 is not required to hold a Sunday retail drink license to authorize these sales – KRS 243.050(2)(c)
HOTEL IN-ROOM SERVICE LICENSE – KRS 243.055

• “Hotel” means any hotel, motel, inn, or other establishment which offers overnight accommodations to the public for hire – KRS 243.055(1)(a)
• “In-room service” means the delivery of alcoholic beverages in unbroken packages by an employee of the hotel to a registered guest's room when the alcoholic beverages have been ordered by a guest and when the guest shall be billed for the cost of the alcoholic beverages at the time of delivery, with all sales of the alcoholic beverages being completed upon delivery; and, additionally, the provision of a cabinet or other facility located in a hotel guest's room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key or remote control device only to the guest, with the sale of the alcoholic beverages contained therein being final at the time requested, except for a credit which may be given to the guest for any unused portion. The licensee may stock a cabinet or other facility located in a hotel guest's room pursuant to this section, with fifty (50) milliliter containers of distilled spirits – KRS 243.055(1)(b)
HOTEL IN-ROOM SERVICE LICENSE – KRS 243.055

- The department may issue a hotel in-room service license to any hotel which is licensed to sell distilled spirits, wine, and malt beverages upon the payment of the fee set forth in KRS 243.030 – KRS 243.055(2)
- The license shall authorize the licensee to sell distilled spirits, wine, and malt beverages by in-room service – KRS 243.055(2)
- The sale of alcoholic beverages by in-room service shall be subject to all restrictions and limitations contained in KRS Chapters 241 to 244, and the administrative regulations issued under those chapters, and shall be authorized only on the days and only during the hours as the sale of alcoholic beverages is otherwise authorized in the county or municipality – KRS 243.055(2)
- All alcoholic beverages sold pursuant to this section shall be considered by the drink sales and shall be subject to all state and local taxes imposed on alcoholic beverages and shall be purchased from a licensed wholesaler and distributor – KRS 243.055(2)
CITY LICENSES – KRS 243.070

1 (a) Distiller's license, per annum $500.00
1 (b) Rectifier's license
   1 (b)(1) Class A, per annum $3,000.00
   1 (b)(2) Class B (craft rectifier), per annum $960.00
1 (c) Wholesaler's distilled spirits and wine license, per annum $3,000.00
1 (d) Quota retail package license, per annum
   1 (d)(1) In counties containing a consolidated local government $1,200.00
   1 (d)(2) In all other counties $1,000.00
CITY LICENSES – KRS 243.070

1(e) Quota retail drink license, per annum
   1(e)(1) In counties containing a consolidated local government $1,600.00
   1(e)(2) In all other counties $1,000.00

1(f) Special temporary license, per event
   1(f)(1) In counties containing a consolidated local government $266.66
   1(f)(2) In all other counties $166.66

1(g) Nonquota type 1 retail drink license, per annum $2,000.00
CITY LICENSES – KRS 243.070

1(h) Nonquota type 2 retail drink license, per annum
   1(h)(1) In counties containing a consolidated local government $1,800.00
   1(h)(2) In all other counties $1,000.00
1(i) Nonquota type 3 retail drink license, per annum $300.00
1(j) Special temporary alcoholic beverage auction license, per event $100.00
1(k) Special Sunday retail drink license, per annum $300.00
1(l) Extended hours supplemental license, per annum $2,000.00
1(m) Caterer's license, per annum $800.00
CITY LICENSES – KRS 243.070

- 1(n) Bottling house or bottling house storage license, per annum: $1,000.00
- 1(o) Brewer's license, per annum: $500.00
- 1(p) Microbrewery license, per annum: $500.00
- 1(q) Malt beverage distributor's license, per annum: $400.00
- 1(r) Nonquota retail malt beverage package license, per annum: $200.00
- 1(s) Nonquota type 4 retail malt beverage drink license, per annum: $200.00
- 1(t) Limited restaurant license, per annum:
  - 1(t)(1) In counties containing a consolidated local government: $1,800.00
  - 1(t)(2) In all other counties: $1,200.00
CITY LICENSES – KRS 243.070

1(u) Limited golf course license, per annum
   1(u)(1) In counties containing a consolidated local government $1,800.00
   1(u)(2) In all other counties $1,200.00
1(v) Authorized public consumption license, per annum $250.00
1(w) Qualified historic site license, per annum $1,030.00
The fee for the following license types may not be increased by more than five percent (5%) fee for the current license during any 5 year period – KRS 243.070(2):

- Quota retail package license: retail package liquor license
- Quota retail drink license: retail drink license
- Nonquota type 1 retail drink license: convention center or convention hotel complex license
- Nonquota type 2 retail drink license: restaurant drink license
- Nonquota retail malt beverage package license: retail malt beverage license
- Nonquota type 4 retail malt beverage drink license: retail malt beverage license
- Limited golf course license
• The fee for each of the first 5 supplemental bar licenses shall be the same as the fee for the primary drink license – KRS 243.070(3)
• There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises – KRS 243.070(3)
• The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of $50 – KRS 243.070(4)
• The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of $50 - – KRS 243.070(4)
A qualified city or a county containing a qualified city that is wet through a local option election held under KRS Chapter 242 is authorized to impose a regulatory license fee upon the gross receipts of the sale of alcoholic beverages of each establishment located in the city or county licensed to sell alcoholic beverages – KRS 243.075(1)(a)

The regulatory license fee may be levied at the beginning of each budget period at a percentage rate that is reasonably estimated to fully reimburse the local government for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city and county – KRS 243.075(1)(b)
• The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, except
  – A credit against a regulatory license fee shall be allowed in an amount equal to any licenses or fees imposed by the city or county pursuant to KRS 243.060 or 243.070 – KRS 243.075(c)(1)
  – In a county in which the city and county both levy a regulatory license fee, the county license fee shall only be applicable outside the jurisdictional boundaries of those cities which levy a license fee – KRS 243.075(c)(2)
• For any election held after July 15, 2014, any new fee authorized under subsection (1) or (2) of this section shall be enacted by the city or county no later than two (2) years from the date of the local option election held under KRS Chapter 242 – KRS 243.075(3)
REGULATORY FEES – KRS 243.075

• After July 15, 2014, any fee authorized under subsections (1) and (2) of this section shall be established at a rate that will generate revenue that does not exceed the total of the reasonable expenses actually incurred by the city or county in the immediately previous fiscal year for the additional cost, as demonstrated by reasonable evidence, of
  – Policing – KRS 243.075(4)(a)
  – Regulation – KRS 243.075(4)(b)
  – Administration – KRS 243.075(4)(c)
    • As a result of alcohol sales in the city
REGULATORY FEES – KRS 243.075

- Revenue to be deposited in a segregated fund in the city – KRS 243.075(6)(a)
- Spent only as allowed by this statute – KRS 243.075(6)(b)
- Audited under an annual audit performed pursuant to KRS 43.070, 64.810, and 91A.040 – KRS 243.075(6)(c)
REGULATORY FEES – KRS 243.075

- City found to have violated KRS 243.075 by a court shall
  - Provide a refund as determined by the court to any licensee that has been harmed in an amount equal to its prorated portion of the excess revenues collected by the city or county that are directly attributable to a violation occurring after July 15, 2014 – KRS 243.075(7)(a)
  - Be responsible for the payment of the reasonable attorney fees directly incurred by a party to a litigation in an amount ordered by the court upon its finding of an intentional and willful violation of this section by a city or county occurring after July 15, 2014 – KRS 243.075(7)(b)
  - Upon the finding by a court of a second intentional and willful violation of the provisions of this section, lose the ability to impose the regulatory fee provided by this section for a period of five (5) years and, upon the finding by a court of a third intentional and willful violation, forfeit the right to impose the regulatory license fee authorized by this section – KRS 243.075(7)(c)
• Any party bringing suit against a city or county for an alleged violation of this section occurring after July 15, 2014, shall be responsible for the payment of the reasonable attorney fees of the city or county in an amount determined by the court upon a finding by the court that the city or county did not violate this section – KRS 243.075(8)

• Qualified City?
A convention center or a convention hotel complex – KRS 243.082(1)(a)
A horse racetrack – KRS 243.082(1)(b)
An automobile racetrack – KRS 243.082(1)(c)
A railroad system – KRS 243.082(1)(d)
A commercial airlines system or charter flight system – KRS 243.082(1)(e)
A state park – KRS 243.082(1)(f)
NQ1 RETAIL DRINK LICENSE – KRS 243.082

• Any licensee holding an NQ1 retail drink license located in a qualifying convention center or a convention hotel complex, horse racetrack, an automobile racetrack, or state park may purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises – KRS 243.082(2)
• The license shall permit all alcoholic beverage sales on the premises without additional supplemental licenses - – KRS 243.082(2)
• The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors – KRS 243.082(2)
• The holder of an NQ1 retail drink license under this section shall store alcoholic beverages in the manner prescribed in KRS 244.260 – KRS 243.082(2)
NQ1 RETAIL DRINK LICENSE – KRS 243.082

• A qualifying convention center or a convention hotel complex holding an NQ1 retail drink license may also hold a supplemental hotel in-room service license – KRS 243.082(3)

• A qualifying railroad system holding an NQ1 retail drink license may purchase, receive, possess, and sell alcoholic beverages at retail by the drink or by the package, upon any train that includes a dining car and is operated by the licensee in the state – KRS 243.082(4)

• Sales shall be made only while the train is in motion. A railroad system holding an NQ1 retail drink license may sell alcoholic beverages in unbroken packages smaller than two hundred (200) milliliters of distilled spirits and one hundred (100) milliliters of wine and may purchase alcoholic beverages from nonresidents – KRS 243.082(4)
NQ1 RETAIL DRINK LICENSE – KRS 243.082

- A qualifying commercial airlines system or charter flight system holding an NQ1 retail drink license may purchase, receive, possess, and sell alcoholic beverages at retail by the drink, and by miniature bottle, for consumption upon regularly scheduled or charter flights of the licensee, in and out of Kentucky – KRS 243.082(5)

- The license shall authorize the licensee to store alcoholic beverages for retail sale at a location or locations, if operating from more than one (1) airport in Kentucky, as designated on the license application – KRS 243.082(5)

- License may be issued to any qualifying state park as long as located, in whole or in part, in wet territory or moist precinct – KRS 243.082(6)(a) and (b)
NQ2 RETAIL DRINK LICENSE – KRS 243.084

- Hotel that contains at least 50 sleeping units and receives from its total food and alcoholic beverage sales at least 50% of gross receipts from sale of food – KRS 243.084(1)(a)(1) and (2)
- A restaurant – KRS 243.084(1)(b)
- An airport – KRS 243.084(1)(c)
- A riverboat – KRS 243.084(1)(d)
- A distiller – KRS 243.084(1)(e)
- A business located within, or adjacent to, an entertainment destination center licensed premises – KRS 243.084(1)(f)
NQ2 RETAIL DRINK LICENSE – KRS 243.084

• A holder of an NQ2 retail drink license may purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises – KRS 243.084(2)

• The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors. A distiller may purchase its own products for retail drink sales under KRS 243.0305 – KRS 243.084(2)

• The holder of an NQ2 retail drink license shall store alcoholic beverages in the manner prescribed in KRS 244.260 – KRS 243.084(2)
To qualify for an NQ2 license, a riverboat shall have a regular or alternative place of mooring in a wet county or city of this state – KRS 243.084(3)(a)

If a riverboat moors or makes landfall in a location other than its regular or alternate regular place of mooring, all alcoholic beverages shall be kept locked – KRS 243.084(3)(b)

A riverboat licensed under this subsection shall not take on or discharge passengers when mooring or making landfall in dry option territory – KRS 243.084(3)(c)
NQ3 RETAIL DRINK LICENSE – KRS 243.086

- A private club in existence for longer than 1 year prior to the license application – KRS 243.086(1)(a)
- A dining car – KRS 243.086(1)(b)
- A bed and breakfast – KRS 243.086(1)(c)
- The holder of an NQ3 retail drink license may purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises – KRS 243.086(2)
- The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors – KRS 243.086(2)
- The holder of an NQ3 retail drink license shall store alcoholic beverages in the manner prescribed in KRS 244.260 – KRS 243.086(2)
NQ3 RETAIL DRINK LICENSE – KRS 243.086

- A qualifying private club holding an NQ3 retail drink license shall exclude the general public from the licensed premises – KRS 243.086(3)
- A qualifying bed and breakfast holding an NQ3 retail drink license shall only sell alcoholic beverages by the drink to paid overnight guests of the licensee – KRS 243.086(4)
NQ4 RETAIL MALT BEVERAGE DRINK LICENSE — KRS 243.088

• May be issued to the holder of a quota retail drink license, microbrewery license, small farm winery license, or any other business wishing to sell malt beverages by the drink for consumption on the premises only – KRS 243.088(1)

• Sell malt beverages at retail by the drink from only the licensed premises for consumption at the licensed premises only – KRS 243.088(2)(a)

• Purchase malt beverages only from a distributor – KRS 243.088(2)(b)

• The holder of an NQ4 retail malt beverage drink license may also hold a nonquota retail malt beverage package license – KRS 243.088(2)(c)
NQ4 RETAIL MALT BEVERAGE DRINK LICENSE – KRS 243.088

• A nonquota retail malt beverage drink license shall not be issued to any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted, unless there is maintained in inventory on the premises for sale at retail not less than five thousand dollars ($5,000) of food, groceries, and related products valued at cost – KRS 243.088(4)

• For purposes of this subsection, the term “food and groceries” has the meaning provided in KRS 243.280 – KRS 243.088(4)

• This section shall not apply to any licensed premises that sells no fuel other than marine fuel – KRS 243.088(4)
AUTHORIZED PUBLIC CONSUMPTION LICENSE – KRS 243.089

• May be issued in wet territory to an applicant operating as, or in a commercial quadricle business – KRS 243.089(1)

• The following qualifications are required before an APC license may be issued to a commercial quadricle business for the operation of quadricles on a public highway
  – The applicant shall have a business office – KRS 243.089(2)(a)
  – The applicant shall maintain general liability insurance of at least two million dollars ($2,000,000) – KRS 243.089(2)(b)
  – No license shall be issued or renewed without written documentation of this insurance – KRS 243.089(2)(b)
The following qualifications are required before an APC license may be issued to a commercial quadricycle business for the operation of quadricycles on a public highway:

- The applicant shall possess a permit issued by the local government that has jurisdiction to grant rights to the applicant to operate its business on public roadways and highways within a specific designated operational area as its premises – KRS 243.089(2)(c)
The following qualifications are required before an APC license may be issued to a commercial quadricycle business for the operation of quadricycles on a public highway:

- If the local government that has jurisdiction for the premises as described in paragraph (c) of this subsection chooses to issue permits under this section, that local government shall adopt an ordinance for operation of a commercial quadricycle business that contains:
  - Hours of operation
  - Local licensing requirements
  - Any additional insurance requirements
  - Standards for the approval of authorized travel routes
  - Safety and equipment standards
  - Local inspection requirements
  - Standards for vehicle operation
  - Standards for loading and unloading passengers – KRS 243.089(2)(d)
A holder of an APC license that operates as a commercial quadricycle business
  – May permit patrons to bring unopened packages of alcoholic beverages onto the licensed premises and open and drink them in nondescriptive plastic cups after boarding, and while riding, the quadricycle – KRS 243.089(3)(a)
  – Shall not permit patrons to bring or possess any glass containers of alcoholic beverages on the quadricycle – KRS 243.089(3)(b)
  – Shall not permit patrons to bring opened packages or drinks of alcoholic beverages from retail premises on the quadricycle – KRS 243.089(3)(c)
  – Shall only permit patrons to drink and consume alcoholic beverages in nondescriptive plastic cups while riding the quadricycle – KRS 243.089(3)(d)
  – Shall not sell, permit, offer for sale, or provide or offer any samples of alcoholic beverages – KRS 243.089(3)(e)
AUTHORIZED PUBLIC CONSUMPTION LICENSE – KRS 243.089

• An employee driver of a commercial quadricycle business holding an APC license shall
  – Be certified by the department's server training in alcohol regulations (STAR) education program – KRS 243.089(4)(a)
  – Not consume or be under the influence of alcoholic beverages or controlled substances while driving and operating a quadricycle – KRS 243.089(4)(b)
  – Not be convicted of any criminal offense or violation related to alcoholic beverages or controlled substances for a minimum period of two (2) years prior to employment – KRS 243.089(4)(c)
LICENSE EXPIRATION AND RENEWALS  
– KRS 243.090

• All licenses issued by the department, except special event licenses, temporary licenses, or licenses listed in subsection (5) of this section, shall be valid for a period of no more than a year – KRS 243.090(1)

• The board shall promulgate administrative regulations establishing the year-round system for renewal of licenses – KRS 243.090(1)
LICENSE EXPIRATION AND RENEWALS – KRS 243.090

• Except for licenses listed in paragraph (b) of this subsection, all licenses issued after January 1, 2017, by a local administrator shall be valid for a period of no more than a year and shall be renewable upon the date established by the department for the expiration of state licenses issued for premises located in that county or city – KRS 243.090(2)(a)

• Paragraph (a) of this subsection shall not apply to licenses issued by a consolidated local government, special event licenses, temporary licenses, or licenses listed in subsection (5) of this section – KRS 243.090(2)(b)
LICENSE EXPIRATION AND RENEWALS
– KRS 243.090

• When any person applies for a new license authorized under KRS Chapters 241 to 244, the person shall be charged, if the license is issued, the full fee for the respective license if 6 months or more remain before the license is due to be renewed and ½ the fee if less than 6 months remain before the license is due to be renewed – KRS 243.090(3)

• No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period – KRS 243.090(3)

• All alcoholic beverage producers, wholesalers, or distributors may obtain or renew their licenses for either a 1 year term or a 2 year term – KRS 243.090(5)

• The department may deny license renewal if the licensee is a delinquent taxpayer as defined in KRS 131.1815
PERSONS WHO MAY NOT BE LICENSED – KRS 243.100

• Has been convicted of any felony until 5 years have passed from the date of conviction, release from custody or incarceration, parole, or termination of probation, whichever is later – KRS 243.100(1)(a)

• Has been convicted of any misdemeanor involving a controlled substance that is described in or classified pursuant to KRS Chapter 218A in the 2 years immediately preceding the application – KRS 243.100(1)(b)

• Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the 2 years immediately preceding the application – KRS 243.100(1)(c)

• Is under the age of 21 years – KRS 243.100(1)(d)
PERSONS WHO MAY NOT BE LICENSED
– KRS 243.100

• Has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of 2 years from the date of the revocation or conviction – KRS 243.100(1)(e)

• Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one (1) year before the date on which the application for a license is made - does not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state, or to persons licensed on March 7, 1938 – KRS 243.100(1)(f)
PERSONS WHO MAY NOT BE LICENSED
– KRS 243.100

• A partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law shall not be licensed if
  – Each principal owner, partner, member, officer, and director does not qualify under subsection (1)(a), (b), (c), (d), and (e) of this section – KRS 243.100(2)(a)
  – It has had any license relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of 2 years from the date of the revocation or conviction – KRS 243.100(2)(b)
  – Any principal owner, partner, member, officer, or director, or any business entity in which they were directly or indirectly interested, has had any license revoked for cause or has been convicted of a violation of any statute within KRS Chapters 241 to 244, until the expiration of the later of 2 years from the date of the revocation or 2 years from the date of conviction – KRS 243.100(2)(c)
PERSONS WHO MAY NOT BE LICENSED – KRS 243.100

• A person shall not evade license disqualification by applying for a license through or under the name of a different person – KRS 243.100(4)

• The state administrators shall examine the ownership, membership, and management of all license applicants, and shall deny the application if a disqualified person has a direct or indirect interest in the applicant's business – KRS 243.100(4)

• The department may issue administrative subpoenas and summonses to determine ownership of an applicant or to investigate alleged violations by a licensee – KRS 243.100(4)
INCOMPATIBLE LICENSES – KRS 243.110

• Except as provided in subsection (3) of this section, each kind of license listed in KRS 243.030 (Distilled Spirits and Wine Licenses) shall be incompatible with every other kind listed in that section and no person or entity holding a license of any of those kinds shall apply for or hold a license of another kind listed in KRS 243.030 – KRS 243.110(1)

• Each kind of license listed in KRS 243.040(1) (Brewers License), (3) (Distributors License), or (4) (Nonquota Retail Malt Beverage Package License) shall be incompatible with every other kind listed in KRS 243.040(1) (Brewers License), (3) (Distributors License), or (4) (Nonquota Retail Malt Beverage Package License), and no person holding a license of any of those kinds shall apply for or hold a license of any other kind listed in KRS 243.040(1) (Brewers License), (3) (Distributors License), or (4) (Nonquota Retail Malt Beverage Package License) – KRS 243.110(2)(a)
INCOMPATIBLE LICENSES – KRS 243.110

• A brewery holding a license listed in KRS 243.040(5) (Out-of-State Malt Beverage Suppliers License) or (8) (Limited Out-of-State Malt beverage Supplier License) shall not apply for or hold a license listed in KRS 243.040(3) (Distributors License) or (4) (Nonquota Retail Malt Beverage Package License) – KRS 243.110(2)(b)

• The holder of a quota retail package license may also hold a quota retail drink license, an NQ1 retail drink license, an NQ2 retail drink license, or a special nonbeverage alcohol license – KRS 243.110(3)(a)

• The holder of a transporter's license may also hold a distilled spirits and wine storage license – KRS 243.110(3)(b)

• The holder of a distiller's license may also hold a rectifier's license, a special nonbeverage alcohol license, a winery license, or a small farm winery license – KRS 243.110(3)(c)

• A commercial airline system or charter flight system retail license, a commercial airline system or charter flight system transporter's license, and a retail drink license if held by a commercial airline or charter flight system may be held by the same licensee – KRS 243.110(3)(d)

• A Sunday retail drink license and supplemental license may be held by the holder of a primary license – KRS 243.110(3)(e)
INCOMPATIBLE LICENSES – KRS 243.110

• Any person may hold 2 or more licenses of the same kind – KRS 243.110(4)
• A person or entity shall not evade the prohibition against applying for or holding licenses of 2 kinds by applying for a second license through or under the name of a different person or entity – KRS 243.110(5)
• The state administrator shall examine the ownership, membership, and management of applicants, and shall deny the application for a license if the applicant is substantially interested in a person or entity that holds an incompatible license – KRS 243.110(5)
REMOVAL OF PARTIALLY CONSUMED BOTTLE FROM RESTAURANT – KRS 243.115

• A restaurant licensed under KRS 243.030 may permit a patron of the restaurant to remove 1 opened container of wine from the restaurant's premises for consumption off the premises if the patron has purchased and partially consumed the bottle of wine with a meal on the restaurant's premises – KRS 243.115(1)

• A partially consumed bottle of wine that is removed from the premises shall be securely resealed by the restaurant licensee or its employee before the bottle is removed from the premises – KRS 243.115(2)

• The partially consumed bottle of wine shall be placed in a bag or other container that is secured in a manner that makes it visibly apparent if the container has been subsequently opened or tampered with, and the licensee shall provide a dated receipt for the wine to the patron – KRS 243.115(2)
PLACEMENT OF RESEALED BOTTLE DURING TRANSPORT – KRS 243.117

- If a patron removes a resealed bottle of wine from the premises of a restaurant, any resealed bottle of wine that is transported in a motor vehicle shall be placed in a locked glove compartment or the trunk or other area that is not a passenger area.
DISTILLER’S, RECTIFIER’S, OR WINERY LICENSE – KRS 243.120

- A distiller's, rectifier's, or winery license shall authorize the licensee to engage in the business of distiller, rectifier, or winery at the premises specifically designated in the license, to maintain aging warehouses, and to transport for himself or herself only any alcoholic beverage which he or she is authorized under the license to manufacture or sell – KRS 243.120(1)

- The licensee shall transport alcoholic beverages only by a vehicle operated by himself or herself, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee – KRS 243.120(1)

- No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier, unless the owner of the truck or vehicle holds a distributor's license – KRS 243.120(1)
DISTILLER’S, RECTIFIER’S, OR WINERY LICENSE – KRS 243.120

• Distillers that produce more than 50,000 gallons of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class A – KRS 243.120(2)(a)
• Distillers that produce 50,000 gallons or less of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class B (craft distillery) – KRS 243.120(2)(b)
• Rectifiers that rectify more than 50,000 gallons of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class A – KRS 243.120(3)(a)
• Rectifiers that rectify 50,000 gallons or less of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class B (craft rectifier) – KRS 243.120(3)(b)
DISTILLER’S, RECTIFIER’S, OR WINERY LICENSE – KRS 243.120

• A distiller that is located in wet territory, or in any precinct that has authorized the limited sale of alcoholic beverages at distilleries under KRS 242.1243, may sell distilled spirits by the drink or by the package at retail to consumers in accordance with KRS 243.0305 – KRS 243.120(4)(a)

• Any distilled spirits sold under this subsection shall be taxed and distributed in the same manner as sales under KRS 243.0305(2) – KRS 243.120(4)(b)

• Except as provided in this subsection, sales under this subsection shall be governed by all of the statutes and administrative regulations governing the retail sale of distilled spirits by the drink – KRS 243.120(4)(c)
TRANSACTIONS PERMITTED TO
DISTILLERS, RECTIFIERS, AND WINERIES
– KRS 243.130

• Sales and deliveries of distilled spirits and wine may be made at wholesale, and from the licensed premises only
  – By distillers to rectifiers, wineries, holders of special nonbeverage alcohol licenses so far as they may make the purchases, or other distillers – KRS 243.130(1)(a)
  – By rectifiers to wineries or to distillers if distilled spirits sold to distillers are packaged in retail containers – KRS 243.130(1)(b)
  – By wineries to rectifiers or other wineries, or to the holders of special nonbeverage alcohol licenses – KRS 243.130(1)(c)
  – By distillers, rectifiers, or wineries to wholesalers – KRS 243.130(1)(d)
  – By distillers, rectifiers, or wineries for export out of the state – KRS 243.130(1)(e)
TRANSACTIONS PERMITTED TO DISTILLERS, RECTIFIERS, AND WINERIES – KRS 243.130

• No distiller, rectifier, or winery shall sell or contract to sell, give away, or deliver any alcoholic beverages to any person who is not authorized by the law of the state of the person's residence, and of the United States government if located in the United States, to receive and possess those alcoholic beverages – KRS 243.130(2)

• No distiller, rectifier, or winery shall sell or contract to sell, give away, or deliver any of its products to any retailer or consumer in Kentucky – KRS 243.130(2)

• Employees of distillers, rectifiers, and wineries may sample the products produced by that manufacturer for purposes of education, quality control, and product development – KRS 243.130(3)
TRANSACTIONS PERMITTED TO
DISTILLERS, RECTIFIERS, AND WINERIES
– KRS 243.130

• Distillers may purchase distilled spirits only from other licensed distillers in this state or in another state or province, but distillers may purchase from rectifiers licensed in Kentucky, distilled spirits which are packaged in retail containers – KRS 243.130(4)

• Rectifiers may purchase distilled spirits and wine only from licensed distillers or wineries in Kentucky, or from nonresident distillers or wineries authorized by the law of the state of their residence and by the United States government, if the distillers or wineries are located in the United States, to make the sales – KRS 243.130(5)

• Wineries may purchase distilled spirits or wine only from licensed distillers or wineries in Kentucky, or from nonresident distillers or wineries authorized by law of the state of their residence, and by the United States government if located in the United States, to make the sales – KRS 243.130(6)

• Nothing shall prohibit the purchase or sale of warehouse receipts by any person, but this subsection does not authorize the owner of a warehouse receipt to accept delivery of any distilled spirits unless the owner is a person who is permitted by law to receive the distilled spirits – KRS 243.130(7)
BUSINESS AUTHORIZED BY BREWERS LICENSE – KRS 243.150

- A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license, and to transport for itself only any malt beverage which the licensee is authorized by its license to manufacture or sell, but the licensee shall transport any malt beverages in accordance with the requirements provided by KRS 243.120 for distillers – KRS 243.150(1)
BUSINESS AUTHORIZED BY BREWERS LICENSE – KRS 243.150

- A brewer may sell any malt beverage produced under its license to
  - A licensed wholesaler from the licensed premises – KRS 243.150(2)(a)
  - Any of its employees for home consumption – KRS 243.150(2)(b)
  - Charitable or fraternal organizations holding group meetings, picnics, or outings – KRS 243.150(2)(c)
  - A customer, strictly limited to the following types of sales on the premises of a brewery located in wet territory
    - By the drink sales for consumption on the premises only, to be conducted in a taproom or similar space that is located at the licensed brewery – KRS 243.150(2)(d)(1)
    - Package sales for off-premises consumption only by using a refillable, resealable growler – KRS 243.150(2)(d)(2)
BUSINESS AUTHORIZED BY BREWERS LICENSE – KRS 243.150

• A licensed brewer may buy malt beverages from another licensed brewer in this state or nonresident brewer authorized by the law of the state of its residence, and by the United States government if located in the United States, to make these sales – KRS 243.150(3)

• Employees of a licensed brewer may sample the products produced by that manufacturer for purposes of education, quality control, and product development – KRS 243.150(4)

• A brewer may serve on the licensed premises of its brewery complimentary samples of malt beverages produced at the brewery in an amount not to exceed 16 ounces per patron per day, if the brewery is located in wet territory – KRS 243.150(5)
SMALL FARM WINERY WHOLESALER’S LICENSE – KRS 243.154

• To purchase, receive, store, or possess wine produced by small farm winery licensees – KRS 243.154(1)(a)
• To sell the wine at wholesale from the licensed premises only – KRS 243.154(1)(b)
• To transport from the licensed premises for himself or herself only any wine produced by small farm winery licensees that the small farm winery wholesaler's license authorizes him or her to sell – KRS 254.154(1)(c)
• A small farm winery wholesaler licensed under this section shall
  – Transport the wine in the manner provided for manufacturers in KRS 243.120 – KRS 243.154(2)(a)
  – Transport the wine from a small farm winery's licensed premises or another wholesaler's premises to the small farm winery wholesaler's premises – KRS 243.154(2)(b)
SMALL FARM WINERY WHOLESALER'S LICENSE – KRS 243.154

• A small farm winery wholesaler licensed under this section shall not purchase, receive, store, possess, sell, or transport wine or distilled spirits, except as provided in this section, and shall comply with all provisions of the Kentucky Revised Statutes applicable to wholesalers licensed under KRS 243.030, to the extent the provisions are not inconsistent with this section – KRS 243.154(3)

• A small farm winery wholesaler licensed under this section shall be allowed to have its licensed premises on or in the licensed premises of a small farm winery – KRS 243.154(4)
• Any in-state or out-of-state small farm winery may apply for a small farm winery license. In addition to all other licensing requirements, an applicant for a small farm winery license shall submit with its application a copy of the small farm winery's federal basic permit and proof documenting its annual wine production – KRS 243.155(1)

• An out-of-state winery shall submit additional documentation evidencing its resident state. As part of the application process, an out-of-state winery shall publish its notice of intent, as required by KRS 243.360, in the Kentucky newspaper of highest circulation – KRS 243.155(1)

• The board shall promulgate administrative regulations establishing the form the documentation of proof of production shall take – KRS 243.155(1)
SMALL FARM WINERY LICENSE – KRS 243.155

- A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed
  - Engage in the business of a winery under the terms and conditions of KRS 243.120 and 243.130 – KRS 243.155(2)(a)
  - The manufacture of wine at the small farm winery shall not be less than 250 gallons, and shall not exceed 100,000 gallons, in 1 year – KRS 243.155(2)(a)
  - Bottle wines produced by that small farm winery and other licensed small farm wineries – KRS 243.155(2)(b)
**SMALL FARM WINERY LICENSE – KRS 243.155**

- A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed
  - Enter into an agreement with another licensed small farm winery under which it crushes, processes, ferments, bottles, or any combination of these services, the grapes, fruits, or other agricultural products of the other small farm winery for a production year – KRS 243.155(2)(c)
  - The resulting wine shall be considered the product of the small farm winery that provides the fruit. The small farm winery providing the custom crushing services may exclude the wine produced under this paragraph from its annual production gallonage – KRS 243.155(2)(c)
SMALL FARM WINERY LICENSE – KRS 243.155

- A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed:
  - If the licensed small farm winery or off-premises retail site premises is located in wet territory or in a precinct that has authorized alcoholic beverage sales by the small farm winery under KRS 242.124:
    - Serve complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day – KRS 243.155(2)(d)(1)
    - Sell by the drink for on-premises consumption or by the package wine produced by it or by another licensed small farm winery, at retail to consumers – KRS 243.155(2)(d)(2)
SMALL FARM WINERY LICENSE – KRS 243.155

- A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed
  - Sell by the drink or by the package, at fairs, festivals, and other similar types of events, wine produced by it or by another licensed small farm winery, at retail to consumers if all sales occur in a wet territory – KRS 243.155(2)(e)
  - Sell and transport wine produced by it to licensed small farm winery off-premises retail sites, wholesale license holders, and small farm winery license holders – KRS 243.155(2)(f)
  - Consume on the premises wine produced by the small farm winery or a licensed small farm winery and purchased by the drink or by the package at the licensed premises, if the small farm winery is located in wet territory – KRS 243.155(2)(g)
• A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed
  
  – Deliver or ship packages of wine at retail
  
  • To small farm winery visitors of legal drinking age, in quantities not to exceed 4 cases per purchaser per day – KRS 243.155(2)(h)(1)
  
  • A winery shall deliver or ship the packages to the purchaser through a licensed common carrier that is authorized to deliver or ship wine in the jurisdiction to which the products will be delivered or shipped - – KRS 243.155(2)(h)(1)
A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed:

- Deliver or ship packages of wine at retail
  - Pursuant to subscription or small farm winery-sponsored club programs, in quantities not to exceed an aggregate of 1 case per month per calendar year, provided that the enrollment and payment for the subscription or club is arranged in person at the small farm winery – KRS 243.155(2)(h)(2)
  - At the member’s request, an order may be delivered or shipped directly to the member – KRS 243.155(2)(h)(2)
  - All deliveries or shipments shall be made through a licensed common carrier authorized to deliver or ship wine in the jurisdiction to which the products will be delivered or shipped – KRS 243.155(2)(h)(2)
SMALL FARM WINERY LICENSE – KRS 243.155

• If the requirements of KRS 242.1241 or 244.290(5) relating to Sunday sales on the licensed premises of a small farm winery are met, a small farm winery within that territory may sell alcoholic beverages on Sunday only in accordance with this section between the hours of 1 p.m. until the prevailing time for that locality – KRS 243.155(3)

• A small farm winery license holder may also hold an NQ2 retail drink license or an NQ4 retail malt beverage drink license if
  – The small farm winery is located in wet territory or in a precinct that has authorized alcoholic beverage sales by the small farm winery under KRS 242.124 – KRS 243.155(4)(a)
  – The issuance of these licenses is in connection with the establishment and operation of a restaurant, hotel, inn, bed and breakfast, conference center, or any similar business enterprise designed to promote viticulture, enology, and tourism – KRS 243.155)(b)
MICROBREWERY LICENSE – KRS 243.157

• Engage in the business of a brewer under the terms and conditions of KRS 243.150, provided that production of malt beverages at the microbrewery shall not exceed 50,000 barrels in 1 year – KRS 243.157(1)(a)

• Serve on the premises complimentary samples of malt beverages produced by the microbrewery in amounts not to exceed 16 ounces per patron, provided the microbrewery is located in wet territory – KRS 243.157(1)(b)

• Sell malt beverages produced on the premises of the microbrewery to licensed distributors – KRS 243.157(1)(c)
MICRO BREWERY LICENSE – KRS 243.157

- Sell malt beverages produced on the premises of the microbrewery for on- and off-premises purposes in accordance with subsection (3)(b) and (c) of this section – KRS 243.157(1)(d)
- Sell malt beverages produced on the premises of the microbrewery to consumers at fairs, festivals, and other similar types of events located in wet territory, in accordance with subsection (3)(b)2. and 3. and subsection (3)(c)2. and 3. of this section – KRS 243.157(1)(e)
- The cumulative amount of malt beverages purchased by a consumer by the drink and by the package from a microbrewery under this paragraph shall not exceed 288 ounces per day – KRS 243.157(1)(e)
MICROBREWERY LICENSE – KRS 243.157

- A microbrewery license shall not be deemed to be incompatible with any other license except for a distributor's license under the provisions of KRS 243.180 – KRS 243.157(2)

- A microbrewery license holder may
  - Hold retail drink and package licenses both on and off the premises of the microbrewery – KRS 243.157(3)(a)
  - The holder of a microbrewery license is exempt from the provisions of KRS 244.570 and 244.590 as applied to any retail licenses held by the microbrewery license holder, and from any other sections which would restrict the co-ownership of the microbrewery license and any retail licenses described in this section - KRS 243.157(3)(a)
MICROBREWERY LICENSE – KRS 243.157

• A microbrewery license holder may
  – Sell malt beverages produced on the premises of the microbrewery for on-premises purposes without having to transfer physical possession of those malt beverages to a licensed distributor provided
    • The microbrewery possesses a retail drink license for those premises – KRS 243.157(3)(b)(1)
    • The microbrewery has a written contract with a licensed distributor authorizing the distributor to purchase and distribute the microbrewery’s malt beverages to any other retailer - KRS 243.157(3)(b)(2)
    • The microbrewery provides to the distributor a monthly report of the quantity of malt beverages produced at the microbrewery and sold at retail at the microbrewery under the provisions of its retail drink license – KRS 243.157(3)(b)(3)
    • The report required under this subparagraph shall
      – Be provided to the distributor on or before the tenth day of the month next succeeding the month in which the malt beverages were produced and sold at the microbrewery – KRS 243.157(3)(b)(3)(a)
      – Be provided on a form promulgated by the board by administrative regulation. The information provided on the form shall be reported to the Department of Revenue at the time and in the manner required by that department in accordance with its powers under KRS 131.130(3) and any administrative regulation promulgated thereunder – KRS 243.157(3)(b)(3)(b)
A microbrewery license holder may

- Sell malt beverages produced on the premises of the microbrewery for off-premises purposes without having to transfer physical possession of those malt beverages to a licensed distributor provided that
  - The microbrewery possesses a retail package license for those premises – KRS 243.157(3)(c)(1)
  - The microbrewery has a written contract with a licensed distributor authorizing the distributor to purchase and distribute the microbrewery’s malt beverages to any other retailer – KRS 243.157(3)(c)(2)
  - The microbrewery provides to the distributor a monthly report of the quantity of malt beverages produced at the microbrewery under the provisions of its retail package license – KRS 243.157(3)(c)(3)
  - The report required under this subparagraph shall
    - Be provided to the distributor on or before the tenth day of the month next succeeding the month in which the malt beverages were produced and sold at the microbrewery – KRS 243.157(3)(c)(3)(a)
    - Be provided on a form promulgated by the board by administrative regulation. The information provided on the form shall be reported to the Department of Revenue at the time and in the manner required by that department in accordance with its powers under KRS 131.130(3) and any administrative regulation promulgated thereunder – KRS 243.157(3)(c)(3)(b)
• The provisions of subsection (3)(b) and (c) of this section shall apply only to malt beverages that are produced by the microbrewery at its licensed premises and
  • Offered for sale by the microbrewery at that same premises under the microbrewery’s retail drink or package license – KRS 243.157(4)(a) or
  • Offered for sale by the microbrewery at a fair, festival, or other similar type of event as authorized under subsection (1)(e) of this section – KRS 243.157(4)(b)

  – All other malt beverages produced by the microbrewery which are offered for retail sale shall be sold and physically transferred to a licensed distributor in compliance with all other relevant provisions of KRS Chapters 241 to 244, and a licensed microbrewery shall not otherwise affect sales of malt beverages directly to retail customers except as provided in subsection (3)(b) and (c) of this section – KRS 243.157(4)
• A microbrewery selling malt beverages in accordance with subsection (3)(b) and (c) of this section shall collect and provide the licensed distributor all taxes due under KRS 243.884 – KRS 243.157(5)(a)

• The tax shall be computed at the rate of eleven percent (11%) of the wholesale value of the malt beverages sold by the microbrewery under the provisions of subsection (3)(b) and (c) of this section. For the purposes of this subsection “wholesale value” shall be determined in accordance with the contract required under subsection (3)(b)2. and (c)2. of this section, as applicable –KRS 243.157(5)(a)
The licensed distributor shall be responsible for remitting these amounts to the Commonwealth as provided in KRS 243.884(1) – KRS 243.157(5)(b).

In accordance with KRS 243.886, the licensed distributor shall be allowed to deduct one percent (1%) of the tax remitted under this subsection, provided the amount due is not delinquent at the time of payment – KRS 243.157(5)(b).

Nothing in this subsection shall require the licensed distributor to verify the amount of taxes collected and provided by the microbrewery to be the true and accurate amount which is due according to KRS 243.884; nor shall the distributor be responsible for remittance of taxes due in the event the microbrewery fails to collect and provide the amounts owed under the provisions of this subsection – KRS 243.157(5)(b).
• The licensed distributor shall be responsible for remitting these amounts to the Commonwealth as provided in KRS 243.884(1) – KRS 243.157(5)(b)

• In accordance with KRS 243.886, the licensed distributor shall be allowed to deduct one percent (1%) of the tax remitted under this subsection, provided the amount due is not delinquent at the time of payment – KRS 243.157(5)(b)

• Nothing in this subsection shall require the licensed distributor to verify the amount of taxes collected and provided by the microbrewery to be the true and accurate amount which is due according to KRS 243.884; nor shall the distributor be responsible for remittance of taxes due in the event the microbrewery fails to collect and provide the amounts owed under the provisions of this subsection – KRS 243.157(5)(b)
• A microbrewery shall pay the excise tax on malt beverages in accordance with KRS 243.720(3) AND 243.730 and shall be entitled to the credit set forth in krs 243.720(3)(b) – KRS 243.157(5)(c)
• A microbrewery shall not be located in dry or moist territory – KRS 243.157(6)
WHOLESALE'S LICENSE — KRS 243.160

• A licensed wholesaler may purchase, receive, store, or possess distilled spirits and wine to sell at wholesale, from the licensed premises only, and to transport to and from the licensed premises only alcoholic beverages that the wholesaler's license authorizes the licensee to sell – KRS 243.160

• The wholesaler may transport
  – Beverages in the manner provided for manufacturers in KRS 243.120 – KRS 243.160(1)(a)
  – Distilled spirits and wine from a manufacturer's warehouse or from another licensed wholesaler's premises to the licensed wholesaler premises – KRS 243.160(1)(b)

• The holder of a wholesaler's license may sell and transport its products to the holder of a special nonbeverage alcohol license – KRS 243.160(2)
PERMITTED WHOLESALER TRANSACTIONS – KRS 243.170

• A wholesaler may sell, deliver, and transport distilled spirits and wine at wholesale, and from the licensed premises only, to
  – Other wholesalers – KRS 243.170(1)(a)
  – Retailers – KRS 243.170(1)(b)
  – A point out of the state to persons authorized by the law of the state of their residence, and by the United States government if located in the United States, to receive the distilled spirits and wine – KRS 243.170(1)(c)
PERMITTED WHOLESALER TRANSACTIONS – KRS 243.170

- A wholesaler may purchase distilled spirits and wine at wholesale from licensed distillers, rectifiers, wineries, or other wholesalers and from nonresidents authorized by the law of the states of their residence, and by the United States government if located in the United States, to make the sales – KRS 243

- A wholesaler may not transport distilled spirits and wine from any point to its own licensed premises, except as provided in KRS 243.200
PERMITTED WHOLESALER TRANSACTIONS – KRS 243.170

- No wholesaler shall sell or contract to sell, give away, or deliver any distilled spirits or wine to any person in Kentucky who is not licensed to receive, possess, distribute, or sell distilled spirits and wine, and no wholesaler shall sell or contract to sell, give away, or deliver any distilled spirits or wine to any consumer – KRS 243.170(3)

- This section does not permit sales or deliveries of distilled spirits in Kentucky by licensed wholesalers to nonresidents who are not licensed by their own states – KRS 243.170(3)

- A wholesaler may extend credit on distilled spirits and wine sold to retail licensees for a period not to exceed 30 days from the date of invoice, with the date of invoice included in the total number of days – KRS 243.170(4)

- When the 30 day period has passed without payment in full, no wholesaler shall sell to the licensee except for cash on delivery – KRS 243.170(4)
DISTRIBUTOR’S LICENSE – KRS 243.180

• A distributor’s license shall authorize the licensee to
  – Purchase malt beverages from Kentucky breweries or from out-of-state breweries or distributors licensed to do business by the state in which they are located – KRS 243.180(1)(a)
  – Import a non-United States brand malt beverage from an importer or wholesaler registered with the Kentucky Department of Revenue – KRS 243.180(1)(b)
  – Sell his or her products to the holder of a special nonbeverage alcohol license – KRS 243.180(1)(c)
  – Store malt beverages and to sell them only, from the licensed premises, to other distributors, to licensed retailers, to any of its employees for home consumption, and to charitable or fraternal organizations holding group meetings, picnics, or outings – KRS 243.180(1)(d)
DISTRIBUTOR’S LICENSE – KRS 243.180

• A distributor shall transport malt beverages only by a vehicle owned, rented, or leased and operated by the distributor, which has affixed to its sides at all times a sign of form and size prescribed by the state board, containing among other things the name and license number of the licensee – KRS 243.180(2)

• No distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier, unless the owner of such truck or vehicle holds a wholesaler's license – KRS 243.180(2)

• A distributor's license must be obtained for each separate warehouse, agent, distributor, broker, jobber, or place of business from which orders are received or beverages are distributed unless it is a licensed brewery – KRS 243.180(3)
• No license shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written agreement or a permit for a term of not less than the license period
PREMISES FOR WHICH RETAIL PACKAGE, DRINK, AND MALT BEVERAGE LICENSES MAY BE ISSUED – KRS 243.230

• Quota retail drink licenses may be issued for premises located within urban-county governments, incorporated cities, or elsewhere in counties if those cities and counties maintain an adequate police force – KRS 243.230(1)

• Quota retail drink licenses may not be issued to premises located within a city or a county that has enacted an ordinance preventing the issuance of these licenses within the jurisdiction of the local government – KRS 243.230(2)

• Quota retail package licenses may be issued only for premises located within incorporated cities – KRS 243.230(3)(a)(1)
PREMISES FOR WHICH RETAIL PACKAGE, DRINK, AND MALT BEVERAGE LICENSES MAY BE ISSUED – KRS 243.230

• No quota retail package license or quota retail drink license for the sale of distilled spirits or wine shall be issued for any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil – KRS 243.230(5)
SALE AND RESALE OF VINTAGE DISTILLED SPIRITS – KRS 243.232

• A person holding a license to sell distilled spirits by the drink or by the package at retail may sell vintage distilled spirits purchased from a nonlicensed person upon written notice to the department in accordance with administrative regulations promulgated by the department – KRS 243.232(1)

• Vintage distilled spirits may be resold only
  – By the drink by a person holding a license to sell distilled spirits by the drink – KRS 243.232(2)(a)
  – By the package by a person holding a license to sell distilled spirits by the package – KRS 243.232(2)(b)
• Purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises – KRS 243.240(1)(a)

• Deliver or ship to the customer, at the customer's request, alcoholic beverages that are purchased
  – From the licensed premises where eighty percent 80% of the monthly gross sales receipts are sales to Kentucky residents, in quantities not to exceed four and 4 ½ liters of distilled spirits and 4 cases of wine per purchaser per day for sales prior to January 1, 2021, and in quantities not to exceed an aggregate of 9 liters of distilled spirits and four 4 cases of wine per purchaser per day on and after January 1, 2021 – KRS 243.240(1)(b)(1)
QUOTA RETAIL PACKAGE LICENSE – KRS 243.240

• Deliver or ship to the customer, at the customer's request, alcoholic beverages that are purchased
  – By subscription members or club program members, in quantities not to exceed an aggregate of 9 liters per calendar year for distilled spirits, and an aggregate of 1 case of wine per month per calendar year, provided that the enrollment and payment for the subscription or club is arranged in person at the premises – KRS 243.240(1)(b)(2)

• The licensee shall purchase distilled spirits and wine in retail packages only and only from licensed wholesalers – KRS 243.240(2)

• All deliveries or shipments made pursuant to this section shall be made through a licensed transporter or licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction to which the products will be delivered or shipped – KRS 243.240
QUOTA RETAIL DRINK LICENSE – KRS 243.250

• A quota retail drink license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits and wine only from licensed wholesalers
A special temporary license may be issued in wet territory to any regularly organized fair, exposition, racing association, or other party, when in the opinion of the board a necessity for the license exists – KRS 243.260(1)

Unless inconsistent with this section, a special temporary licensee shall have the same privileges and restrictions of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at the designated premises, not to exceed 30 days – KRS 243.260(1)

A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed 10 days – KRS 243.260(2)

The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, receptions, reunions, or similar occasions – KRS 243.260(2)
SPECIAL TEMPORARY LICENSE – KRS 243.260

• The holder of a special temporary license may sell, serve, and deliver alcoholic beverages by the drink, for consumption only at the designated premises and the date and times for the qualifying event – KRS 243.260(3)
NONQUOTA MALT BEVERAGE PACKAGE LICENSE – KRS 243.280

• Sell malt beverages at retail by the package from the licensed premises only for consumption off the licensed premises only – KRS 243.280(1)(a)
• Purchase malt beverages only from a distributor – KRS 243.280(1)(b)
• The holder of a quota retail package license under KRS 243.240 may also obtain a license under this section – KRS 243.280(2)
• The holder of a nonquota retail malt beverage package license may also hold a NQ4 retail malt beverage drink license – KRS 243.280(3)
NONQUOTA MALT BEVERAGE PACKAGE LICENSE – KRS 243.280

- A nonquota retail malt beverage package license shall not be issued to sell malt beverages at retail for any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted, unless there is maintained in inventory on the premises for sale at retail not less than $5,000 of food, groceries, and related products valued at cost – KRS 243.280(4)

- The term "food and groceries" means
  - Any food or food product intended for human consumption except alcoholic beverages, tobacco, hot foods, and hot food products prepared for immediate consumption – KRS 243.280(5)(a)
  - Seeds and plants to grow food for personal consumption – KRS 243.280(5)(a)

- The provisions of this section shall not apply to any licensed premises which sells no fuel other than marine fuel – KRS 243.280(6)
NOTICE OF INTENT TO APPLY FOR LICENSE – KRS 243.360

• All persons, except an applicant for the same license for the same premises, or an applicant for an out-of-state malt beverage supplier's license, limited out-of-state malt beverage supplier's license, out-of-state distilled spirits and wine supplier's license, limited out-of-state distilled spirits and wine supplier's license, supplemental bar license, extended hours supplemental license, a special agent or solicitor's license, a special nonbeverage alcohol license, a transporter's license, a special Sunday drink license, a hotel in-room license, a sampling license, or a special temporary drink license shall, before applying for a license, advertise by publication their intention to apply for a license in the newspaper for legal notices under KRS 424.120 for the county or city whose local administrator has local jurisdiction over the proposed premises – KRS 243.360(1)
NOTICE OF INTENT TO APPLY FOR LICENSE – KRS 243.360

- The notice shall contain the following information
  - The notice shall state: the name and address of the applicant and the name and address of each principal owner, partner, member, officer, and director if the applicant is a partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law – KRS 243.360(2)(a)
  - The notice shall specifically state the location of the premises for which the license is sought, the type of business, and the type of license being requested – KRS 243.360(2)(b)
  - The notice shall state the date the application will be filed and shall contain the following statement: “Any person, association, corporation, or body politic may protest the approval of the license by writing the Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, within thirty (30) days of the date of legal publication.” – KRS 243.360(2)(c)
NOTICE OF INTENT TO APPLY FOR LICENSE – KRS 243.360

• Any protest received after the 30 day period has expired shall not be considered a valid legal protest by the board – KRS 243.360(3)

• Substantial compliance with the information listed in subsection (2) of this section shall be sufficient to comply with this section – KRS 243.360(4)
APPLICATION FOR ENTITY OWNING MORE THAN TWO LICENSED PREMISES – KRS 243.380

• Applications for distilled spirit and wine licenses shall be made to the distilled spirits administrator – KRS 243.380(1)

• Applications for malt beverage licenses shall be made to the malt beverages administrator – KRS 243.380(1)

• Applications for distilled spirits, wine, and malt beverage licenses shall be made to the distilled spirits administrator and to the malt beverages administrator – KRS 243.380(1)
APPLICATION FOR ENTITY OWNING MORE THAN TWO LICENSED PREMISES – KRS 243.380

• All applications shall be on forms furnished by the department - KRS 243.380(2)
• They shall be verified and shall set forth in detail all information concerning the applicant and the premises submitted for licensing as the board requires through the promulgation of an administrative regulation - KRS 243.380(2)
• Each application shall be accompanied by payment. Payment of the license fee may be by certified check, a postal or express money order, or any other method of payment approved in writing by both the Finance and Administration Cabinet and the Office of the State Treasurer - KRS 243.380(2)
• Promptly upon receipt of the payment the board shall pay it into the State Treasury, giving the Department of Revenue copies of the pay-in vouchers and any other supporting data as the Department of Revenue requires for revenue control purposes - KRS 243.380(2)
APPLICATION FOR ENTITY OWNING MORE THAN TWO LICENSED PREMISES – KRS 243.380

• A business entity that owns more than 2 licensed premises may initially submit common information about ownership, officers, directors, managerial employees, and shall provide current criminal background checks once for all separately licensed premises in 1 master file – KRS 243.380(3)

• Any business qualifying under this subsection shall only be required to amend its master file information for material changes under KRS 243.390(2) or ownership transfers under KRS 243.630 – KRS 243.380(3)
The board may require through the promulgation of an administrative regulation that license applications contain the following information, given under oath:

- The name, age, Social Security number, address, residence, and citizenship of each applicant – KRS 243.390(1)(a)

- If the applicant is a partner, the name, age, Social Security number, address, residence, and citizenship of each partner and the name and address of the partnership – KRS 243.390(1)(b)

- The name, age, Social Security number, address, residence, and citizenship of each individual or partner interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, limited partnership company, limited liability company, or other business entity recognized by law, the name, age, Social Security number, and address of each principal owner, member, officer, and director of the applicant. The department may require the names of all owners and the ownership percentage held by each – KRS 243.390(1)(c)
The board may require through the promulgation of an administrative regulation that license applications contain the following information, given under oath:

- The premises to be licensed, stating the street and number, if the premises has a street number, and a description that will reasonably indicate the location of the premises – KRS 243.390(1)(d)
- A statement that neither the applicant nor any other person referred to in this section has been convicted of:
  - Any misdemeanor directly or indirectly attributable to alcoholic beverages – KRS 243.390(1)(e)(1)(a)
  - Any violation involving a controlled substance that is described in or classified pursuant to KRS Chapter 218A within the 2 years immediately preceding the application – KRS 243.390(1)(e)(1)(b)
  - Any felony, within 5 years from the later of the date of parole or the date of conviction – KRS 243.390(1)(e)(1)(c)
  - Providing false information to the department preceding the application – KRS 243.390(1)(e)(1)(d)
• The board may require through the promulgation of an administrative regulation that license applications contain the following information, given under oath
  – A statement that the applicant or any other person referred to in this section has not had any license that has been issued under any alcoholic beverage statute revoked for cause within 2 years prior to the date of the application – KRS 243.390(1)(e)(2)
  – A statement that the applicant will in good faith abide by every state and local statute, regulation, and ordinance relating to the manufacture, sale, use of, and trafficking in alcoholic beverages – KRS 243.390(1)(f)
  – Any other information necessary for the department to administer KRS Chapters 241 to 244 – KRS 243.390(1)(g)
SWORN INFORMATION – KRS 243.390

• The board may require through the promulgation of an administrative regulation that license applications contain the following information, given under oath
  
  – A statement that the applicant or any other person referred to in this section has not had any license that has been issued under any alcoholic beverage statute revoked for cause within 2 years prior to the date of the application – KRS 243.390(1)(e)(2)
  
  – A statement that the applicant will in good faith abide by every state and local statute, regulation, and ordinance relating to the manufacture, sale, use of, and trafficking in alcoholic beverages – KRS 243.390(1)(f)
  
  – Any other information necessary for the department to administer KRS Chapters 241 to 244 – KRS 243.390(1)(g)
SWORN INFORMATION – KRS 243.390

• If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the department within 10 days after the change – KRS 243.390(2)

• In giving any notice or taking any action in reference to a license, the department may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct. The information required to be furnished in the application or supplemental statement shall be deemed material in any prosecution for perjury – KRS 243.390(3)
DENIAL OF APPLICATION – KRS 243.430

- The state administrator may deny any application for a license if the application is incomplete or the correct fee has not been remitted with the application – KRS 243.430(1)
- A license shall not be approved or issued until the 30 day period in which a protest is permissible has expired – KRS 243.420(2)
- Any license for which public notice under KRS 243.360 is required may conditionally be issued in less than 30 days from the date the application is received if the premises has previously operated under the same type of license within the last 12 months – KRS 243.420(2)
- The state administrator shall deny, approve, or issue licenses when, in the sound discretion of the administrator, all of the information necessary has been obtained or the applicant has refused to provide requested information – KRS 243.420(3)
FORM OF LICENSES – KRS 243.440

- The name and address of the licensee – KRS 243.440(1)
- The number of the license – KRS 243.440(2)
- The type of the license – KRS 243.440(3)
- A description by street and number, or otherwise, of the licensed premises – KRS 243.440(4)
- The expiration date of the license – KRS 243.440(5)
- A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law – KRS 243.440(6)
CAUSES FOR DENIAL – KRS 243.450

• If the applicant or the premises for which the license is sought does not comply fully with all alcoholic beverage control statutes and the administrative regulations of the board – KRS 243.450(1)(a)
• If the applicant has not obtained approval from the local ABC administrator for a county or city license required at the proposed premises – KRS 243.450(1)(b)
• If the applicant has done any act for which a revocation of license would be authorized – KRS 243.450(1)(c)
• If the applicant has made any false material statement in its application – KRS 243.450(1)(d)
CAUSES FOR DENIAL – KRS 243.450

• A license may be denied by a state administrator for any reason that the administrator, in the exercise of the administrator's sound discretion, deems sufficient – KRS 243.450(2)
• Among those factors that the administrator shall consider in the exercise of this discretion are
  – Public sentiment in the area – KRS 243.450(2)(a)
  – Number of licensed outlets in the area – KRS 243.450(2)(b)
  – Potential for future growth – KRS 243.450(2)(c)
  – Type of area involved – KRS 243.450(2)(d)
  – Type of transportation available – KRS 243.450(2)(e)
  – Financial potential of the area – KRS 243.450(2)(f)
  – Applicant's status as a delinquent taxpayer as defined in KRS 131.1815 – KRS 243.450(2)(g)
HEARING – KRS 243.470

- If a state administrator denies a license application, the administrator shall notify the applicant in writing of the denial and reasons by registered or certified mail at the address given in the application or supplement – KRS 243.470(1)
- The applicant may, within 30 days after the date of the mailing of the notice from the state administrator, file a request with the board for an administrative hearing on the application – KRS 243.470(2)
- The hearing shall be conducted by the board as a de novo review of the application in compliance with the requirements of KRS Chapter 13B – KRS 243.470(2)
- If the state administrator denies an application and the applicant does not timely request a board hearing on its application under subsection (2) of this section, the department shall refund payment of the license fee to the applicant if requested – KRS 243.470(3)
- The department shall also refund payment of any license fee erroneously paid by an applicant – KRS 243.470(3)
SUSPENSION – KRS 243.480

• Upon proceedings for the revocation of any license under KRS 243.520, the Alcoholic Beverage Control Board, or the local alcoholic beverage administrator, may in its or his or her discretion order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500 – KRS 243.480(1)

• However, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows – KRS 243.480(1)
However, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows – KRS 243.480(1)

– Except for violations arising from retail sales activities, including sales under licenses issued pursuant to KRS 243.086 and sales at retail under KRS 243.0305
  • Distillers, rectifiers, wineries, and brewers, $1,000 per day – KRS 243.480(1)(a)(1)
  • Wholesale liquor licensees, $400 per day – KRS 243.480(1)(a)(2)
  • Wholesale beer licensees, $400 per day – KRS 243.480(1)(a)(3)
• However, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows – KRS 243.480(1)
  – Retail licensees authorized to sell distilled spirits, wine, or beer by the package or drink, $50 per day – KRS 243.480(1)(b)(1)
  – Distillers, wineries, and brewers for violations arising from their retail sales activities, including sales by distillers under licenses issued pursuant to KRS 243.086 and sales at retail under KRS 243.0305, fifty dollars ($50) per day – KRS 243.480(1)(b)(2)
  – All remaining licensees, $50 per day – KRS 243.480(1)(c)
SUSPENSION – KRS 243.480

• Payments in lieu of suspension or for board-ordered agency server training, collected on a cost recovery basis, collected by the Alcoholic Beverage Control Board shall be deposited in the State Treasury and credited to the general expenditure fund – KRS 243.480(2)

• Payments in lieu of suspension collected by local alcoholic beverage administrators shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used – KRS 243.480(2)

• In addition to or in lieu of a suspension of a license, the board may order a licensee to pay for and require attendance and completion by some or all of the licensee's alcoholic beverage servers in the department's server training program – KRS 243.480(3)

• Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in KRS Chapter 13B – KRS 243.480(4)
REVOCATION OR SUSPENSION CAUSES – KRS 243.490

• Any of the provisions of KRS Chapters 241 to 244 – KRS 243.490(1)
• Any administrative regulation of the board relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages – KRS 243.490(2)
• Any rule or administrative regulation of the Department of Revenue relating to the taxation of alcoholic beverages – KRS 243.490(3)
• Any Act of Congress or any rule or regulation of any federal board, agency, or commission – KRS 243.490(4)
• Any local ordinance relating to the regulation of the manufacture, sale, and transportation or taxation of alcoholic beverages – KRS 243.490(5)
REVOCATION OR SUSPENSION
CAUSES – KRS 243.490

• Any of the laws, regulations, or ordinances referred to in this section when an agent, servant, or employee of the licensee committed the violation, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of the licensee’s instructions – KRS 243.490(6)

• Any cause which the Alcoholic Beverage Control Board in the exercise of its sound discretion deems sufficient – KRS 243.490(7)

• Any of the reasons for which the state administrator would have been required to deny a license if existing material facts had been known – KRS 243.490(8)
REVOCATION OR SUSPENSION CAUSES – KRS 243.500

• Conviction of the licensee or the licensee's agent, servant, or employee for selling any illegal alcoholic beverages on the licensed premises – KRS 243.500(1)
• Making any false, material statements in an application or renewal application for a license or supplemental license – KRS 243.500(2)
• Conviction of the licensee or any of the licensee's agents, servants, or employees of
  – 2 violations of the terms and provisions of KRS Chapters 241 to 244, or any act regulating the manufacture, sale, and transportation of alcoholic beverages within 2 consecutive years – KRS 243.500(3)(a)
  – 2 misdemeanors directly or indirectly attributable to the use of alcoholic beverages within 2 consecutive years – KRS 243.500(3)(b)
  – Any felony – KRS 243.500(3)(c)
REVOCATION OR SUSPENSION CAUSES – KRS 243.500

• Failure or default of a licensee to pay an excise tax or any part of the tax or any penalties imposed by or under the provisions of any statutes, ordinances, or Acts of Congress relative to taxation, or for a violation of any related administrative regulations promulgated by the Department of Revenue – KRS 243.500(4)

• Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600, and 243.610, or granted under any Act of Congress relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages – KRS 243.500(5)
REVOCATION OR SUSPENSION CAUSES – KRS 243.500

• Setting up, conducting, operating, or keeping, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility – KRS 243.500(6)

• This subsection shall not apply to
  – The sale of lottery tickets sold under the provisions of KRS Chapter 154A – KRS 243.500(6)(a)
  – The operation of a pari-mutuel system for betting, where authorized by law – KRS 243.500(6)(b)
  – The conduct of charitable gaming by a charitable organization licensed or permitted under KRS Chapter 238 – KRS 243.500(6)(c)
  – Special temporary raffles of alcoholic beverages under KRS 243.036
REVOCATION OR SUSPENSION CAUSES – KRS 243.500

• Conviction of the licensee, the licensee’s agents, servants, or employees for
  – The trafficking or possession upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs – KRS 243.500(7)(a)
  – Knowingly permitting the trafficking or possession by patrons upon the licensed premises of controlled or illegal substances described in KRS Chapter 218A, including synthetic drugs – KRS 243.500(7)(b)
  – Knowingly receiving stolen property upon the licensed premises – KRS 243.500(7)(c)
  – Failure to comply with the terms of a final order of the board – KRS 243.500(7)(d)
ALCOHOL VAPORIZING DEVICES –
KRS 243.502

• A person shall not sell, purchase, deliver, give away, possess, use, or offer for sale or use an alcohol vaporizing device or assist another in selling or using an alcohol vaporizing device – KRS 243.502(1)
• The department may, on its own initiative or on the complaint of any person, institute administrative proceedings before the board to revoke or suspend any license.

• A license may be revoked or suspended only after the licensee has been afforded the opportunity for a hearing conducted in accordance with KRS Chapter 13B.

• The department may issue an emergency order pursuant to KRS 13B.125 to summarily suspend a license upon finding that continued operation of the license holder pending a hearing would constitute a threat to the public health, safety, or welfare.
SURRENDER OF LICENSE UPON REVOCATION – KRS 243.530

- Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises.
- A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section.
- The licensee shall at once surrender its license to the department.
SURRENDER OF LICENSE UPON REVOCATION – KRS 243.530

• If the license revoked is for premises located in any city that has a police force of its own, the department, immediately upon mailing notice of the revocation of the license to the licensee, shall mail to the chief of the police department of that city a written notice stating the fact of the revocation, the name of the licensee whose license was revoked, the address of the premises that had been licensed under the revoked license, and the date of the revocation.

• If the license revoked is for premises that are not located in any city with a police force of its own, the department shall in like manner and at like time mail a similar notice to the sheriff of the county in which the premises are located. If the revoked license is not surrendered at once by the licensee, the chief of the police department or sheriff shall, at the request of the department, immediately cause one of its officers to take physical possession of the license and return it to the department.

• DISPOSITION OF STOCK – KRS 243.540
CONDUCT OF HEARING BY BOARD – KRS 243.550

- Hearings upon appeals from orders of a local administrator, a license determination of a state administrator, or upon proceedings initiated by the department for license revocation or suspension shall be held by the board.
- The board may, at its discretion, hold the hearing in Frankfort, or in the county where the licensed premises, or the premises to be licensed, are located.
- Decisions shall be made and final orders entered only upon the vote of a majority of the board. The hearings shall be conducted in accordance with the provisions of KRS Chapter 13B.
APPEAL TO CIRCUIT COURT – KRS 243.560

• All final orders of the board may be appealed to the Circuit Court of the county where the appellant resides or the county containing the appellant's licensed premises, if any, notwithstanding KRS Chapter 13B – KRS 243.560(1)

• A party to the administrative action may institute an appeal by filing a petition in the office of the clerk of the Circuit Court of the county where the appellant resides or the county containing the appellant's licensed premises, if any, within thirty (30) days after the final order of the board is mailed or delivered by personal service – KRS 243.560(2)

• The board, department, licensee or applicant, and any other parties to the administrative action shall be necessary parties to all appeals – KRS 243.560(3)
• No final order of the board issuing a license shall become effective, and no license under that final order shall be issued, until the expiration of the appeal period contained in KRS Chapter 13B – KRS 243.560(4)

• If an appeal from a final order has been filed as provided under KRS 13B.140, the final order shall not become effective until the appeal has been finally determined by the courts – KRS 243.560(4)

• During the pendency of any appeal, a court may dissolve the stay under this section for good cause shown – KRS 243.560(4)
APPEAL TO COURT OF APPEALS – KRS 243.590

• Any party aggrieved by a judgment of the Circuit Court may appeal to the Court of Appeals in accordance with the Rules of Civil Procedure.
The clerk of a city whose legislative body has imposed license fees under KRS 243.070 shall immediately notify the board of the amount of the fees fixed.

The city licenses shall be issued and the fees collected by such municipal official as may be designated by ordinance.

That official shall report and pay to the city treasurer at the end of each month such license fees as he has collected.

No license shall be issued by the clerk without the approval of the city administrator, if there is one in the city.

The licenses shall be issued in such form as may be prescribed by the city administrator, if there is one in the city, or by the board if there is no city administrator.
POSTING OF LICENSES – KRS 243.620

• Before commencing or doing any business for the time for which a license has been issued, all licenses shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license – KRS 243.620(1)

• No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect – KRS 243.620(2)
TRANSFER OF LICENSE – KRS 243.630

- The transfer to a new person or entity of ten percent (10%) or more ownership interest in any licensed business or license – KRS 243.630(1)(a)
- The transfer in bulk, and not in the ordinary course of business, of a major part of the fixtures, materials, supplies, merchandise, or other inventory of a licensee's business – KRS 243.630(1)(b)
- The transfer of a business or license to a different premises – KRS 243.630(1)(c)
- Any license issued to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, unless a transfer or assignment is authorized by the state administrator in the exercise of sound discretion – KRS 243.630(2)
TRANSFER OF LICENSE – KRS 243.630

• A licensee shall not acquire or otherwise dispose of any interest in a licensed premises or any license issued by the department, by sale of assets, stock, inventory, control or right of control, or activities on the licensed premises without prior approval of the state administrator – KRS 243.630(3)

• The state administrator shall treat a transfer applicant as a new applicant for qualification and discretion purposes – KRS 243.630(3)

• Any acquisition of interest in a license without prior authorization shall be void – KRS 243.630(4)

• All applications for approval of a transfer shall be made in writing to the state administrator having jurisdiction over the license – KRS 243.630(5)
TRANSFER OF LICENSE – KRS 243.630

• Applications for approval of a transfer shall be made under oath or affirmation, shall be signed by both the transferor and the transferee, and shall contain any other information prescribed by the department – KRS 243.630(6)

• The appropriate state administrator shall deny or approve the application when, in the sound discretion of the administrator, all of the necessary information has been obtained or the applicant has refused to provide requested information, but it shall not be acted upon before the end of the public protest period outlined in KRS 243.360 – KRS 243.630(7)

• No licensee or other person seeking to acquire an interest in an existing license shall transfer control or assume control of any licensed premises by agreement or otherwise without the written consent of the state administrator of malt beverages or the state administrator of distilled spirits or both – KRS 243.630(8)
TRANSFER OF LICENSE – KRS 243.630

• A licensee shall not transfer its license or any interest in the license while any proceedings against the license or the licensee for a violation of any statute or administrative regulation which may result in the suspension or revocation of the license are pending – KRS 243.630(9)

• A licensee shall not transfer its license or any interest it has in the license if the licensee owes a debt on the inventory to a wholesaler responsible for the collection and payment of the tax imposed under KRS 243.884 – KRS 243.630(10)

• A licensee shall not transfer its license or any interest in the license if the licensee owes the Commonwealth of Kentucky for taxes as defined in KRS 243.500 – KRS 243.630(11)

• A transfer shall not take place until the department is notified by the Kentucky Department of Revenue that the licensee's indebtedness has been paid or resolved to the satisfaction of the Department of Revenue – KRS 243.630(11)

• This section shall not prohibit a transfer of a license or an interest in a license by a trustee in bankruptcy if all other requirements of this section are met – KRS 243.630(11)

• DEFUNCT LICENSEE – KRS 243.640
In case of destruction by an act of God or casualty for which the licensee was not responsible, of premises for which a license has been issued, the state administrator may, if in the administrator's discretion the action is necessary to attain justice, change the license to authorize continuance of business at other premises.

No transfer shall be made unless the licensee has filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made the state administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.
PLEDGING OR GRANTING SECURITY INTEREST IN LICENSE – KRS 243.660

• No person shall pledge or grant a security interest in any license. This type of pledge or security interest and any contract providing for the pledge or security interest shall be void
APPLICANT TO PAY OWN LICENSE – KRS 243.670

- The license fee for every license shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued.
• The board may compel obedience to its lawful orders by injunction or other proper proceedings in Franklin Circuit Court or any other court of competent jurisdiction, and the proceedings shall have priority over all pending cases.
PREGNANCY WARNINGS – KRS 243.895

- All licensed retailers of alcoholic beverages, except holders of special temporary licenses, shall post in a prominent place easily seen by patrons a printed sign at 8-½ inches by 11 inches in size, with gender-neutral language supplied by the Cabinet for Health and Family Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.
KEG SALE PROHIBITION – KRS 243.897

- No recycler, scrap metal dealer, or scrap yard operator may purchase any metal beer keg, whether damaged or undamaged, except from the brewer or its authorized representative, if:
  - The keg is clearly marked as the property of a brewery manufacturer - KRS 243.897(1)
  - The keg's identification markings have been made illegible – KRS 243.897(2)
PENALTIES – KRS 243.990

• Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of KRS 243.020 to KRS 243.670, for which no other penalty is provided, shall, for the first offense, be guilty of a Class B misdemeanor; and for the second and each subsequent violation, he or she shall be guilty of a Class A misdemeanor – KRS 243.990(1)

• The penalties provided for in this subsection shall be in addition to the revocation of the offender's license – KRS 243.990(1)

• Any person who, by himself or herself or through another, directly or indirectly, violates subsection (1) of KRS 243.020 shall, for the first offense, be guilty of a Class B misdemeanor; for the second offense, he or she shall be guilty of a Class A misdemeanor; and for the third and each subsequent offense, he or she shall be guilty of a Class D felony – KRS 243.990(2)
PENALTIES – KRS 243.990

• Any person who violates subsection (3) of KRS 243.020 shall be guilty of a violation – KRS 243.990(3)

• Any person who violates KRS 243.620 with respect to a license issued under KRS 243.050 or 243.082 shall be guilty of a violation – KRS 243.990(4)

• Any person who violates any of the provisions of KRS 243.720 or 243.730 or any regulation issued thereunder shall be guilty of a Class A misdemeanor – KRS 243.990(5)

• Any person who violates any provision of KRS 243.710 to 243.850 shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180 – KRS 243.99(6)
PENALTIES – KRS 243.990

• In every case, any tax imposed by KRS 243.710 to KRS 243.720 which is not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the due date until the date of payment – KRS 243.990(7)

• Any person who, by himself or herself or acting through another, directly or indirectly, violates KRS 243.502(1) shall, for the first offense, be guilty of a Class B misdemeanor, and for the second and each subsequent violation, he or she shall be guilty of a Class A misdemeanor – KRS 243.990(8)

• The penalties provided for in this subsection shall be in addition to the suspension or revocation of the offender’s license – KRS 243.990(8)

• Any person who violates the provisions of KRS 243.897 shall be subject to a fine not to exceed $1,000 – KRS 243.990(9)
SALES FOR CASH ONLY – KRS 244.040

• A brewer or distributor shall not sell alcoholic beverages to any person in this state for any consideration except for cash paid at or before the time of delivery – KRS 244.040(1)

• For purposes of this section, “cash” includes the sale of malt beverages by electronic transfers if the following conditions are met
  – The use of electronic transfers shall be voluntary and shall be agreed to by the affected brewer, distributor, and retailer – KRS 244.040(1)(a)
  – The brewer shall not pay or credit back in any way to the distributor any share of the cost that is attributable to the electronic transfer – KRS 244.040(1)(b)
  – The distributor shall not pay or credit back in any way to the retailer any share of the cost that is attributable to the electronic fund transfer – KRS 244.040(1)(c)
SALES FOR CASH ONLY – KRS 244.040

- A brewer or distributor shall not sell alcoholic beverages to any person in this state for any consideration except for cash paid at or before the time of delivery – KRS 244.040(1)

- For purposes of this section, “cash” includes the sale of malt beverages by electronic transfers if the following conditions are met
  - The transfer of funds shall be initiated by the brewer or the distributor – KRS 244.040(1)(d)
  - The distributor may debit the retailer's bank account for the exact amount due based on the amount of alcoholic beverages delivered – KRS 244.040(1)(e)
  - Electronic fund transfers that are rejected or denied at the time of sale for any reason shall be treated in the same manner as checks drawn on insufficient funds – KRS 244.040(1)(f)
  - Each participating retail licensee and each distributor maintain accurate records of all electronic fund transfers in accordance with department statutes and administrative regulations – KRS 244.040(1)(g)
SALES FOR CASH ONLY – KRS 244.040

• A brewer or distributor shall not furnish or deliver any returnable bottled malt beverage without collecting a minimum container charge or deposit of $0.60 per case of 24 twelve-ounce bottles or its equivalent in the same manner that the price of the malt beverage is collected – KRS 244.040(2)

• This section shall not prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid by the purchaser for containers or as a deposit on containers when the title is retained by the vendor, if the containers or packages have been returned to the brewer or distributor – KRS 244.040(3)
SALES FOR CASH ONLY – KRS 244.040

• No right of action shall exist to collect any claim for credit extended contrary to this section – KRS 244.040(4)
• This section shall not apply to sales by wholesalers or distributors to licensees that are private clubs or voluntary associations – KRS 244.040(5)
A retail licensee shall not sell, give away, or deliver any alcoholic beverage at retail in any quantity for less than paid or current wholesale cost, except upon written request and approval by the administrators, pursuant to a bona fide “close out” sale, or as provided by KRS 243.0305, 243.0307, 243.155, and 243.157.
LICENSEE TO ONLY BUY FROM THOSE AUTHORIZED – KRS 244.060

• No licensee shall purchase or agree to purchase any alcoholic beverages from any person within or without this state, who is not licensed to sell the beverages to the particular purchaser at the time of the agreement to sell, nor give any order for any alcoholic beverages to any person who is not a holder of a special agent's or solicitor's license if this license is required – KRS 244.060(1)

• No licensee shall sell or agree to sell any alcoholic beverage to any person within or without this state who is not legally authorized to buy and receive the beverages at the time of the agreement to sell, nor secure any order for the sale of any alcoholic beverages through any person who is not the holder of a special agent's or solicitor's license – KRS 244.060(2)
A retail licensee, or the licensee's agent, servant, or employee, shall not sell, give away, or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away, possessed by, or delivered to

- A minor, except that in any prosecution for selling alcoholic beverages to a minor it shall be an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that the purchaser's age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that the purchaser was of legal age to purchase alcoholic beverages – KRS 244.080(1)

- This evidence may be introduced either in mitigation of the charge or as a defense to the charge itself – KRS 244.080(1)
PROHIBITED RETAIL SALES – KRS 244.080

• A retail licensee, or the licensee’s agent, servant, or employee, shall not sell, give away, or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away, possessed by, or delivered to
  – A person who appears to a reasonable person to be actually or apparently under the influence of alcoholic beverages, controlled substances, other intoxicating substances, or any of these substances in combination, to the degree that the person may endanger any person or property, or unreasonably annoy persons in the vicinity – KRS 244.080(2)
NOTICE AS TO SALE TO MINORS –
KRS 244.083

• Every retail licensee shall display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or larger type, substantially as follows

• Persons under the age of 21 are subject to a fine up to $100 if they
  – Enter licensed premises to buy, or have served to them, alcoholic beverages – KRS 244.083(1)
  – Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages – KRS 244.083(2)
  – Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages – KRS 244.083(3)
MINORS AND FAKE ID'S – KRS 244.085

• A person under 21 years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages – KRS 244.085(1)

• A person under 21 years of age shall not possess for personal use or purchase or attempt to purchase or have another purchase for the person any alcoholic beverages – KRS 244.085(2)

• No person shall aid or assist any person under 21 years of age in purchasing or being delivered or served any alcoholic beverages – KRS 244.085(2)

• A person under 21 years of age shall not misrepresent the person's age for the purpose of inducing any licensee, or the licensee's agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person – KRS 244.085(3)
A person under 21 years of age shall not use, or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage – KRS 244.085(4)

Except as provided in KRS 244.090, a licensee, or the licensee's agents, servants, or employees shall not permit any person under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises, unless

- The usual and customary business of the licensee is a hotel, motel, restaurant, convention center, convention hotel complex, racetrack, simulcast facility, golf course, private club, park, fair, church, school, athletic complex, athletic arena, theater, small farm winery, distillery, brewery, winery, convenience store, grocery store, drug store, entertainment destination center, licensed APC premises, or any other business type, as determined by the board through the promulgation of administrative regulations, whose operations allow it to adequately monitor and prevent alcohol sales to minors – KRS 244.085(5)(a)
MINORS AND FAKE ID’S – KRS 244.085

• Except as provided in KRS 244.090, a licensee, or the licensee's agents, servants, or employees shall not permit any person under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises, unless
  – All alcoholic beverage inventory is kept in a separate, locked department at all times when minors are on the premises – KRS 244.085(5)(b)
  – Written approval has been granted by the department to allow minors on the premises until 10 p.m. where the sale of alcohol is incidental to a specific family or community event including but not limited to weddings, reunions, or festivals – KRS 244.085(5)(c)
  – The licensee's request shall be in writing and shall specifically describe the event for which approval is requested – KRS 244.085(5)(c)
  – The state administrators shall approve or deny the request in writing – KRS 244.085(5)(c)
MINORS AND FAKE ID’S – KRS 244.085

• Except as provided in KRS 244.090, a licensee, or the licensee’s agents, servants, or employees shall not permit any person under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises, unless
  – The usual and customary business of the establishment is an entertainment facility where prebooked concerts are held. For the purpose of this paragraph, house bands, disc jockeys, and karaoke are not considered concerts. During the times minors are on the premises under this paragraph, the licensee shall
    • Maintain the responsibility of all ticket sales – KRS 244.085(5)(d)(1)
    • Sell the concert tickets directly to the patron or have a contractual agreement with a vendor or promoter to sell the concert tickets for the licensee – KRS 244.085(5)(d)(2)
    • Maintain records of all gross concert ticket sales. The concert tickets shall have the name of a band or performer as well as the date of the concert – KRS 244.085(5)(d)(3)
    • Permit minors to be in the area where the concert is taking place only during the time of the concert – KRS 244.085(5)(d)(4)
    • Prohibit minors on the premises until thirty (30) minutes prior to the concert and prohibit minors from remaining on the premises more than thirty (30) minutes after the concert performance has ended – KRS 244.085(5)(d)(5)
MINORS AND FAKE ID’S — KRS 244.085

- Except as provided in subsection (5) of this section, a licensee or the licensee's agent, servant, or employee shall not allow any person under the age of 21 to remain on any premises that sells alcoholic beverages by the package unless the underage person is accompanied by a parent or guardian or the usual and customary business of the establishment is a convenience store, grocery store, drugstore, or similar establishment — KRS 244.085(6)

- Except as provided in subsection (5) of this section, a person under the age of 21 shall not remain on any premises that sells alcoholic beverages by the package unless the person under the age of 21 is accompanied by a parent or guardian or the usual and customary business of the establishment is a convenience store, grocery store, drugstore, or similar establishment — KRS 244.085(7)

- A violation of subsection (1), (2), (3), (4), or (7) of this section shall be deemed a status offense if committed by a person under the age of 18 and shall be under the jurisdiction of the juvenile session of the District Court or the family division of the Circuit Court, as appropriate — KRS 244.085(8)
LICENSEEES MAY NOT EMPLOY – KRS 244.090

• Has been convicted of any felony within the last 2 years – KRS 244.090(1)(a)
• Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of alcoholic beverages within the last 2 years – KRS 244.090(1)(b)
• Is under the age of 20 years, unless the person is employed
  – In a bottling house or room of a licensed distiller, winery, brewer, or rectifier – KRS 244.090(1)(c)(1)
  – In an office of a wholesaler or manufacturer that is maintained in a building separate from the warehouses or factory – KRS 244.090(1)(c)(2)
  – At premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least 18 years of age and under the supervision of a person twenty 20 years of age or older – KRS 244.190(1)(c)(3)
LICENSEES MAY NOT EMPLOY – KRS 244.090

• Is under the age of 20 years, unless the person is employed
  – In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages
    • A restaurant that derives at least 50% of its food and alcoholic beverage sales from the sale of food for consumption on the licensed premises – KRS 244.090(1)(c)(4)(a)
    • Any other establishment with alcoholic beverage sales not exceeding 50% of its gross sales – kRS 244.090(1)(c)(4)(b)
LICENSEES MAY NOT EMPLOY – KRS 244.090

- Within two 2 years prior to the date of the person's employment, has had any license issued under KRS Chapters 241 to 244 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause – KRS 244.090(1)(d)
- The provisions of paragraphs (a) and (b) of subsection (1) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises – KRS 244.090(2)
- Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license – KRS 244.090(3)
GIFT CARDS – KRS 244.105

• No person under the age of 21 may redeem a gift card or any portion of a gift card for the purchase of alcoholic beverages. A person holding a license under KRS 243.030 or KRS 243.040 may redeem a gift card for the purchase of alcoholic beverages if the person presenting the card is 21 years of age or older.
RETAIL PREMISES TO FURNISH CLEAR VIEW FROM SIDEWALK OR ENTRANCE – KRS 244.110

• The entrance of any premises for which a quota retail package license or a quota retail drink license has been issued shall be of clear glass and permit an unobstructed view.

• The premises shall be erected and maintained to furnish a clear view of the premises from the sidewalk, or, if the premises are not on the street level, from the entrance.

• No partition, box, stall, screen, curtain, or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions, or panels that are not higher than 48 inches from the floor shall not be construed as obstructing the view or the general observation of persons.
NO DISORDERLY RETAIL PREMISES –
KRS 244.120

• A retail licensee, a patron, or the licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed
premises to be disorderly – KRS 244.120(1)

• Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the
licensee's servants, agents, or employees to cause public inconvenience, annoyance, or alarm, or create a risk through
  – Engaging in fighting or in violent, tumultuous, or threatening behavior – KRS 244.120(2)(a)
  – Making unreasonable noise – KRS 244.120(2)(b)
  – Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other
emergency – KRS 244.120(2)(c)
  – Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose – KRS 244.120(2)(d)
  – Creating a public nuisance – KRS 244.120(2)(e)
  – Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor – KRS 244.120(2)(f)
  – Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or a local government, or by
state administrative regulations, for the licensed premises – KRS 244.120(1)(g)
PROHIBITION ON LOADED FIREARM – KRS 244.125

• Except as provided in subsection (3) of this section, no person shall be in possession of a loaded, as defined in KRS 237.060, firearm while actually within the room where alcoholic beverages are being sold by the drink of a building on premises licensed to sell distilled spirits and wine at retail by the drink for consumption on the licensed premises pursuant to KRS Chapter 243 – KRS 244.125(1)

• This section shall not apply to the owner manager, or employee of licensed premises, law enforcement officers, or special local peace officers commissioned pursuant to KRS 61.360 – KRS 244.125(2)

• This section shall not apply to a bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and which receives less than fifty percent (50%) of its annual food and beverage receipts from the dining facilities by the sale of alcohol – KRS 244.125(3)
PROHIBITION ON LOADED FIREARM – KRS 244.125

• Nothing in this section shall be construed as permitting the carrying of a concealed deadly weapon in violation of KRS 527.020 – KRS 244.125(4)
• Any firearm possessed in violation of this section shall be subject to forfeiture and shall be disposed of pursuant to KRS 237.090 – KRS 244.125(5)
A licensee may advertise or cause to be advertised in any manner any product that the licensee is licensed to manufacture or sell unless prohibited by administrative regulations promulgated by the board – KRS 244.130(1)

The board shall not prohibit the following forms of advertising:

- Advertising in newspapers, magazines, or periodicals having a general circulation – KRS 244.130(2)(a)
- Promotional advertising on radio or television limited to no more than the name of the licensee and the products the licensee is permitted to manufacture or sell – KRS 244.130(2)(b)
- Promotional advertising containing the names of establishments or products displayed on uniforms or equipment of sporting teams – KRS 244.130(2)(c)
• The board shall not prohibit the following forms of advertising
  – Promotional advertising mailed or delivered to a consumer's residence – KRS 244.130(2)(d)
  – A distiller from providing visitors who are 21 years of age or older, in conjunction with a distillery tour or an event conducted by a bona fide church or charitable organization, free
    • Consumer-branded nonalcoholic novelty items whose actual retail cost does not exceed $75 per item – KRS 244.130(2)(e)(1)
    • Production by-products – KRS 244.130(2)(e)(2)
• Each licensee shall keep and maintain upon the licensed premises, or make readily available upon request of the department or the Department of Revenue, adequate books and records of all transactions involved in the manufacture or sale of alcoholic beverages, in the manner required by administrative regulations of the department and the Department of Revenue – KRS 244.150(1)

• The department may require common carriers to provide information in an approved form respecting all shipments of alcoholic beverages to, from, or between persons in Kentucky – KRS 244.150(2)
PRESENCE OF ALCOHOL RAISES PRESUMPTION TO SELL – KRS 244.160

• Whenever any alcoholic beverage, in whatever quantity, is found on any business premises within this state, a prima facie presumption shall arise that the alcoholic beverage was upon the premises for the purpose of sale
No person shall buy, bargain, sell, loan, own, possess or knowingly transport any apparatus designed for the unlawful manufacture of alcoholic beverages.
FURNISHING OF SIGNS – KRS 244.250

• No distiller, rectifier, winery, or wholesaler shall furnish or cause to be furnished to any licensee any exterior or interior sign, printed, painted, electric or otherwise, except as authorized by the administrative regulations of the board.
ALLOWABLE CONTAINERS - KRS 244.260

• No wholesaler shall purchase, import, keep upon the licensed premises, or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than 50 milliliters each of distilled spirits or 100 milliliters of wine, and not exceeding 1.75 liters of distilled spirits or 220 liters of wine, as received from the distiller, rectifier, winery, or wholesaler – KRS 244.260(1)

• The containers shall be in sizes authorized by federal law and at all times shall have affixed to them all labels required by federal law or the administrative regulations of the board – KRS 244.260(1)
ALLOWABLE CONTAINERS - KRS 244.260

• Except as permitted by KRS 243.055 and 243.082(4) and subsection (3) of this section, licensees holding retail distilled spirits and wine drink licenses shall not keep upon their licensed premises any distilled spirits or wine in any container except in the original package as received from the wholesaler and authorized by federal law. Containers of distilled spirits shall not exceed 1.75 liters or be less than 50 milliliters of distilled spirits. Containers of wine shall not exceed 220 liters or be less than 100 milliliters – KRS 244.260(2)

• All containers shall at all times have affixed to them any labels required by federal law or administrative regulations of the board – KRS 244.260(2)
ALLOWABLE CONTAINERS - KRS 244.260

- Licensees holding retail distilled spirits and wine package licenses shall not keep upon their licensed premises any distilled spirits or wine in any container except in the original package as received from the wholesaler and authorized by federal law. Containers of distilled spirits shall not exceed 1.75 liters or be less than 50 milliliters of distilled spirits. Containers of wine shall not exceed 220 liters or be less than 100 milliliters. Except as permitted by subsection (2) of this section, all containers shall at all times remain sealed and shall have affixed to them any labels required by federal law or administrative regulations of the board – KRS 244.260(3)
WHOLESALER TO HAVE NAME AND LICENSE NUMBER ON BUILDING – KRS 244.270

- Each wholesaler shall have painted on the front window of the licensed premises, or, if there is no window, on a sign affixed to the front of the building containing the licensed premises, the name of the licensee together with the inscription: “Kentucky Wholesaler's Liquor License No......” in uniform letters not less than 3 inches in height
NO PEDDLING – KRS 244.280

• No licensee nor any of the licensee's agents, servants, or employees shall peddle any alcoholic beverages from house to house, by any means, where the sale is solicited at the residence or place of business of the consumer.
POLLS AND SUNDAY SALES – KRS 244.290

• A licensee authorized to sell distilled spirits or wine at retail shall be permitted to sell and deliver distilled spirits and wine during the hours the polls are open on any primary, or regular, local option, or special election day unless it is located where the legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county adopts an ordinance after June 25, 2013, that prohibits the sale of distilled spirits and wine or limits the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day during the hours the polls are open – KRS 244.290(1)(a)

• County cannot “trump” city decision – KRS 244.290(1)(c)
POLLS AND SUNDAY SALES – KRS 244.290

• In any county containing a city of the first class, or a city with a population equal to or greater than 20,000 based upon the most recent federal decennial census in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242 – KRS 244.290(2)

• Except as permitted by KRS 243.050 and subsection (4) of this section, a licensee authorized to sell distilled spirits or wine at retail shall not sell or deliver distilled spirits and wine between midnight and 6 a.m. or at any time during the 24 hours of a Sunday – KRS 244.290(3)
POLLS AND SUNDAY SALES – KRS 244.290

• A licensee authorized to sell distilled spirits and wine at retail may sell and deliver distilled spirits and wine on Sunday and during the hours and times as permitted by local ordinance of the legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or the county with local jurisdiction – KRS 244.290(4)

• These ordinances shall not prohibit the sale, gift, or delivery of distilled spirits or wine between 6 a.m. and 12 midnight any day, except Sunday - KRS 244.290(4)
In any territory containing a licensed small farm winery that is permitted to sell alcoholic beverages under KRS Chapter 242, the sale of alcoholic beverages at the small farm winery on Sunday may be permitted if

- The legislative body of the local government having jurisdiction approves by local ordinance the sale of alcoholic beverages on Sunday in strict accordance with the sales permitted by KRS 243.155 on the licensed premises of a small farm winery from 1 p.m. until the prevailing time for that locality – KRS 244.290(5)(a)

- A limited sale precinct election on the issue of Sunday sales is approved after meeting the requirements of KRS 242.1241 – KRS 244.290(5)(b)
In any county containing a city of the first class or in any city located in that county in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits administrator may issue a license to holders of a quota retail drink license or a special private club license that permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality – KRS 244.290(6)
NO EXTENSION OF CREDIT – KRS 244.300

• No retailer selling distilled spirits and wine by the package or by the drink shall sell, deliver, or give away, or cause, permit or procure to be sold, delivered, or given away any distilled spirits or wine on credit, except that a bona fide licensed private club, restaurant, or hotel may sell on reasonable credit to its members, customers, or registered guests.

• Sales by any retailer selling distilled spirits or wine by the package or by the drink may be made by use of national or bank credit cards wherein the credit card company has agreed to payment to the licensee for such charges.

• However, nothing in this section shall be construed to authorize a licensee to issue its own credit cards or extend a personal credit to patrons.
REBATES AND LOYALTY CARDS – KRS 244.461

- Manufacturers and importers of distilled spirits and wine may advertise and promote, by specific brand and bottle size, distilled spirits and wine for off-premises consumption by use of rebate coupons – KRS 244.461(1)
- Rebate coupons are redeemable by the consumer at the point of purchase, or by mail-in certificate by which the consumer receives a cash refund or nonalcoholic beverage merchandise from the manufacturer, importer, or clearinghouse acting for the manufacturer or importer, upon submission by the consumer of the required proof of purchase – KRS 244.461(2)
- Rebate coupons on malt beverages are prohibited – KRS 244.461(3)
- Unless prohibited by KRS 244.050, loyalty cards issued by retailers that reward customers with product discounts for buying goods or services shall not be prohibited by this section – KRS 244.461(4)
MALT BEVERAGE ELECTION DAY AND SUNDAY SALES – KRS 244.480

• Except as permitted by subsection (4) of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m. on any other day – KRS 244.480(1)

• Except as permitted by subsection (4) of this section, a licensee authorized to sell malt beverages at retail shall not sell, give away, or deliver any malt beverages between midnight and 6 a.m. or at any time during the 24 hours of a Sunday – KRS 244.480(2)

• A licensee authorized to sell malt beverages at retail may sell malt beverages during the hours the polls are open on a primary, or regular, local option, or special election day unless the licensee is located where the legislative body of an urban-county government, consolidated local government, charter county government, unified local government, city, or county, in which traffic in malt beverages is permitted by KRS Chapter 242 has adopted an ordinance after June 25, 2013, that prohibits the sale of alcoholic beverages or limits the hours and times in which alcoholic beverages may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day – KRS 244.480(3)(a)
MALT BEVERAGE ELECTION DAY AND SUNDAY SALES – KRS 244.480

• A licensee may sell or deliver malt beverages on Sunday and during the times and hours as permitted by a local ordinance of the legislative body of an urban-county government, consolidated local government, charter county government, unified local government, city, or county with local jurisdiction. The ordinance shall not prohibit the sale, gift, or delivery of any malt beverages between 6 a.m. and midnight during any day, except Sunday – KRS 244.480(4)
MALT BEVERAGE PREMIUM PROHIBITION – KRS 244.500

- Except as permitted by subsection (2) of this section, a licensee shall not offer or give anything tangible of value as a premium, gift, or prize for
  - The return of caps, stoppers, corks, stamps, wrappers, coupons, or labels taken from any bottle, case, barrel, or package containing malt beverages – KRS 244.500(1)(a)
  - Any purpose in connection with the sale of malt beverages – KRS 244.500(1)(b)
- The following activities shall be permitted
  - The return of moneys specifically deposited for the return of the original containers to the owners – KRS 244.500(2)(a)
  - A premium, gift, or prize by brewers, wholesalers, or distributors to wholesalers, distributors, or their employees in connection with sales incentive programs – KRS 244.500(2)(b)
MALT BEVERAGE PREMIUM PROHIBITION – KRS 244.500

• The following activities shall be permitted
  – Brewer-sponsored national sweepstakes in which major prizes, not including rebates, price discount coupons, or brand-related novelty items, are given to consumers based on certificates found in malt beverage packages or on point of sale materials – KRS 244.500(2)(c)
  – Malt beverage distributors, retail licensees, and their employees shall not be eligible to redeem the certificates or participate in the national sweepstakes – KRS 244.500(2)(c)
  – The sale of malt beverages packaged in or securely bundled with brand-related novelty items if the price charged for the packaged or bundled malt beverages specifically includes the cost of the brand-related novelty item – KRS 244.500(2)(d)
  – Loyalty cards issued by retailers that reward customers with points or discounts for buying goods or services – KRS 244.500(2)(e)
ADVERTISING NEAR SCHOOL OR CHURCH – KRS 244.540

• No licensee shall advertise any malt beverage by trade name, trade-mark or in any other manner within one hundred (100) feet of the property line of any school or church – KRS 244.540(1)

• The distance shall be by straight line – KRS 244.540(1)

• Subsection (1) shall not apply to advertisements placed on the establishment of brewers or distributors in operation prior to March 7, 1938, nor to signs in position on March 7, 1938, nor to signs located in urban-county governments, cities of the first class, or cities containing a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census – KRS 244.540(2)
RETAILER INDUCEMENTS – KRS 244.590

• No brewer or distributor shall induce through any of the following means any retailer selling malt beverages by the package or drink to purchase any malt beverages from that brewer or distributor to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons
  – By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the premises of the retailer – KRS 244.590(1)(a)
  – By acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of the retailer's business – KRS 244.590(1)(b)
  – By furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other things of value, except as the malt beverages administrator, having regard for the public health, the quantity and value of the articles involved, the prevention of monopoly, and the practice of deception, may permit through the promulgation of an administrative regulation – KRS 244.590(1)(c)
RETAILER INDUCEMENTS – KRS 244.590

• No brewer or distributor shall induce through any of the following means any retailer selling malt beverages by the package or drink to purchase any malt beverages from that brewer or distributor to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons
  – By paying or crediting the retailer for any advertising, display, or distribution service subject to the exceptions that the board may permit through the promulgation of an administrative regulation – KRS 244.590(1)(d)
  – By guaranteeing any loan or the repayment of any financial obligation of the retailer – KRS 244.590(1)(e)
  – By requiring the retailer to take and dispose of a certain quota of any malt beverages – KRS 244.590(1)(f)
RETAILER INDUCEMENTS – KRS 244.590

• Notwithstanding any provisions in KRS Chapters 241 to 244 and this section, a brewer or distributor may
  – Give, rent, loan, or sell to any retailer selling malt beverages by the package or drink signs, posters, placards, designs, devices, decorations, or graphic displays bearing advertising matter and for use in windows or elsewhere in the interior of a retail malt beverage establishment – KRS 244.590(2)(a)
  – Provide or furnish draught-line cleaning or coil-cleaning service to a nonquota retail malt beverage package licensee either directly or indirectly with the consent of the distributor – KRS 244.590(2)(b)
  – A retailer shall not require or demand that a brewer or distributor violate this section – KRS 244.590(3)
CANDY SALES – KRS 244.650

• Notwithstanding any other provision of the statutes, confections or candies having a liquid filling or liquid center and containing more than one-half percent (0.5%) but not more than five percent (5%) of alcohol by volume or weight may be sold at premises whether or not licensed under the provisions of KRS 243.030 and 243.040 – KRS 244.650(1)

• No confection or candy described in this section shall be sold, given or delivered to any person under 21 years of age. Any violation of this section shall be considered an unlawful transaction with a minor in the third degree pursuant to KRS 530.070 – KRS 244.650(2)

• No confection or candy described in this section shall be sold or offered for sale in this state unless the product has a prominently displayed label containing the statement: “SALE OF THIS PRODUCT TO PERSONS UNDER 21 YEARS OF AGE IS UNLAWFUL.” – kRS 244.650(3)
• No person shall possess, sell, offer for sale, or use any powdered or crystalline alcoholic beverage product
Any person who, alone or acting through another, directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided shall, for the first offense, be guilty of a Class B misdemeanor; and for the second and each subsequent violation, the person shall be guilty of a Class A misdemeanor – KRS 244.990(1)

The penalties provided for in this subsection shall be in addition to the revocation of the offender's license – KRS 244.990(1)

If the offender is a corporation, joint stock company, association, fiduciary, limited liability company, or other business entity recognized by law, the principal officer or officers responsible for the violation may be imprisoned – KRS 244.990(1)
PENALTIES – KRS 244.990

- Any person who violates KRS 244.170 shall, upon the first conviction, be guilty of a Class A misdemeanor – KRS 244.990(2)
- Upon a second conviction the person shall be guilty of a Class D felony – KRS 244.990(2)
- Upon the third and each subsequent conviction, the person shall be guilty of a Class C felony – KRS 244.990(2)
- Any person who violates any of the provisions of KRS 244.480 to 244.600 shall be guilty of a violation KRS 244.990(3)
- Except as provided in subsection (7) of this section, any person, firm, corporation, limited liability company, or other business entity recognized by law violating any provision of KRS 244.083 and 244.085 shall be guilty of a violation and each violation shall constitute a separate offense – KRS 244.990(4)
PENALTIES – KRS 244.990

• Except as provided in subsection (7) of this section, any person who violates the provisions of subsection KRS 244.085(4) shall, for the first offense, be guilty of a violation, and for each subsequent offense shall be guilty of a Class A misdemeanor – KRS 244.990(5)

• Any person who violates KRS 244.125 shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense – KRS 244.990(6)

• For any person under the age of 18 years, a violation of KRS 244.085(1), (2), (3), (4), or (7) shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court or the family division of the Circuit Court, as appropriate – KRS 244.990(7)
MEDICAL AMNESTY – KRS 244.992

• A person shall be immune from prosecution for the criminal offenses identified in subsection (2) of this section if
  – A law enforcement officer has contact with the person because the person
    • Requests emergency medical assistance for himself or herself or another person – KRS 244.992(1)(a)(1)
    • Acts in concert with another person who requests emergency medical assistance – KRS 244.992(1)(a)(2)
    • Appears to be in need of emergency medical assistance and is the individual for whom the request is made – KRS 244.992(1)(a)(3)
  – The request is made for an individual who reasonably appears to be in need of medical assistance due to alcohol consumption – KRS 244.992(1)(b)
MEDICAL AMNESTY – KRS 244.992

• A person shall be immune from prosecution for the criminal offenses identified in subsection (2) of this section if
  – The person described in paragraph (a) of this subsection, if physically capable
    • Provides his or her own full name if requested by emergency medical assistance personnel or law enforcement officers – KRS 244.992(1)(c)(1)
    • Provides any other relevant information requested by the law enforcement officer that is known to such person – KRS 244.992(1)(c)(2)
    • Remains with, or is, the individual who reasonably appears to be in need of medical assistance due to alcohol consumption until professional emergency medical assistance is provided – KRS 244.992(1)(c)(3)
    • Cooperates with emergency medical assistance personnel and law enforcement officers – KRS 244.992(1)(c)(4)
MEDICAL AMNESTY – KRS 244.992

• A person who meets the qualifications set forth in subsection (1) of this section shall be immune from criminal prosecution for the following offenses
  – Alcohol intoxication under KRS 222.202(1) – KRS 244.992(2)(a)
  – Drinking alcoholic beverages in a public place under KRS 222.202(2) – KRS 244.992(2)(b)
  – Offenses related to possession of alcoholic beverages by a minor under twenty-one (21) years of age under KRS 244.085 – KRS 244.992(2)(c)
  – Providing alcohol to minors under 21 years of age or assisting minors under 21 years of age to purchase alcohol under KRS 244.085 or 530.070 – KRS 244.992(2)(d)